

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

August 13, 2014

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

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

Dear Counsel:

This is in reference to the request filed on behalf of Multicultural Radio Broadcasting Licensee, LLC ("MRBL"). MRBL requests special temporary authority ("STA") to operate Station WKDM pursuant to Section 73.1615.¹ In support of the request, MRBL states that steps are being taken to convert the antenna system equipment that was installed to implement its construction permit (BP-20100909ABJ)², and has been in use with the directional antenna system in substantial adjustment under Section 73.1615 of the FCC rules, to use base voltage sampling so that a Method of Moments ("MoM") proof of performance can be used for licensing WKDM(AM). Specifically, station WKDM(AM) requests STA to operate with parameters at variance in accordance with Section 73.1615 as it prepares its Method of Moments license application.

Section 73.1615, which governs operation during modification of facilities, provides that AM licensees holding construction permits which involve directional facilities may discontinue operation, may operate with reduced power or with parameters at variance from licensed tolerances while maintaining monitor points within licensed limits, may operate in nondirectional mode during presently licensed hours of directional operation with power reduced to 25% of licensed directional power, may operate during daytime hours only in nondirectional mode with power reduced to 25% of construction permit directional power only as necessary to conduct nondirectional proof measurements, may operate during daytime hours with the substantially adjusted daytime or nighttime directional facilities authorized by the permit and with the power authorized by the permit only as necessary to take proof of performance measurements. Operating power shall be reduced to currently licensed levels when proof measurements are not being taken.

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-20140418AAP authorizes an increase in the nighttime operating power to 13 kilowatts, and changes to the nighttime pattern (DA-2-U).

² Station WKDM(AM) was just granted a construction permit on August 5, 2014 that increases the nighttime operating power to 13 kilowatts and changes the nighttime pattern. The facilities authorized in BP-20140418AAP are identical to those that were previously authorized in BP-20100909ABJ.

Accordingly, the request for STA IS HEREBY GRANTED. Station WKDM may operate with parameters at variance from licensed values and/or reduced power, however it will be necessary to further reduce power or cease operation if complaints of interference are received.

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 **February 9, 2015**.

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: Multicultural Radio Broadcasting Licensee, LLC