



Federal Communications Commission
Washington, D.C. 20554

January 26, 2022

WXXI Public Broadcasting Council
P.O. Box 30021
280 State St.
Rochester, NY 14603-3021

Re: WXXI Public Broadcasting Council
WXXI(AM), Rochester, NY
Fac. ID No.: 74220
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed January 19, 2022, on behalf of WXXI Public Broadcasting Council ("WPBC"). WPBC requests special temporary authority ("STA") to operate station WXXI(AM) with temporary facilities.¹ In support of the request, the licensee states that towers needs to be replaced at the site and therefore the station is requesting STA to operate daytime and nighttime with non-directional reduced power facilities.

Specifically, WXXI(AM) requests STA to operate non-directionally during daytime hours at reduced power and be allowed to operate non-directionally during nighttime hours with reduced power. Specifically, non-directional operation is proposed from the daytime tower with a reduced power of 1.25 kilowatts.

Section 73.1560(d), which governs reduced power operation, states:

In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see Section 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while

¹ WXXI(AM) is licensed for operation on 1370 kHz with a daytime and nighttime power of 5 kilowatts, employing a directional antenna pattern at night (DAN-U).

insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Accordingly, the request for STA IS HEREBY GRANTED. Station WXXI(AM) may operate non-directionally daytime and nighttime from the daytime tower with a reduced power of 1.25 kilowatts. It will be necessary to further reduce power or cease operation if complaints of interference are received. WXXI(AM) must notify the Commission when licensed operation is restored.² WXXI(AM) 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 **July 25, 2022**.

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

² *See* 47 CFR §§ 73.45(c), 73.51, 73.61(b).

- 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,

A handwritten signature in dark ink, reading "Jerome J. Manarchuck". The signature is fluid and cursive, with the first name "Jerome" and last name "Manarchuck" clearly legible.

Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Melodie A. Virtue, Esq. (via email only)