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

**MEDIA BUREAU**
**AUDIO DIVISION**
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May 6, 2009

John C. Trent, Esq.
Putbrese Hunsaker & Trent, P.C.
200 South Church Street
Woodstock, Virginia 22664

Re: Family worship Center Church, Inc.
WJNS-FM, Bentonia, Mississippi
Facility Identification Number: 72816
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 1, 2009, on behalf of Family worship Center Church, Inc. ("FWC"). FWC requests special temporary authority ("STA") to operate Station WJNS-FM with temporary facilities.[1] In support of the request, FWC states that the station's licensed tower was destroyed by Hurricane Ike and that the station has been silent since that time. FWC states that it holds Construction Permit BPED-20070611AKN to relocate the station to the STA site; however, it was determined that the antenna elevation specified on the permit is not available. FWC states that an application to modify the permit remains pending. FWC further states that the tower owner has identified a lower position on the tower where a temporary antenna can be installed.

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. Our review further indicates that Station WJNS-FM has been silent since September 13, 2008, and thus faces the loss of its license if it does not resume broadcasting on or before September 13, 2009.

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[1] WJNS-FM is licensed for operation on Channel 221C3 (92.1 MHz) with effective radiated power of 20 kilowatts (H&V) and antenna height above average terrain of 109 meters.

[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.

Accordingly, the request for STA IS HEREBY GRANTED. Station WJNS-FM may operate with the following facilities:

| | |
|---|---|
| Geographic coordinates: | 32° 33′ 25″ N, 90° 20′ 14″ W (NAD 1927) |
| Channel | 221 (92.1 MHz) |
| Effective radiated power: | 4.7 kilowatts (H&V) |
| Antenna height: | |
| above ground: | 73 meters |
| above mean sea level: | 143 meters |
| Above average terrain: | 75 meters |

FWC must notify the Commission when licensed operation is restored. FWC 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 **November 6, 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 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: Family worship Center Church, Inc.