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July 10, 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 July 9, 1009, on behalf of New York AM Radio, LLC ("NYAR"). NYAR requests special temporary authority ("STA") to operate Station WEPN pursuant to Section 73.1615.¹ In support of the request, NYAR states that it has completed construction of modified WEPN facilities authorized by Construction Permit BP-20070403ABM. NYAR states that it has performed a Method of Moments ("MOM") proof of performance which is essentially completed and that its application for license will be filed very soon. NYAR requests STA for operation of the substantially adjusted directional antenna pattern authorized by the permit, pending the filing and processing of its application for license.

Section 73.1615, which governs operation during modification of facilities, provides, inter alia, that AM licensees holding construction permits which involve directional facilities may operate during daytime hours with the substantially adjusted daytime or nighttime directional facilities authorized by the permit and with the power authorized by the permit only as necessary to take proof of performance measurements. Operating power shall be reduced to currently licensed levels when proof measurements are not being taken.

Accordingly, the request for STA IS HEREBY GRANTED. Station WEPN may operate with its substantially adjusted daytime and nighttime directional antenna systems pending the filing and processing of an application for license supported by a MOM proof of performance pursuant to 47 C.F.R. Section 73.151(c). Operating parameters shall be maintained as specified in the request². It will be necessary to reduce power or cease operation if complaints of interference are

¹ WEPN is licensed for operation on 1050 kHz with 50 kilowatts, unlimited hours, employing a directional antenna (DA-1-U). Construction Permit BP-20070403ABM authorizes relocation of the transmitter and modification of the directional antenna pattern.

² Operating parameters shall be maintained within $\pm 5\%$ current ratios and $\pm 3^\circ$ phase of the following:

Tower #	Ratio	Phase
1	1.000	0.0°
2	0.480	99.0°
3	0.500	-57.6°

received. 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 **January 10, 2010**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, 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.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: New York AM Radio, LLC