

**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/](http://www.fcc.gov/mb/audio/)

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

October 16, 2009

Harry F. Cole, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17th Street, 11th Floor  
Arlington, Virginia 22209-3801

Re: WIBG Limited Liability Company  
WIBG-FM, Avalon, New Jersey  
Facility Identification Number: 16910  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 15, 2009, on behalf of WIBG Limited Liability Company ("WLL"). WLL requests special temporary authority ("STA") to operate Station WIBG-FM with the facilities authorized by Construction Permit BPH-20090517ACO.<sup>1</sup> In support of the request, WLL states that the authorized facilities are fully constructed; however, certain technical difficulties, including low transmitter efficiency, additional tower work and final survey report must be resolved before final licensing can proceed.

Our review indicates that the proposed STA operation does not comply with our rules and STA policies. Because of the potential for interference which may result from an improperly installed directional antenna, FM stations holding construction permits which authorize new directional antennas must request and receive program test authority prior to commencing operation with full power.<sup>2</sup> However, if the effective radiated power is reduced to 3 kilowatts, the proposed operation complies with the rules. STA will be granted with a power reduction to 3 kilowatts.

Accordingly, the request for STA IS HEREBY GRANTED, with modification as discussed above. Station WIBG-FM may operate with the facilities authorized by Construction Permit BPH-20090517ACO, with reduced maximum effective radiated power of 3 kilowatts:

Geographic coordinates:	39° 13' 45" N, 74° 40' 54" W (NAD 1927)
Channel	232 (94.3 MHz)
Effective radiated power:	Not to exceed <b>3 kilowatts</b> (Max-DA, H&V)
Antenna height:	
above ground:	87 meters
above mean sea level:	92 meters
Above average terrain:	91 meters

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<sup>1</sup> WIBG-FM is licensed for operation on Channel 232A (94.3 MHz) with effective radiated power of 3.3 kilowatts (H&V) and antenna height above average terrain of 91 meters.

<sup>2</sup> See 47 C.F.R. Section 73.1620(a)(2).

It is anticipated that an application for license to cover Construction Permit BPH-20090517ACO will be filed prior to the expiration date below. WLL 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 16, 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: WIBG Limited Liability Company