

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: Jerome Manarchuck
TELEPHONE: (202) 418-7226
FACSIMILE: (202) 418-1410
E-MAIL: Jerome.Manarchuck@fcc.gov

August 22, 2013

Marnie K. Sarver, Esq.
Wiley Rein LLP
1776 K. Street NW
Washington, DC 20006

Re: New York Public Radio
WNYC(AM), New York, New York
Facility Identification Number: 73357
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed August 19, 2013, on behalf of New York Public Radio ("NYPR"). Station WNYC(AM) is currently authorized by STA (BESTA-20130426ACQ) to operate with emergency antenna facilities pursuant to Section 73.1680. Specifically, WNYC(AM) is authorized to operate nondirectionally with a daytime power of 2.5 kilowatts and a nighttime power of 250 watts. In its latest STA request, NYPR states that the construction portion of the restoration project is nearing completion after the severe damage caused by Hurricane Sandy. The station plans to verify the performance of the directional patterns and license WNYC(AM) using the Method of Moments proofing procedures. Therefore, NYPR requests STA to operate with the current emergency antenna facilities or with operating parameters derived by Moment Method computer modeling pending preparation and subsequent Commission processing of an Application for License.¹

Accordingly, the request for STA IS HEREBY GRANTED. Station WNYC(AM) may operate nondirectionally with a daytime power of 2.5 kilowatts and a nighttime power of 250 watts, or with operating parameters derived by Moment Method computer modeling. In addition, the WNYC(AM) STA extension (BESTA-20130426ACQ) which was granted on May 20, 2013 IS HEREBY TERMINATED. It will be necessary to further reduce power or cease operation if complaints of interference are received. NYPR must notify the Commission when licensed operation is restored.² NYPR 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.

¹ WNYC(AM) is licensed for operation on 820 kHz with 10 kilowatts daytime and 1 kilowatt nighttime, employing different directional antenna patterns during daytime and nighttime hours (DA2-U).

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b)

This authority expires on **November 20, 2013**.

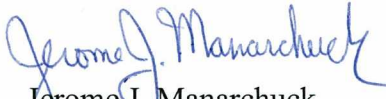
STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice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


Jerome J. Manarchuck
Audio Division
Media Bureau

cc: New York Public Radio