

FEDERAL COMMUNICATIONS COMMISSION
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June 22, 2011

Lee J. Peltzman, Esq.
Shainis & Peltzman
1850 M Street NW, Suite 240
Washington, DC 20036

Re: W224AU(FX), Allentown, Pennsylvania
Facility Identification Number: 41200
Mercer County Community College
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed June 15, 2011, on behalf of Mercer County Community College ("MCC"). MCC requests special temporary authority ("STA") to operate FM Translator W224AU with facilities proposed in pending Application BPFT-20110615ABH.¹ In support of the request, MCC states that it is losing the lease on the licensed site, and that it has filed an application for construction permit to relocate the translator to a nearby, existing tower. MCC requests STA in order to maintain operation of the translator during the pendency of its application.

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 W224AU may operate with the following facilities:

Geographic coordinates:	40° 34' 18" N, 75° 25' 48" W (NAD 1927)
Channel:	224 (92.7 MHz)
Effective radiated power:	0.005 kW (H&V)
Antenna manufacturer and type:	SWR, model FMEC/1-TA, directional
Antenna orientation:	340° True ⁴
Antenna height:	
above ground:	91 meters

¹ W284AN is licensed for operation on Channel 284D (104.7 MHz) with effective radiated power ("ERP") of 0.021 kW (H&V) and antenna height above average terrain ("HAAT") of 67 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.

⁴ The antenna pattern filed with the request incorporates the 340° orientation and need not be further rotated.

above mean sea level: 384 meters
above average terrain: 237 meters

MCC 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. The authority granted herein is without prejudice as to the Commission's final action with regard to Application BPFT-20110615ABH. Any construction undertaken pursuant to this authority is entirely at MCC's own risk.

This authority expires on **December 22, 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: Mercer County Community College