

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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November 6, 2008

Jake Riehm, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Re: WNYC-FM, New York, New York
Facility Identification Number: 73355
WNYC Radio
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed April 26, 2007, on behalf of WNYC Radio (Radio). Radio requests further extension of the special temporary authority ("STA") originally granted on September 28, 2001, as subsequently modified and extended, to operate Station WNYC-FM with emergency antenna facilities pursuant to Section 73.1680.¹

In support of the request, Radio states that the WNYC-FM antenna had been located on the World Trade Center and that it obtained STA for operation from the Empire State Building ("ESB") with effective radiated power ("ERP") of 4 kilowatts. Radio states that WNYC-FM has commenced operations from the ESB; however, because WNYC-FM has no auxiliary site, it sought and obtained STA for use of the master antenna at 4 Times Square for auxiliary operation. Radio requests extension of STA for auxiliary operation with the 4TS master antenna.

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

¹ Station WNYC-FM is licensed for operation on Channel 230B (93.9 MHz) with effective radiated power ("ERP") of 5.4 kilowatts (H&V), and antenna height above average terrain ("HAAT") of 432 meters. Application BPED-20011120AAW proposes relocation of the transmitter and operation with ERP of 6 kilowatts (H&V) and HAAT of 415 meters.

the problem.

Our review indicates that the licensee has been prevented from restoring licensed operation due to causes beyond its control and has taken all possible steps to expeditiously resolve the problem. Thus, extension of STA is warranted.

Accordingly, the request for further extension of STA IS HEREBY GRANTED. Station WNYC-FM may continue to operate with the following facilities, for auxiliary purposes:

Transmitter Site:	4 Times Square, New York, NY
Geographic coordinates:	40° 45' 22" NL, 73° 59' 12" WL (NAD 1927)
Channel	230 (93.9 MHz)
Antenna manufacturer and type	Shively, Model 6016-3/4
Effective radiated power:	10.8 kilowatts (H&V)
Transmitter output power	6.22 kilowatts
Antenna height	
above ground:	283 meters
above mean sea level:	298 meters
above average terrain:	284 meters

Radio 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. Grant of the facilities authorized herein is for emergency operation only, and does not convey any interest in or right to the increased coverage area beyond the term of the STA. Pursuant to 47 CFR § 73.1635(b), the facilities authorized herein may be modified or cancelled without prior notice or right to hearing. This authority is granted without prejudice as to the Commission's final action with regard to Application BPED-20011120AAW.

This authority expires on **May 6, 2009**.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: WNYC Radio