

FEDERAL COMMUNICATIONS COMMISSION
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March 10, 2015

Jerrold Miller, Esq.
Miller and Neely, PC
3750 University Blvd. W. Suite 203
Kensington, MD 20895

Re: WHYL(AM), Carlisle, PA
Facility Identification Number: 74556
WHYL, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed December 19, 2014, on behalf of WHYL, Inc. WHYL, Inc. requests special temporary authority ("STA") to operate station WHYL(AM) with a different antenna system at an alternate.¹

Station WHYL(AM) is currently authorized by STA extension (BESTA-20141218AEG) to operate from a site location different from its licensed site with a minimal power of 25 watts. The existing STA was necessary due to the loss of the station's licensed transmitter site and antenna system. The station would now like to amend its STA by requesting operation from the existing tower of FM station WCAT-FM. Operation from the WCAT-FM site would permit the station to serve more of its listeners and also allow WHYL(AM) the ability to make ground wave measurements so that it can file a 301 application for permanent facilities. Specifically, WHYL, Inc. requests STA to operate from the WCAT-FM site with a daytime nondirectional power of 1.3 kilowatts and a nighttime power of 27 watts. The proposed site is located 11.2 kilometers from the licensed WHYL(AM) 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 service² to the licensed community; (3) STA facilities must maintain, as closely as

¹ WHYL(AM) is licensed for operation on 960 kHz with a daytime power of 5 kilowatts and a nighttime power of 0.022 kilowatt, employing different directional antenna patterns (DA2-U).

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

practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

Accordingly, the request for STA IS HEREBY GRANTED and BESTA-20141218AEG is SUPERCEDED. However, the requested nighttime operating power was reduced to 22 watts, which is the same power as the licensed operation. Station WHYL(AM) may operate with the following facilities:

Geographic coordinates	40° 17' 23" N, 77° 08' 10" W (NAD 1927)
Frequency	960 KHz
Hours of operation	Unlimited
Operating power	1.3 kilowatts daytime, 0.022 kilowatt nighttime
Antenna type	Existing tower
ASRN	1026157
Overall height above ground	80.2 meters

It will be necessary to further reduce power or cease operation if complaints of interference are received. WHYL, Inc. 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 **September 6, 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.

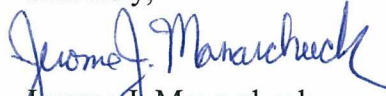
Therefore, requests for extension of STA will be granted only where the licensee can show that

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

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: WHYL, Inc.