FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
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
E-MAIL: charles.miller@fcc.gov

February 19, 2009

Robert S. Stone, Esq.
Young, Williams, Kirk & Stone, PC
Box 550
Knoxville, Tennessee 37901-0550

Re: Horne Radio, LLC
WATO (AM), Oak Ridge, Tennessee
Facility Identification Number: 71100
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed February 18, 2009, on behalf of Horne Radio, LLC ("HR"). HR requests special temporary authority ("STA") to operate Station WATO with temporary facilities.[1]

In support of the request, HR states that Station WATO has been off the air since March 19, 2008, following vandalism to its transmitter site and the collapse of one of its towers. HR requests STA for operation from an existing tower formerly used by Station WOKI with reduced power of 1 kilowatt daytime and 500 watts nighttime.

Our review indicates that, with the exception of the proposed nighttime operating power, the proposed STA operation complies with the provision of Sections 73.1680, which governs emergency antenna operation, and Section 73.1615, which governs operation during modification of facilities. The proposed nighttime power of 500 watts would exceed the permissible nondirectional power permitted by the foregoing rules; however, if the power is reduced to 0.125 kilowatt, it would comply with the rules. STA will be granted with a nighttime power reduction to 0.125 kilowatt (125 watts.) We note that the daytime directional pattern is not highly suppressed; thus, operation with greater than 25% of the licensed directional power is permissible. Taking into account the change in transmitter site, daytime operation with up to 1.5 kilowatts is permissible and will be authorized.[2]

---

[1] WATO is licensed for operation on 1290 kHz with 5 kilowatts daytime and 1 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

[2] Daytime operation with 1 kilowatt, as proposed, also is permissible.

Accordingly, the request for STA IS HEREBY GRANTED, with a nighttime power reduction as and daytime power increase as discussed above. Station WATO may operate with the following facilities:

Transmitter site	114 Tulsa Road, Oak Ridge, Tennessee
Geographic coordinates	36° 00′ 21″ N, 84° 15′ 46″ W (NAD 1927)
Frequency	1290 KHz
Hours of operation	Unlimited
Operating power	**Not to exceed 1.5 kW daytime, 0.125 kW nighttime**
Antenna type	Existing tower, nondirectional
Antenna efficiency	283 mV/m/km/kW
Overall height	55.7 meters

It will be necessary to further reduce power or cease operation if complaints of interference are received. HR must notify the Commission when licensed operation is restored.[3] HR 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 **August 18, 2009**.

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

---

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

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: Horne Radio, LLC