

FEDERAL COMMUNICATIONS COMMISSION
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June 17, 2013

Mark N. Lipp, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Re: Multicultural Radio Broadcasting Licensee, LLC
WKDM(AM), New York, New York
Facility Identification Number: 71137
Special Temporary Authorization
BESTA-20130513ADG

Dear Mr. Lipp:

This is in reference to the request filed May 13, 2013, on behalf of Multicultural Radio Broadcasting Licensee, LLC ("MRBL"). MRBL requests further extension of the special temporary authority ("STA") granted on November 13, 2012, to operate Station WKDM pursuant to Section 73.1615.¹ In support of the request, MRBL states that as reported in earlier requests, the WKDM(AM) facilities were constructed according to Construction Permit BP-20070424AAK. MRBL is not able to comply with the conditions on this permit, which require daytime and nighttime proofs-of-performance, due to the Meadowlands Xanadu project in the immediate vicinity. Large metal cranes are used to assist with this construction. This makes it impossible for MRBL's engineers to obtain accurate readings/measurements. As a result, MRBL filed and was granted another Construction Permit in 2011 (BP-20100909ABJ). It has become clear that construction activity will continue for the foreseeable future so that traditional proofs cannot be taken. Therefore, MRBL requests authority to continue operating pursuant to its STA with the facilities specified in its Construction Permit with the directional antenna patterns in substantial adjustment until such time as it can complete voltage sampling in anticipation of the preparation of Method of Moments proofs-of-performance.

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;

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-20100909ABJ authorizes an increase in the nighttime operating power to 13 kilowatts, and changes to the nighttime pattern (DA-2-U).

- 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.

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-20100909ABJ. 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 13, 2013**.

Sincerely,



Jimmy Kong, Engineer
Audio Division
Media Bureau

cc: Multicultural Radio Broadcasting Licensee, LLC