

FEDERAL COMMUNICATIONS COMMISSION
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January 10, 2011

Todd D. Gray, Esq.
Dow Lohnes PLLC
1200 New Hampshire Avenue NW, Suite 800
Washington, DC 20036

Re: Northeastern Pennsylvania Educational
Television Association
W289AH(FX), Bethlehem, Pennsylvania
Facility Identification Number: 72210
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed January 10, 2011, on behalf of Northeastern Pennsylvania Educational Television Association ("NPETA"). NPETA requests special temporary authority ("STA") to operate FM Translator W289AH with temporary facilities.¹ In support of the request, NPETA states that it is losing the lease on the licensed transmitter site and must vacate the site in the near future. NPETA states that it has filed Application BPFT-20101228AAR for a new, permanent site. In order to provide for continued operation during the pendency of its application, NPETA seeks STA for operation from the new site, with reduced power to maintain the 60 dBu contour within the licensed contour.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing criteria.

Accordingly, the request for STA IS HEREBY GRANTED. Station W289AH may operate with the following facilities:

Geographic coordinates:	40° 39' 30" N, 75° 25' 12" W (NAD 1927)
Channel	289 (105.7 MHz)
Effective radiated power:	0.034 kilowatt (H&V)
Antenna height:	

¹ W289AH is licensed for operation on Channel 289D (105.7 MHz) with effective radiated power of 0.075 kilowatt (H&V) and antenna height above average terrain of 0 meters.

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

above ground:	30 meters
above mean sea level:	146 meters
above average terrain:	6 meters

NPETA 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 **July 10, 2011**.

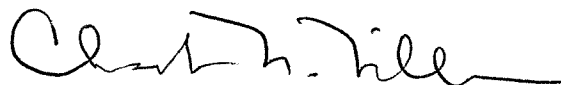
STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice 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: Northeastern Pennsylvania Educational Television Association