

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON DC 20554**

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June 8, 2009

John W. Zucker, Esq.  
New York AM Radio, LLC  
77 West 66th Street, 16th Floor  
New York, NY 10023

Re: WEPN (AM), New York, New York  
Facility Identification Number: 65636  
New York AM Radio, LLC  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 4, 2008, on behalf of New York AM Radio, LLC ("NYAR"). NYAR requests further extension of the special temporary authority ("STA") granted no November 30, 2004, to operate Station WEPN with temporary facilities.<sup>1</sup> In support of the request, NYAR states that the extensive construction on property immediately adjacent to the WEPN directional array continues. NYAR further states that it is in the process of obtaining the necessary local permissions to implement its construction permit<sup>2</sup> to relocate the transmitter, since the construction may render the current site permanently unsuitable.

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 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.

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<sup>1</sup> WEPN is licensed for operation on 1050 kHz with 50 kilowatts, unlimited hours, employing a directional antenna (DA-1-U).

<sup>2</sup> BP-20070403ABM; granted on November 28, 2007.

Accordingly, the request for extension of STA IS HEREBY GRANTED. Station WEPN may continue to operate with 1) parameters at variance and/or reduced power while maintaining monitor points within licensed limits; 2) a nondirectional antenna and reduced power not to exceed 12.5 kilowatts, and 3) from the nearby nondirectional auxiliary antenna of commonly-owned Station WABC, employing reduced power not to exceed 12.5 kilowatts, only as necessary to accommodate the adjacent construction work. It will be necessary to further reduce power or cease operation if complaints of interference are received. NYAR must notify the Commission when licensed operation is restored.<sup>3</sup> NYAR 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 **December 8, 2009**.

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: New York AM Radio, LLC

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<sup>3</sup> *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).