

FEDERAL COMMUNICATIONS COMMISSION
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September 29, 2011

William Malone, Esq.
1155 Connecticut Avenue NW, Suite 1000
Washington, DC 20036

Re: Harvard Radio Broadcasting Co., Inc.
WHRB(FM), Cambridge, Massachusetts
Facility Identification Number: 26341
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 27, 2011, on behalf of Harvard Radio Broadcasting Co., Inc. ("HRB"). HRB requests special temporary authority ("STA") to operate Station WHRB with temporary facilities.¹ In support of the request, HRB states that Stations WHRB and WSKX hold construction permits (BPH-20110701ABP and BPH-20110701ABT, respectively) which were granted on a contingent, mutually-dependent basis, requiring simultaneous commencement of program test operation with the respective modified facilities. HRB states that, as a practical matter, simultaneous construction cannot be assured, given the uncertainties of weather and scheduling of tower crews. HRB requests STA for operation with the facilities authorized by Construction Permit BPH-20110701ABP, but with operating power reduced by 10 percent. HRB provides a contour map which demonstrates that the proposed STA operation will fully protect the currently licensed operation of Station WSKX, and also provides a letter from an officer of the WSKX licensee consenting to the proposed STA operation.

Our review indicates that the Public Interest would be served by grant of the requested STA, since it would provide for immediate commencement of operation by Station WHRB with its modified facilities while not causing interference to Station WSKX.

Accordingly, the request for STA IS HEREBY GRANTED. Station WHRB may operate with the facilities authorized by Construction Permit BPH-20110701ABP, but with effective radiated power reduced to 1.3 kilowatts. HRB also may operate with the full effective radiated power authorized by the permit for a brief period, only as necessary to make equipment performance measurements. HRB 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.

Upon commencement of Program Test operation by Station WSKX with the facilities authorized

¹ WHRB is licensed for operation on Channel 237A (95.3 MHz) with effective radiated power ("ERP") of 1.7 kilowatts (Max-DA, H&V) and antenna height above average terrain ("HAAT") of 186 meters. Construction Permit BPH-20110701ABP authorizes installation of a nondirectional antenna, a reduction in ERP to 1.45 kilowatts and a decrease in HAAT to 185 meters.

by Construction Permit BPH-20110701ABT, WHRB may commence Program Test operation with the full facilities authorized by Construction Permit BPH-20110701ABP, and must file an application for license to cover the permit within 10 days thereafter.

This authority expires on **March 29, 2012**.

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,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Harvard Radio Broadcasting Co., Inc.
Capstar TX, LLC (licensee of WSKX)