



November 3, 2022

Womble Bond Dickinson (US) LLP

**Sent via email ([audiofilings@fcc.gov](mailto:audiofilings@fcc.gov))**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

2001 K Street, NW  
Suite 400 South  
Washington, DC 20006

t: 202.467.6900  
f: 202.467.6910

F. Reid Avett  
Partner  
Direct Dial: 202-857-4425  
Direct Fax: 202-261-0095  
E-mail: [Reid.Avett@wbd-us.com](mailto:Reid.Avett@wbd-us.com)

Re: WFPB (Facility ID No. 8591; Orleans, MA) (the "License")  
Request for Extension of Engineering Special Temporary  
Authority

Dear Ms. Dortch:

On behalf of the University of Massachusetts (the "Licensee"), the undersigned respectfully requests a further extension of special temporary authority to operate at variance from the License's licensed parameters for a period up to six months beyond the current expiration date of November 8, 2022. Below and attached are descriptions of the reasons for such request which constitute good cause:

As referenced in prior extension requests, WFPB was required to seek approval of the construction of the facilities authorized in FCC File No. BP-20200511AAR from the Town of Orleans, Massachusetts. The Town of Orleans granted their approval of the construction on October 5, 2021 and the engineering firm ordered parts in anticipation of constructing the facilities. As of this letter, WFPB has received the transmitter, remote control, audio processor and audio codec which are being held in storage. The foregoing grant was associated with the Town of Orleans' Conservation Commission. However, the prior requests did not reference that as part of the permitting process, WFPB must receive approval from certain other government agencies, including the Cape Cod Commission, the Old King's Highway Historic District Commission, and the Town of Orleans' Site Plan Review Committee and Zoning Board of Appeals. WFPB is working with local counsel to obtain approval from all required entities and expects to receive such approvals within the next six months. WFPB's local counsel has provided a letter with further information regarding the status of WFPB's multiple applications/outreaches to such required entities which is attached hereto. Accordingly, WFPB respectfully requests a further extension of the STA to allow time for the construction to be completed.

Please contact the undersigned should you have any questions regarding this request.

Best regards,

F. Reid Avett



Richard A. Laraja  
Christopher W. Kanaga\*  
John C. Kanaga\*\*

Attorneys at Law  
46 South Orleans Road, PO Box 236  
Orleans, MA 02653

p: 508 255 5500  
f: 508 255 8844

October 17, 2022

Reid Avett  
Womble Bond Dickinson (US) LLP  
2001 K Street, NW  
Suite 400 South  
Washington, DC 20006

Re: Antenna Construction – 15 Bog Hollow Road, Orleans, Massachusetts 02653

Dear Attorney Avett,

I have been asked to give an update regarding the current progress towards local permitting for the application to extend the WFPB Special Temporary Authority from the FCC to keep the WFPB (AM) signal on-the-air at low power. I understand this Special Temporary Authority will expire soon without immediate action.

Prior to my retention, the applicants were led to believe the process was simple in Orleans. Unfortunately, it is anything but simple. Part of the problem is that, despite the surrounding uses (antennas), antennas are not an allowed use at the proposed location and its surrounding zoning district. As a result, the applicant would normally need to go through the variance process. However, the issue is further complicated by the fact that the proposed site is on a town line which also triggers Cape Cod Commission Review. The site requires approval from the Conservation Commission, the Cape Cod Commission, the Old King's Highway Historic District Commission, Site Plan Review Committee and finally the Zoning Board of Appeals.

The project has already received approval from the Conservation Commission through the Town of Orleans Conservation Agent. We have also, in the last month, received approval from the Orleans Old King's Highway History District Committee which is incredibly significant as that committee has review over any project within public view from a public way (which the project is) and had the power to completely halt the project.

We are working towards filing our application with the Cape Cod Commission which requires approval from abutters and the owner of the property (Eversource Energy Inc.) for the

A Professional Corporation

\*Also admitted in Colorado

\*\*Also admitted in Kansas and Missouri

[www.capelaw.com](http://www.capelaw.com)

Affiliated with: Pennington, Moore et al, Tallahassee, Florida



Attorneys at Law

Richard A. Laraja  
Christopher W. Kanaga\*  
John C. Kanaga\*\*

46 South Orleans Road, PO Box 236  
Orleans, MA 02653

p: 508 255 5500  
f: 508 255 8844

easements that will be necessary to build at the proposed location. This application is a requirement of the Orleans Site Plan Review Committee along with some 20 other requirements that are time consuming and completed excepting the above application. One example is the requirement to fly a 3 foot in diameter balloon at the height of the proposed tower after two (2) weeks' notice in a local newspaper. We successfully did this without incident.

The Zoning Board of Appeals application has been filed. It was filed as a request for approval under the so called "Dover Amendment" which, in short, exempts educational uses from local zoning bylaws use regulations. In the alternative we applied for a variance. That hearing is scheduled but will be extended until Site Plan Review which is waiting on Cape Cod Commission approval.

As you can see, we have made significant progress in the last several months including applying for the necessary approvals and receiving one of the two most difficult approvals in the Old Kings Highway Historic District which has been notoriously difficult in that part of town (recently turned down two large developments).

As with any application process, we are at the mercy of local bureaucracy, however I am hopeful we will be able to receive all required permits by end of the year. I am happy to update you on that timeline as it hinges on the Cape Cod Commission application and review. Once in hand I will have a much better ability to predict the timeline.

Thank you for your time,

A handwritten signature in cursive script that reads 'John C. Kanaga' is positioned above a horizontal line.

John C. Kanaga  
46 S. Orleans Rd.  
Orleans, MA 02653  
508-255-5500  
[jck@capelaw.com](mailto:jck@capelaw.com)

A Professional Corporation

\*Also admitted in Colorado

\*\*Also admitted in Kansas and Missouri

[www.capelaw.com](http://www.capelaw.com)

Affiliated with: Pennington, Moore et al, Tallahassee, Florida

**ANTI-DRUG ABUSE ACT CERTIFICATION**

The undersigned hereby certifies that no party to this request for special temporary authority is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862.

11/03/2022

\_\_\_\_\_  
Date

*Patty Domeniconi*

\_\_\_\_\_  
Patty Domeniconi  
General Manager  
WFPB (licensed to University of  
Massachusetts)