

FEDERAL COMMUNICATIONS COMMISSION
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February 16, 2007

Janet Fitzpatrick Moran, Esq.
Patton Boggs LLP
2550 M Street NW
Washington, DC 20037-1350

Re: WEEX (AM), Easton, Pennsylvania
Facility Identification Number: 8596
Nassau Broadcasting II, LLC
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed February 2, 2007, on behalf of Nassau Broadcasting II, LLC ("NB2"). NB2 requests special temporary authority ("STA") to operate Station WEEX with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.¹ In support of the request, NB2 states that lighting equipment installed by the site owner is adversely affecting the station's operation. NB2 further states that it has a pending application for direct measurement of operating power currently pending with the Commission, that the staff has requested additional measurement data be submitted, but that completion of measurements will be delayed by the need to replace the the lighting equipment and by adverse winter weather conditions.

Accordingly, the request for STA IS HEREBY GRANTED. Station WEEX may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. It will be necessary to further reduce power or cease operation if complaints of interference are received. NB2 must notify the Commission when licensed operation is restored.² NB2 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 **August 16, 2007**.

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

¹ WEEX is licensed for operation on 1230 kHz with 0.84 kilowatt daytime and 1 kilowatt nighttime, employing a directional antenna during daytime hours only (DA-D-U).

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

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 dark ink, appearing to read "Charles N. Miller".

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Nassau Broadcasting II, LLC