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February 5, 2009

Via Hand Delivery and
E-mail to kay.whitfield@fcc.gov

Ms. Kay Whitfield
Media Bureau, Audio Division
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Request for Program Test Authority, NCE Station WNYE-FM, Permit File No. BPED-20080802ASL (Facility ID No. 3539; FRN Registration No. 0008351835)

Dear Ms. Whitfield:

On October 2, 2008, the Audio Division of the Media Bureau granted the New York City Department of Information Technology & Telecommunications ("DoITT"), licensee of noncommercial radio station WNYE-FM, the attached construction permit, Permit File Number BPED-20080801ASL ("CP"), for a minor change to the licensed WNYE-FM facility in order to relocate its transmitter from its existing location to a new location at Four Times Square ("WNYE-FM New Facility"), along with a corresponding power reduction.

DoITT has completed construction of the WNYE-FM New Facility, in accordance with the terms and conditions of the CP, and would like to commence program testing immediately. Therefore, pursuant to Special Operating Condition 4 of the CP ("Condition 4"), which stated that the automatic test provisions of 47 C.F.R. § 73.1620 do not apply upon completion of the construction authorized by the CP, DoITT hereby formally requests permission to commence program test authority of WNYE-FM's New Facility at Four Times Square. In accordance with the requirements of Condition 4, attached to this request is the documentation required to demonstrate compliance with §§ 5 and 6 of the Special Operating Conditions – specifically, that, upon completion of construction and during the equipment test period, DoITT made proper radiofrequency electromagnetic (RF) field strength measurements on the roof and throughout the building to determine if there are any areas that exceed the FCC guidelines for human exposure to RF fields, and that any areas found to exceed the recommended guidelines have been clearly marked with appropriate visual warning signs which describe the nature of the hazard.

Also attached is the documentation to demonstrate compliance with Special Operating Condition 2, which required that sufficient measurements be made before program tests commence to establish that the operation of WNYE-FM, as authorized by the CP, complies with the spurious emissions requirements of 47 C.F.R. §§ 73.317(b) through (d), and that all such measurements were made with all stations simultaneously utilizing the shared antenna.

In further compliance with the CP's Special Operating Condition 4, a copy of this request for program authority has been included as Attachment 2 to Exhibit 9 of the License to Cover application, FCC Form 302-FM, which is being filed concurrently with this request. A copy of today's filing confirmation for Form 302-FM, as generated by the CDBS filing system, can be found at Attachment 3 to this letter.*

Upon receipt of approval of this request and commencement of program testing, DoITT will promptly advise the Technical Processing Group via letter of the specific date on which the program tests began.

Please direct any communications or questions with respect to this request to the undersigned.

Thank you for your consideration.

Very truly yours,

Tillman L. Lay

Counsel for New York City Department of Information Technology & Telecommunications

Attachments:

1. Copy of Construction Permit
2. Engineering Reports
3. CDBS Confirmation of Filing of FCC Form 302-FM

Copy, with attachments, via e-mail to:
Rodolfo Bonacci, Assistant Chief, Audio Div., Media Bureau
(rodolfo.bonacci@fcc.gov)

* Attachment C will not be included in the copy of this letter that is included as an Attachment to Exhibit 9 of the Form 302-FM electronically filed on the CDBS filing system because the filing confirmation page will not be generated until the form has been filed.

ATTACHMENT 1

Copy of Construction Permit

United States of America

FEDERAL COMMUNICATIONS COMMISSION

FM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

NEW YORK CITY DEPT. OF INFO TECHNOLOGY & TE
ATTN. ARICK WIERSON
75 PARK PLACE, 9TH FLOOR
NEW YORK NY 10007

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

Facility ID: 3539

Call Sign: WNYE

Permit File Number: BPED-20080801ASL

Grant Date: October 02, 2008

This permit expires 3:00 a.m. local time, 36 months after the grant date specified above.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: NEW YORK CITY DEPT. OF INFO TECHNOLOGY & TELECOMMUNICATIONS

Station Location: NY-NEW YORK

Frequency (MHz): 91.5

Channel: 218

Class: B1

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 40 deg 45 min 22 sec

West Longitude: 73 deg 59 min 12 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	2.00	2.00
Height of radiation center above ground (Meters):	282	282
Height of radiation center above mean sea level (Meters):	297	297
Height of radiation center above average terrain (Meters):	281	281

Antenna structure registration number: 1238745

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

2 BEFORE PROGRAM TESTS COMMENCE, sufficient measurements shall be made to establish that the operation authorized in this construction permit is in compliance with the spurious emissions requirements of 47 C.F.R. Sections 73.317(b) through 73.317(d). All measurements must be made with all stations simultaneously utilizing the shared antenna. These measurements shall be submitted to the Commission along with the FCC Form 302-FM application for license.

3 Further modifications to the facilities WFMU(FM), BMLED-20050408ACI and BPED-20080530ABA , FID #3249, East Orange, NJ, will not be construed as per se modification of the WNYE(FM) construction permit BPED-20080801ASL. (See "Educational Information Corporation" 6 FCC Rcd 2207).

4 THE AUTOMATIC PROGRAM TEST PROVISIONS OF 47 C.F.R. SECTION 73.1620 DO NOT APPLY IN THIS CASE. A FORMAL REQUEST FOR PROGRAM TEST AUTHORITY MUST BE FILED IN CONJUNCTION WITH FCC FORM 302-FM, APPLICATION FOR LICENSE, BEFORE PROGRAM TESTS WILL BE AUTHORIZED. This request must contain documentation which demonstrates compliance with the following special operating condition(s):

Special operating conditions or restrictions:

5 The permittee/licensee shall, upon completion of construction and during the equipment test period, make proper radiofrequency electromagnetic (RF) field strength measurements on the roof and throughout the building to determine if there are any areas that exceed the FCC guidelines for human exposure to RF fields. Access must be restricted to prevent the exposure of humans to RF fields in excess of the FCC Guidelines (OET Bulletin No. 65, Edition 97-01, August 1997). Furthermore, any areas found to exceed the recommended guidelines must be clearly marked with appropriate visual warning signs which describe the nature of the hazard.

6 Documentation demonstrating compliance with the preceding special operating condition shall be submitted at the time of filing of FCC Form 302-FM.

*** END OF AUTHORIZATION ***

ATTACHMENT 2

Engineering Reports

Shively Labs®
a division of Howell Laboratories, Inc.

P. O. Box 389 Harrison Rd.,
Bridgton, Maine 04009 USA
(207) 647-3327
888-SHIVELY
Fax: (207) 647-8273
E-mail: sales@shively.com
Web site: www.shively.com

January 16, 2009

To Whom It May Concern:

SUBJECT: WNYE (Our S/O 27079-B)

On Monday, January 12th, 2009, I performed the inter-modulation tests for WNYE using an Agilent 4395A Spectrum Analyzer, Serial Number JP 1 KE 01930. The measurements were made at the output directional coupler of the combiner system at the 4 Times Square installation with all of the transmitters running. Our measurements indicated that all spurious emissions were at least 84 dB below carrier level, therefore, the addition of WNYE to the existing combiner system complies with all of the FCC rules and regulations.

Robert A. Surette

Director of Sales Engineering

Spurious Emission Report
12 January 09

S/O 27079-B Field Service
WNYE add-on

4 Times Square Combiner
Model#: 2540
Serial#:109

Reference: S/O's 20588, 20589, 22118, 22147, 23007

Submitted by:

Sean C. Edwards

Witnessed by:

Robert A. Surette

The following pages contain graphs, tables, and diagrams illustrating the test equipment, it's configuration, and the results of the spur test conducted at 4 Times Square site on 12 Jan 09.

The automated Excel process we used to determine the notch filter transmission characteristics, measured spectrum, and resultant spectrum, worked well with regard to simplicity, speed and accuracy. It may be a better method to use a band-pass filter for that part of the measurement. Once we felt the 0 dB reference was set we continued with the measurements. Figures 1.2 thru 1.4 are taken directly from the Excel program data. We used a Rhodes and Schwartz Spectrum Analyzer (Model: FSH-3, Serial #: 102776) to verify our measurements. We also recorded the values on a note pad and they are included in Figure 1.5

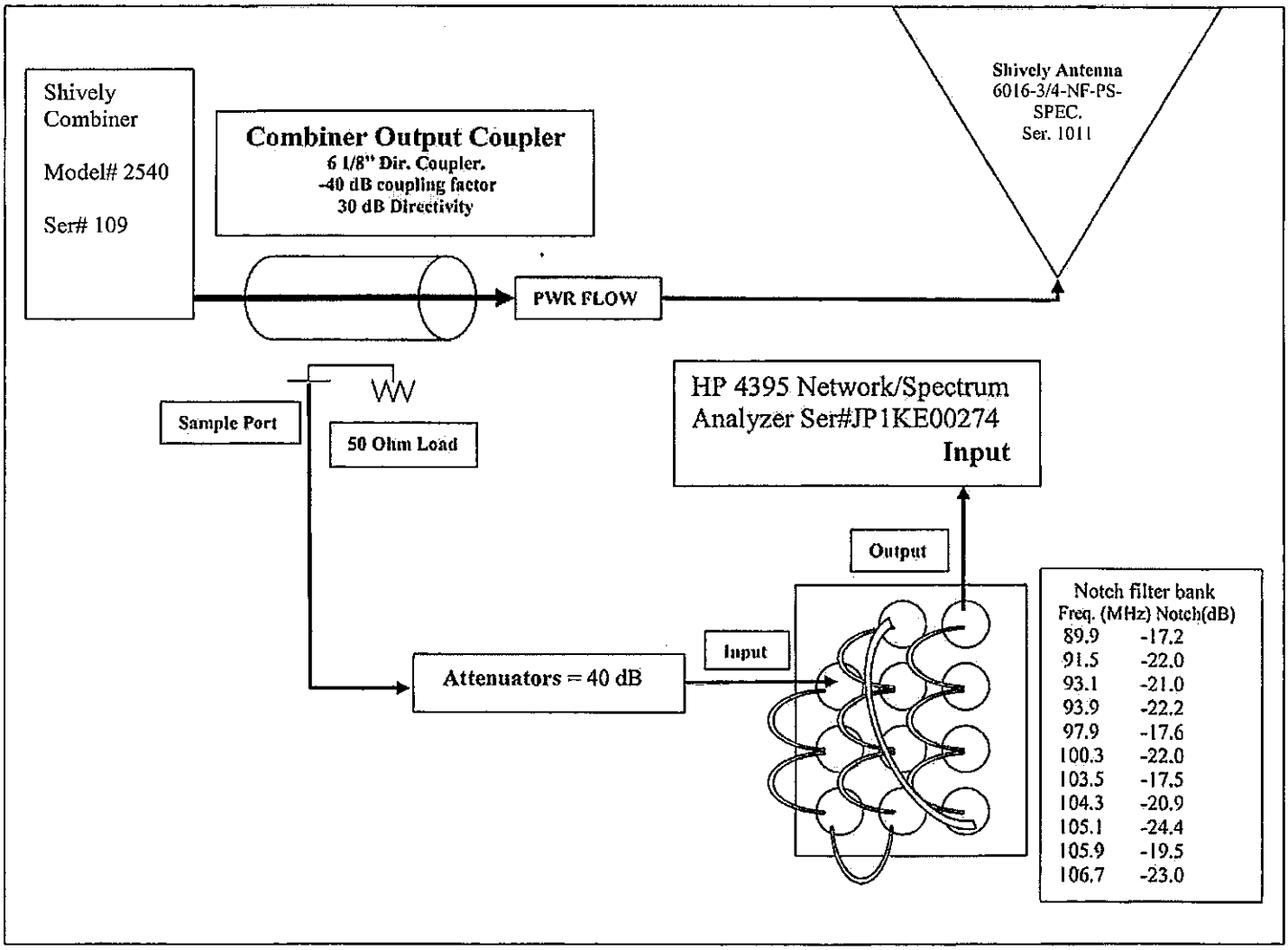


Figure 1.1 Test Equipment Configuration

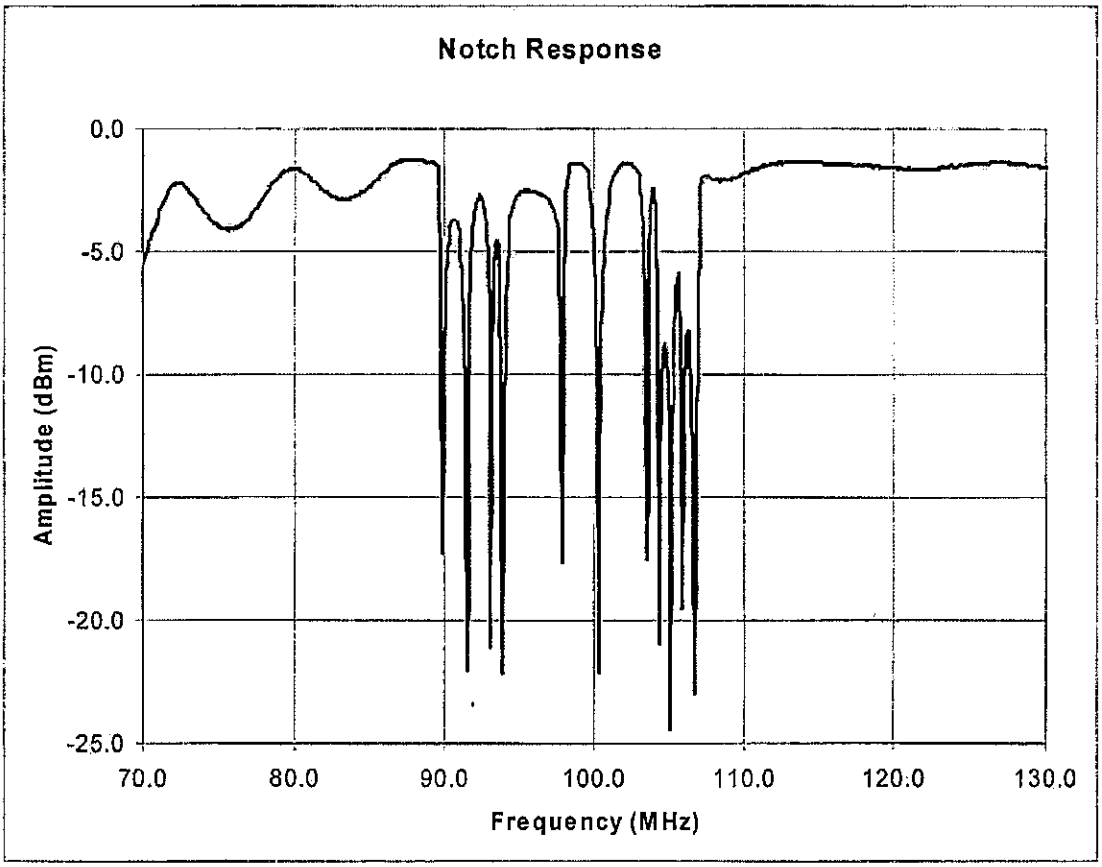

Notch Response
0.0
-5.0
-10.0
-15.0
-20.0
-25.0
Amplitude (dBm)
70.0
80.0
90.0
100.0
110.0
120.0
130.0
Frequency (MHz)

Figure 1.2

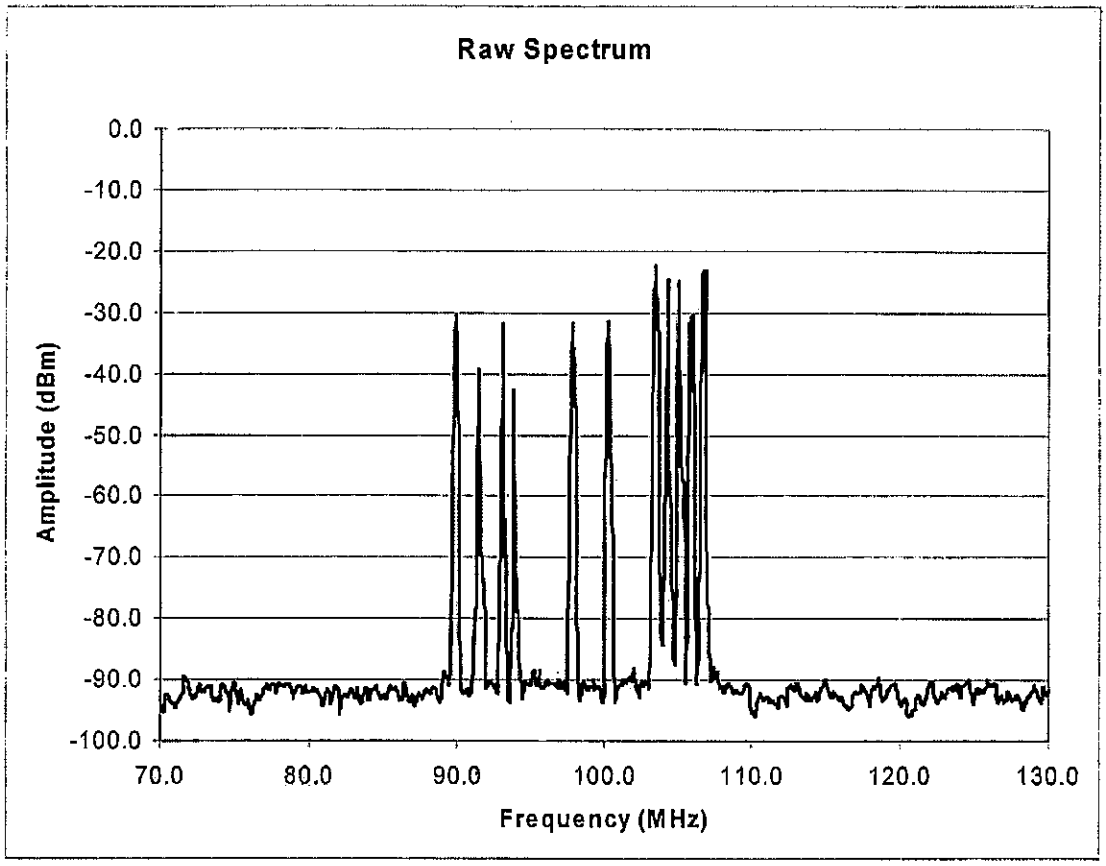

Raw Spectrum
0.0
-10.0
-20.0
-30.0
-40.0
-50.0
-60.0
-70.0
-80.0
-90.0
-100.0
Amplitude (dBm)
70.0
80.0
90.0
100.0
110.0
120.0
130.0
Frequency (MHz)

Figure 1.3

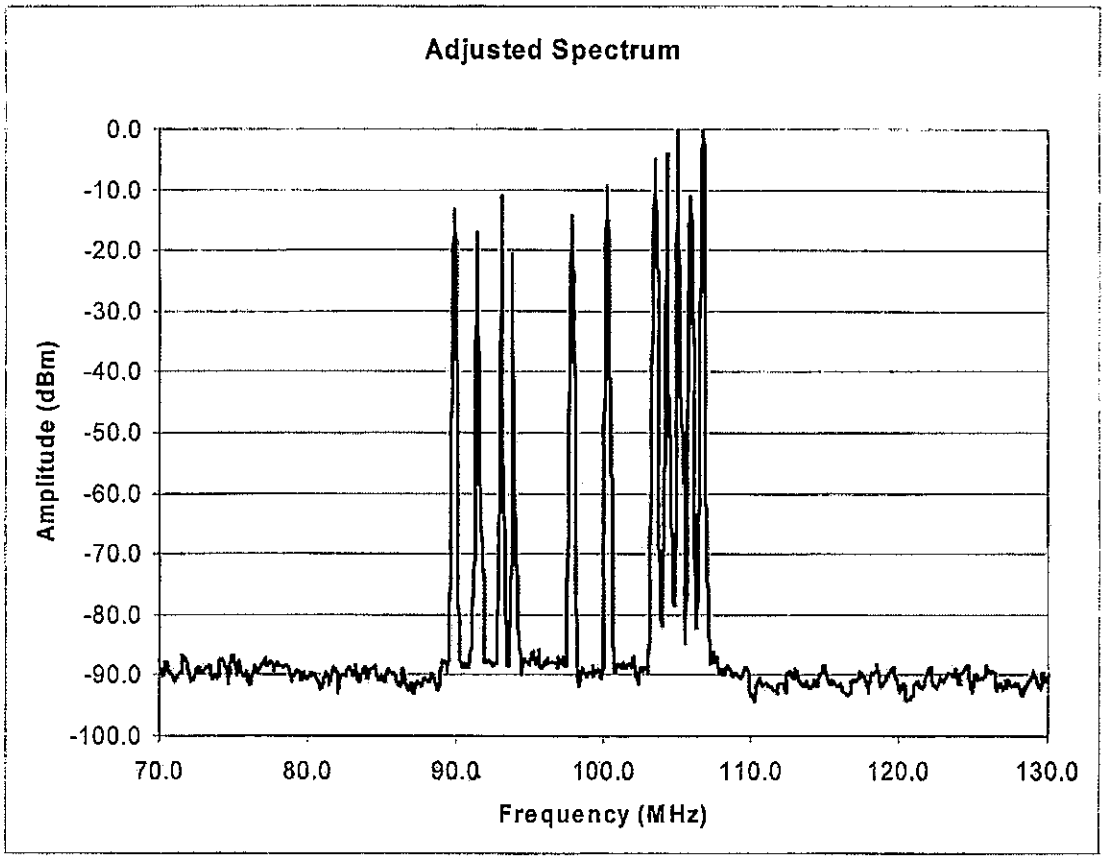

Adjusted Spectrum
0.0
-10.0
-20.0
-30.0
-40.0
-50.0
-60.0
-70.0
-80.0
-90.0
-100.0
Amplitude (dBm)
70.0
80.0
90.0
100.0
110.0
120.0
130.0
Frequency (MHz)

Figure 1.4

Spur Frequency (MHz)	Level (dBmW)
76.3	-89.7
77.1	-89.4
77.9	-87.7
78.7	-89.5
79.5	-90.1
82.7	-89.2
85.1	-89.8
88.3	-89.6
89.1	-90.4
89.9*	-90.0
93.1*	-92.0
94.7	-90.4
96.3	-89.2
104.3*	-93.0
109.1	-87.8
115.5	-92.0
117.1	-91.8
118.7	-92.5
120.3	-89.8
121.9	-91.6

***Indicates Stations that had to shut down in order to measure spur level.**

Figure 1.5

ROYAL REALTY CORP.
4 Times Square, NY, NY 10036-6522
Telephone:212-391-6768 Fax:212-391-6735
4TS@durst.org • www.royalrealty.org

Radiofrequency Field Measurements on the Main Roof of the Conde Nast Building 4 Times Square, New York

January 12, 2009

January 20, 2009

Prepared for WNYE-FM

John M Lyons
Assistant Vice President
Director of Broadcast Communications
The Durst Organization / Royal Realty

Radiofrequency Field Measurements on the

Main Roof of the Conde Nast Building

4 Times Square, New York

January 12, 2009

Summary Conclusions

This evaluation demonstrates that RF fields found on the main roof level of the Conde Nast Building, 4 Times Square, in New York, resulting from all broadcasting facilities located at the site, including WNYE-FM, at full operating power at the time of the survey comply with the FCC MPE limits for the general public. The greatest spatial averaged RF field found represented 9.5% (mean plus one standard deviation) of the Public MPE. Generally, RF fields were significantly less in value, typically being, on average, about 3.9% of the MPE. The onsite RF measurements were conducted in the late evening hours of January 12, 2009.

RF Field Instrumentation and Measurement Technique

The measurements were made with a Narda Microwave Model A8742D isotropic, broadband electric field strength probe (SN 02813) connected to a Narda Model 8715 digital meter (SN 13001). The Model A8742D probe is frequency shaped so that all detected fields are weighted according to the frequency variation of the MPE limit such that the meter presents the measured field as a percentage of the FCC MPE limit for occupational exposure. The probe has a capacity of measuring RF fields up to 600% of the FCC occupational MPE limit. The minimum reliable indication of the field is specified as 0.6% of the MPE limit.

Prior to the measurements, the meter and probe were zeroed inside the building by placing the probe inside a shielded 'calibration bag' made with conductive fibers that provide approximately 20dB of attenuation of ambient RF fields. The meter was re-zeroed several times before entering onto the main roof to perform the measurements.

The measurement technique that was used consisted of determining the spatial average value of field as a percent of the MPE limit at 32 points distributed about the main roof level. This was accomplished by slowly moving the probe in a vertical line from the standing surface of the roof to head height (approximately six-foot three-inches). Each vertical scan lasted ten to twelve seconds. At each of the 32 measuring points, multiple vertical scans were obtained by standing at different azimuths relative to the measurement point in an effort to minimize the perturbation of the local fields by the body of the observer.

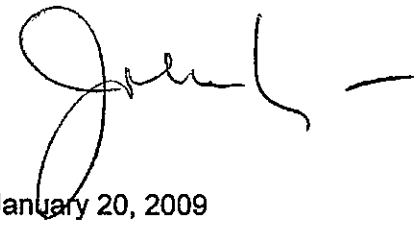
All measurements were conducted by Richard Koziol and recorded by Andrew Koziol. I was a witness of the measurements and recording of same.

possible broadcast transmitters at the site active in addition to WNYE-FM indicates that the main roof level is compliant with the FCC MPE for the general public by a wide margin. In the worst case, WNYE-FM added 0.05% to the overall RF levels at the main roof level.

The 4TS Site is subject to an extensive RF Safety program that provides numerous exposure control features should individuals need access to on-tower locations or other elevated locations above the main roof level. The RF Safety program is described in a recent paper presented at the National Association of Broadcasters Engineering Conference.[1] One evolving aspect of the program is to accommodate work that may be required on upper portions of the roof top spire on the new building under final construction at One Bryant Park, some 350 feet adjacent to the 4TS antenna mast. During such construction activities, should the full complement of broadcast stations be operative, protocol calls for either reduction of station powers or terminating service for the appropriate work duration.

[1]Monitoring RF Safety At A Multi-User Broadcast/Communications Site, Richard A. Tell and John M. Lyons, 2006 NAB Engineering Conference, Las Vegas, NV.

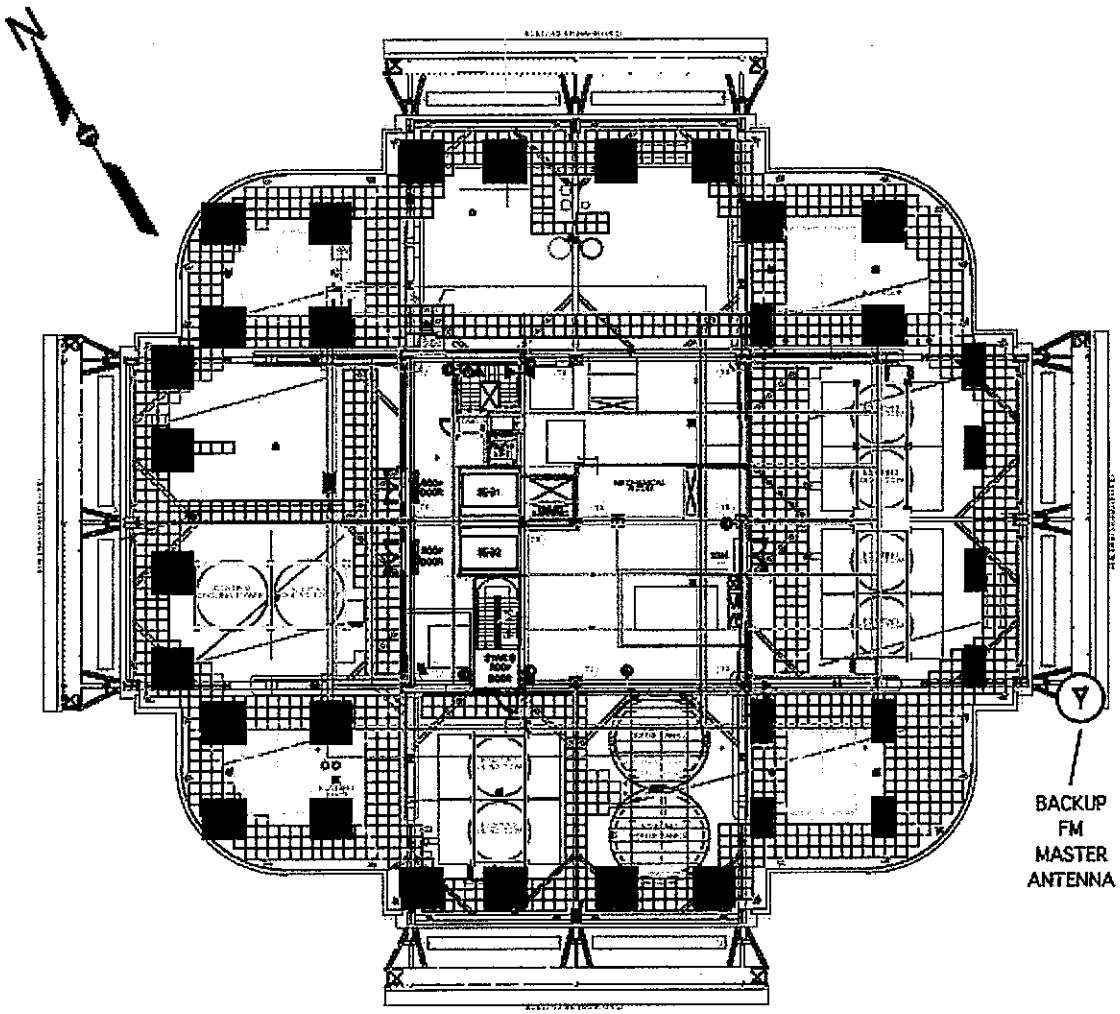
Respectfully submitted,



January 20, 2009

Table 1. RF measurement data for the main roof level at 4 Times Square, January 12, 2009

Location	Direction facing during measurement of spatially averaged RF field				Overall Average	Standard Deviation
	North	East	South	West		
1	0.0	0.0	0.0	0.0	0.0	0.0
2	0.0	0.0	0.1	0.1	0.1	0.1
3	0.0	0.1	0.0	0.1	0.1	0.1
4	0.0	0.1	0.1	0.1	0.1	0.1
5	0.1	0.2	0.1	0.2	0.2	0.2
6	0.1	2.0	1.0	0.1	0.8	1.0
7	0.3	1.5	0.4	0.4	0.7	0.9
8	0.3	0.5	0.4	0.3	0.4	0.4
9	0.0	0.0	0.0	0.1	0.1	0.1
10	1.0	1.0	1.0	1.0	1.0	0.0
11	0.5	0.5	0.5	0.5	0.5	0.0
12	0.4	0.5	0.5	0.3	4.0	0.6
13	3.0	3.0	3.5	3.5	3.3	0.3
14	4.0	4.5	3.0	3.5	3.8	0.6
15	6.0	4.5	5.0	7.1	5.6	1.1
16	5.5	6.0	5.5	5.5	5.6	0.3
17	6.5	5.5	5.5	6.0	5.9	0.5
18	3.5	2.5	3.0	3.0	3.0	0.4
19	5.0	4.5	4.5	5.0	4.8	0.3
20	7.5	7.5	6.5	7.0	7.1	0.5
21	9.5	9.0	8.5	8.5	8.9	0.5
22	8.5	7.5	7.5	8.5	8.0	0.6
23	4.5	4.5	5.5	6.0	5.1	0.7
24	7.5	6.0	7.0	8.5	7.3	1.0
25	8.0	7.5	6.5	6.5	7.1	0.8
26	5.5	5.0	6.0	6.0	5.6	0.5
27	4.0	4.0	4.5	5.0	4.4	0.5
28	7.5	7.0	8.5	7.5	7.6	0.6
29	6.0	6.5	7.0	6.5	6.5	0.4
30	6.0	7.5	8.5	7.0	7.3	1.0
31	8.0	8.5	9.0	8.0	8.4	0.5
32	7.5	8.5	8.5	7.5	8.0	0.6



4 TIMES SQUARE
MAIN ROOF
RF PLAN

Plan of main roof level at 4 Times Square illustrating approximate locations of measurements of spatially averaged RF fields.

ATTACHMENT 3

CDBS Confirmation of Filing of Form 302-FM

Federal Communications Commission

FCC MB - CDBS Electronic Filing
Account number: 499520

Description: FORM 302-FM, LICENSE TO COVER
Application Reference Number: 20090205ABP
Successfully filed at Feb 5 2009 5:03PM

Based on the information supplied, no fee is required.

Menu Logout