

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

February 17, 2009

John Crigler, Esq.
Garvey, Schubert & Barer
1000 Potomac Street NW, Fifth Floor
Washington, DC 20007

Re: NEW (FM), Manchester, Vermont
Facility Identification Number: 175524
Vermont Public Radio
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed February 13, 2009, on behalf of Vermont Public Radio ("VPR"), permittee of a new, unbuilt noncommercial, educational FM Station at Manchester, Vermont, File Number BNPED-20071018BCC. VPR requests special temporary authority ("STA") to operate its new station with temporary facilities at variance from the permit. For reasons which are discussed below, the request is denied.

In support of the request, VPR states that its construction permit specifies the use of an expensive, complex directional antenna in order to protect the licensed facilities of Channel 6 TV Station WRGB and two mutually exclusive applications filed in the 2007 window¹. VPR states that Station WRGB will soon cease analog operation on channel 6, and that the two window-filed applications are not likely to prevail under the Commission's point system analysis. VPR states that logic dictates waiting to modify its permit until after these issues have been resolved. Instead, it seeks to build and operate a temporary facility during the interim so that it can begin providing service to Manchester quickly and thus avoid the wasted expense of a complex directional antenna that would be used for a very short time.

Having given your request thorough consideration, we find that grant of the requested STA is not warranted. Delay in instituting new and additional service to the public is a common factor in practically all such requests and does not constitute sufficient justification to warrant waiver of the Commission's longstanding policy regarding the necessity for full construction of permit facilities prior to commencement of broadcast operations. Similarly, unanticipated impediments to construction which adversely affect a permittee's projected schedule of

¹ BNPED-20071018AKD, BNPED-20071012ATJ.

construction do not justify the grant of lesser facilities on an interim basis. It has long been the Commission's view that authorizing the premature operation of lesser temporary facilities undermines the policy objective of assuring the prompt institution of new and/or improved broadcast services to the public by diminishing the incentive to promptly construct the full facilities authorized.

As an alternative, VPR may seek modification of its construction permit, build and license the temporary facility, and apply for a new permit once the allocation issues have been resolved.

Accordingly, the request for STA IS HEREBY DENIED. This action is taken pursuant to 47 CFR Section 0.283. The action taken herein does not preclude VPR from applying for modification of its construction permit to specify the facilities proposed in the instant STA request, provided that the proposed facilities comply with the Commission's rules.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Vermont Public Radio