

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
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August 8, 2013

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

Re: WHAZ-FM, Hoosick Falls, NY  
Capital Media Corporation  
Facility Identification Number: 6765  
Special Temporary Authority  
BSTA-20130729AHC

Dear Counsel:

This is in reference to the request filed July 29, 2013, on behalf of Capital Media Corporation ("CMC"). CMC requests special temporary authority ("STA") to operate station WHAZ-FM with temporary facilities.<sup>1</sup> CMC indicates that its tower release was abruptly cancelled and the station was forced to vacate the site immediately. CMC plans to return to the station's formerly licensed transmitter site, but has not yet finalized plans or filed a construction permit application to do so. Until these actions can be completed, CMC's STA proposal would allow the station to resume operation with reduced, nondirectional facilities from the formerly licensed site.

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 service<sup>2</sup> to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area<sup>3</sup> without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. We find that the 60 dBu service area proposed by this STA operation would extend past the current licensed 60 dBu contour in a small area toward the southwest, but this will not adversely affect other stations and will allow better coverage of the community of license. Accordingly, the request for STA IS HEREBY GRANTED. Station WHAZ-FM may operate with the following facilities:

Geographic coordinates:	42° 46' 56" N, 73° 25' 7.4" W (NAD 1927)
Channel	248A (97.5 MHz)
Effective radiated power:	0.110 kilowatt (H&V) nondirectional
Antenna height:	
above ground:	56 meters
above mean sea level:	550 meters
above average terrain:	213 meters

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<sup>1</sup> WHAZ-FM is licensed for operation on Channel 248A (97.5 MHz) with effective radiated power of 0.42 kW (H&V) and an antenna height above average terrain (HAAT) of 361 meters.

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

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

CMC must use whatever means are necessary to protect workers and the public from radiofrequency exposure in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

**This authority expires on February 4, 2014.** Please be aware that the grant of this STA does not imply any judgment on the acceptability of a construction permit application from this site.

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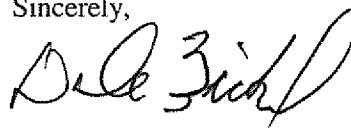
**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice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



Dale Bickel,  
Senior Engineer  
Audio Division  
Media Bureau

cc: Capital Media Corporation