# FEDERAL COMMUNICATIONS COMMISSION
## 445 TWELFTH STREET SW
## WASHINGTON DC 20554

**MEDIA BUREAU**
**AUDIO DIVISION**
**APPLICATION STATUS:** (202) 418-2730
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October 26, 2007

Fred Hannel
F. W. Hannel & Associates
10733 East Butherus Drive
Scottsdale, AZ 85255

Re: WOUF(FM), Beulah, Michigan
Facility Identification Number: 57414
Fort Bend Broadcasting Company
Special Temporary Authorization

Dear Mr. Hannel:

This is in reference to the request filed October 25, 2007, on behalf of Fort Bend Broadcasting Company ("FBBC"). FBBC requests special temporary authority ("STA") to operate Station WOUF with temporary facilities.[1] In support of the request, FBBC states that Station WOUF has been unable to resume operation from its licensed site due to a dispute with the site owner, and that the station must resume broadcasting by November 11, 2007, or its license will expire as a matter of law.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service[2] to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area[3] without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing.[4]

Accordingly, the request for STA IS HEREBY GRANTED. Station WOUF may operate with

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[1] WOUF is licensed to Beulah, Michigan, for operation on Channel 221A (92.1 MHz) with effective radiated power ("ERP") of 1.6 kilowatts (H&V) and antenna height above average terrain ("HAAT") of 183 meters. Construction Permit BPH-20051216ABL authorizes a change in frequency and class to Channel 222C2 (92.3 MHz) and operation with ERP of 50 kilowatts (H&V) and HAAT of 150 meters. As a result of the filing of the "one-step" application, the allotment at Beulah, Michigan, was changed from Channel 221A to Channel 222C2.

[2] For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

[3] For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

[4] Station WOUF is licensed on Channel 221; the STA request proposes operation on Channel 222. In light of the allotment change which was made in connection with "one-step" Application BPH-20051216ABL (See Note 1), we will permit operation on Channel 222 as requested.

the following facilities:

| | |
|---|---|
| Geographic coordinates: | 44° 36′ 38″ N, 86° 9′ 38″ W (NAD 1927) |
| Channel | 222 (92.3 MHz) |
| Effective radiated power: | 0.4 kilowatt (H&V) |
| Antenna height: | |
| above ground: | 15 meters |
| above mean sea level: | 277 meters |
| Above average terrain: | 67 meters |

FBBC must notify the Commission when licensed operation is restored. FBBC must use whatever means are 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 **April 26, 2008.**

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also Public Notice*, Expedited Processing of Applications Filed by Silent Stations, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

**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,

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Fort Bend Broadcasting Company