

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/

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

May 5, 2010

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 February 22, 2010, on behalf of Multicultural Radio Broadcasting Licensee, LLC ("MRBL"). MRBL requests extension of the special temporary authority ("STA") granted on August 21, 2009, to operate Station WKDM pursuant to Section 73.1615.¹

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. MRBL states that the cranes involved in the initial phase of the construction have left the area; however, a new phase involving demolition cranes is scheduled to begin soon.

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.

¹ 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).

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.

Accordingly, the request for extension of STA IS HEREBY GRANTED. Station WKDM may continue to operate 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 **November 5, 2010**.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Multicultural Radio Broadcasting Licensee, LLC