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FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU / OFFICE OF BROADCAST LICENSE POLICY
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
INTERNET ADDRESS: cnmiller@fcc.gov

August 23, 2002

RECEIVED & INSPECTED
AUG 26 2002
FCC - MAILROOM

Peter Gutmann, Esq.
Womble Carlyle Sandridge & Rice
1401 I Street NW, Seventh Floor
Washington, DC 20005

Re: WJNT(AM), Pearl, Mississippi
Facility Identification Number: 7691
Buchanan Broadcasting Co., Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to your letter dated August 9, 2002, filed on behalf of Buchanan Broadcasting Co., Inc. (Buchanan). Special temporary authority (STA) is requested to operate Station WJNT with reduced power during critical hours.[1]

In support of the request, Buchanan states that its critical hours transmitter has failed, that it attempted repairs but was unable to obtain parts, and that it is in the process of buying a replacement transmitter. STA is requested for operation during critical hours with the authorized nighttime power of 0.5 kilowatt. Buchanan states that the daytime operation is unimpaired.

Section 73.1560(d) (d), which governs reduced power operation, states:

> In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Services Division (radio) or Video Services Division (television), Mass Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see Sec. 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

Our review indicates that the request complies with Section 73.1560(d).

Accordingly, the request for STA IS HEREBY GRANTED. Station WJNT may continue to operate with reduced power during critical hours. It will be necessary to further reduce power or cease operation if complaints of interference are received. Buchanan must notify the Commission when licensed operation is restored.[2] Buchanan must use whatever means are

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[1] WJNT is licensed for operation on 1180 kHz with 50 kilowatts daytime (10 kilowatts during critical hours) and 0.5 kilowatt nighttime, employing a directional antenna during nighttime hours only. (DA-N-U).

[2] *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b)

necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **November 23, 2002**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

for Edward P. De La Hunt, Associate Chief
Audio Division
Office of Broadcast License Policy
Media Bureau

cc: Buchanan Broadcasting Co., Inc.