

FEDERAL COMMUNICATIONS COMMISSION
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April 27, 2012

Marcus W. Trathen, Esq.
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Box 1800
Raleigh, North Carolina 27602

Re: Board of Trustees, The University of North
Carolina at Chapel Hill
WURI (FM), Manteo, North Carolina
Facility Identification Number: 91803
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed April 26, 2012, on behalf of the Board of Trustees, The University of North Carolina at Chapel Hill ("UNC"). UNC requests special temporary authority ("STA") to operate Station WURI with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, UNC states that the station's antenna has been damaged, and that the damaged portions will be returned to the manufacturer for repair. UNC requests STA for operation using two sections of the authorized four-bay antenna, with reduced effective radiated power.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna.

Accordingly, the request for STA IS HEREBY GRANTED. Station WURI may continue to operate with emergency antenna facilities as described above. UNC must notify the Commission when licensed operation is restored. UNC 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 **October 27, 2012**.

¹ WURI is licensed for operation on Channel 215A (90.9 MHz) with effective radiated power of 3.9 kilowatts (H&V) and antenna height above average terrain of 57 meters.

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: Board of Trustees, The University of North Carolina at Chapel Hill