

Before the
Federal Communications Commission
Washington, D.C. 20554

LETTER
August 14, 1990

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Ann Bavender, Esquire
Tierney & Swift
Suite 210
1200 Eighteenth Street, N.W.
Washington, D.C. 20036

8930-MER

Dear Ms. Bavender:

This is in response to your request for special temporary authority (STA) filed August 2, 1988, as amended, on behalf of Great Southern Broadcasting Company, Inc. (Great Southern), licensee of AM broadcast station WAMB, Donelson, Tennessee.

You request an STA to duplicate the programming of AM station WAMB on an FM channel to alleviate serious nighttime interference to WAMB's signal caused by a co-channel Cuban broadcast station. Station WAMB is a Class II-B AM broadcast station operating on 1160 kHz with power of 50 kW nondirectional daytime and 1 kW nighttime with a directional antenna system. Mr. William Barry, President of Great Southern, states that nighttime interference to station WAMB on 1160 kHz has occurred intermittently for over six years. Since June 19, 1988, the degree of interference occurring each night in the Donelson area has been so severe that local service has been virtually destroyed. Measurements of the nighttime Cuban interfering signal were submitted with the STA request to substantiate this claim. Great Southern contends that there are no modifications that can be made to the AM facility itself that will overcome the interference without causing interference to other AM stations. Great Southern's latest proposal is to operate the STA facility on channel 294 (106.7 MHz) with a directional, circularly polarized, antenna array, and a maximum effective radiated power of 300 watts (ERP) in any direction. The antenna array will be side-mounted on the WAMB number one tower of the AM antenna system. In Mr. Barry's view, the proposal will serve an area essentially the same as the WAMB protected nighttime coverage contour (28.1 mV/m) before the Cuban interference affected it.

Great Southern has demonstrated that the interference to the nighttime signal of station WAMB is severe and is caused by a co-channel Cuban broadcast station. In addition, Great Southern has shown that because of protection requirements to other broadcast stations the preferred method of increasing the nighttime power for station WAMB to overcome the Cuban interference is not feasible. A search of all 106 alternative frequencies was also made to determine whether a second frequency could be used to offset the nighttime Cuban interference. Although one possible frequency was found, its use would require extensive modification of WAMB's nighttime directional antenna system and the construction of additional towers.

Under the circumstances noted above, we believe that grant of your request, subject to certain conditions and changes, is appropriate. First, the Radio Broadcasting to Cuba Act¹ contemplates relief for domestic radio stations receiving interference from Cuban radio stations and reflects Congress's concern that listeners of domestic broadcast stations suffer minimum disruption from Cuban radio stations². Further, Section 303(g) of the Communications Act mandates the Commission to "provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest." Finally, you have documented severe interference, and have shown a lack of alternative solutions on WAMB's existing frequency as a means of restoring lost service. Grant of this authorization is, however, simply an interim measure taken until a solution can be reached between the United States and Cuba over interference problems in the AM band.

We note that the proposed ERP of 300 watts will produce a coverage area that would exceed the WAMB protected nighttime coverage area prior to the time the Cuban interference affected it. We have determined that a maximum ERP of 75 watts using the proposed antenna array would transmit to a coverage area that would closely duplicate the protected nighttime coverage of station WAMB prior to the time the Cuban interference affected it. The STA will therefore specify operation with the proposed antenna system and a maximum effective radiated power of 75 watts in any direction. If it subsequently becomes necessary to modify the proposed FM facility, the applicant must demonstrate that the proposed alterations will not change the FM coverage area. Therefore, in order to permit station WAMB to restore service to its community during the nighttime hours specified on its broadcast license, we will grant the STA request for operation of an FM facility, nighttime hours of operation only, as modified herein, subject to the conditions set out below.

Conditions:

Before any construction of the facilities may begin Great Southern must submit a statement that a grant of its STA request would not have a significant environmental impact, including exposure of workers or the general public to harmful nonionizing radiation levels, or file an environmental assessment and await further Commission review and approval. See Sections 1.1307 and 1.1308 of the Commission's Rules.

In order to avoid confusion to members of the public who will be listening to the signal of AM station WAMB on both an AM frequency (1160 kHz) and an FM channel 249 (106.7 MHz), we will assign the call letters WAMB-FM1 for use with the STA facilities. We will also require Great Southern to make appropriate station identification announcements pursuant to Section 73.1201 of the Commission's Rules during those times that the station is in operation.

The instant authorization is also being granted on the condition that it cause no interference to any existing or new broadcast facility.³ In the event interference is caused by the STA facility, Great Southern shall immediately take whatever action may be necessary to eliminate the interference, including reducing its power or ceasing operation. In addition, Great Southern shall notify the Commission of any interference complaints and the corrective action taken.

Great Southern proposes to mount the antenna on tower number one of the WAMB directional array. As a result, there is a possibility that the AM array will be adversely affected. We will therefore place the following condition on grant of the STA:

During the installation of the antenna authorized herein, AM Station WAMB shall determine operating power by the indirect method and, if necessary, request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point values within authorized limits. Upon completion of the installation, common point impedance measurements on the AM array shall be made and a partial proof of performance, as defined by Section 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected; the results shall be submitted to the Commission (along with a tower sketch of the installation) in an application for the AM station to return to the direct method of power determination.

Upon completion of construction and prior to any operation of the facilities Great Southern shall request program test authority.

Since the sole function of the FM facility will be to simultaneously broadcast the programming of station WAMB, the requirement that an operator be present while a station is engaged in broadcasting, as set forth in Section 318 of the Communications Act, will be satisfied by the operator of the AM facility.

Accordingly, for the reasons set forth above the request for special temporary authorization filed by Great Southern Broadcasting Company, Inc., IS GRANTED, subject to the conditions set forth above, for an initial period of 180 days from the date of this letter, and subject to extension in accordance with requirements of Section 73.1635 of our Rules and Section 303(g) of the Communications Act of 1934, as amended.

BY DIRECTION OF THE COMMISSION

Donna R. Searcy
Secretary

FOOTNOTES

¹ Pub. L. No. 98-111, 97 Stat. 749 (approved October 4, 1983).

² See, for example, Commission's files for stations WKAT, Miami Beach, Florida (STA granted October 27, 1981), WINZ, Miami, Florida (STA granted April 15, 1982) and WCGY, West Palm Beach, Florida (STA granted December 23, 1981).

³ Great Southern has demonstrated, and the staff has confirmed, that the proposed facilities should not cause prohibited interference to any authorized or proposed station. These studies were based on Section 73.509 of the Commission's Rules.