

**FEDERAL COMMUNICATIONS COMMISSION**  
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August 21, 2009

Mark N. Lipp, Esq.  
Wiley Rein LLP  
1776 K Street NW  
Washington, DC 20006

Re: WKDM(AM), New York, New York  
Facility Identification Number: 71137  
Multicultural Radio Broadcasting Licensee, LLC  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed August 19, 2009, on behalf of Multicultural Radio Broadcasting Licensee, LLC ("MRBL"). MRBL requests special temporary authority ("STA") to operate Station WKDM pursuant to Section 73.1615.<sup>1</sup>

In support of the request, MRBL states that it has completed construction of modifications to the station's facilities authorized by Construction Permit BP-20070424AAK; however, it is unable to complete proof of performance measurements due to an ongoing construction project in the vicinity of the AM array which involves the use of several tall cranes.

Section 73.1615, which governs operation during modification of facilities, provides that AM licensees holding construction permits which involve directional facilities may discontinue operation, may operate with reduced power or with parameters at variance from licensed tolerances while maintaining monitor points within licensed limits, may operate in nondirectional mode during presently licensed hours of directional operation with power reduced to 25% of licensed directional power, may operate during daytime hours only in nondirectional mode with power reduced to 25% of construction permit directional power only as necessary to conduct nondirectional proof measurements, 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 WKDM may operate

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<sup>1</sup> WKDM is licensed for operation on 1380 kHz with 5 kilowatts, unlimited hours, employing the same directional antenna pattern during daytime and nighttime hours. (DA-1-U). Construction Permit BP-20070424AAK authorizes an increase in the nighttime operating power to 13 kilowatts, and changes to the nighttime pattern (DA-2-U).

pursuant to Section 73.1615 and the terms and conditions of Construction Permit BP-20031024AAD. In particular, the following modes of operation are authorized:

1. During daytime hours, with a nondirectional antenna and operating power not to exceed 3.25 kilowatts, only for the purpose of nondirectional proof of performance measurements. Operating power shall be reduced to 1.25 kilowatts or less during any substantial period of time when measurements are not being taken.
2. During daytime hours, with the substantially adjusted daytime directional antenna pattern and power authorized by the permit.
3. During daytime hours, with the substantially adjusted nighttime directional antenna pattern and power authorized by the permit, only for final adjustment and proof of performance measurements. Nominal power shall be reduced to 5 kilowatts or less during any substantial period of time when measurements are not being taken.
4. During nighttime hours, with the substantially adjusted nighttime directional antenna pattern authorized by the permit, with reduced nominal power not to exceed 5 kilowatts.

It will be necessary to further reduce power or cease operation if complaints of interference are received. MRBL 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 **February 21, 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,

A handwritten signature in blue ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Multicultural Radio Broadcasting Licensee, LLC