

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
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October 29, 2018
(corrected)

Victoria Theatre Project
4601 30th Avenue South
Minneapolis, MN 55406

Re: WVIC-LP (FL), St. Paul, MN
Victoria Theatre Project
Facility Identification Number: 196635
Special Temporary Authority
BSTA-20181026AAO

Dear Licensee:

This is in reference to your request filed October 26, 2018, on behalf of Victoria Theatre Project. You explain that low power FM station WVIC-LP is off the air, and that a construction permit for this same site was recently dismissed. Special Temporary Authority (STA) is requested to operate from this site temporarily at 0.015 kW (15 watts) effective radiated power (ERP).

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 to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area¹ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

The current STA request fails to comply with #3 of these criteria. The STA request extends the proposed 60 dBu contour outside the licensed 60 dBu service contour toward the west. Such a change can only be made subsequent to grant of a construction permit application on FCC Form 318. Consequently, at 0.015 kW (15 watts) ERP, the STA request is not grantable and is subject to dismissal.

However, we have determined that operation at 0.004 kW (4 watts) with the proposed STA facilities is acceptable in this instance. **Therefore, Special Temporary Authority IS GRANTED with the effective radiated power limited to 0.004 kW (4 watts).** WVIC-LP may not be operated with an ERP in excess of 0.004 kW (4 watts) under this STA.

¹ For LPFM stations, the licensed 60 dBu contour. Changed service areas from construction permits or pending applications are not considered in this analysis. An STA can be authorized to maintain existing, licensed 60 dBu coverage; an STA is not acceptable as a means to expand the licensed service area.

This Special Temporary Authority expires April 27, 2019.

When operations pursuant to this STA commence, the licensee shall file a Notice of Resumption of Operations in the FCC's CDBS electronic filing system.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [ending **February 11, 2019**], notwithstanding the grant of the present STA. 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). Please be aware that unauthorized operations – operations with facilities not authorized by a current STA or license – do not count as a resumption of operations within one year for the purposes of Section 312(g) of the Communications Act, and cannot be used to avoid the consequences of Section 312(g). See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603 (2008).

Sincerely,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Jeff Sibert (via e-mail only)