

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

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/media/radio/audio-division](http://www.fcc.gov/media/radio/audio-division)

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January 8, 2016

WXXI Public Broadcasting Council  
P.O. Box 30021  
280 State Street  
Rochester, NY 14603-3021

Re: WXXI Public Broadcasting Council  
WXXI(AM), Rochester, New York  
Facility Identification Number: 74220  
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed January 7, 2016, on behalf of WXXI Public Broadcasting Council ("WPB"). WPB requests special temporary authority ("STA") to operate station WXXI(AM) during daytime hours with reduced power in accordance with Section 73.1560(d) of the Commission's rules.<sup>1</sup> In addition WPB requests STA to operate WXXI(AM) during nighttime hours with emergency antenna facilities in accordance with Section 73.1680 of the Commission's rules.

In support of the request, WPB states that WXXI(AM) has experienced a phasor failure in the nighttime antenna phasing system. Therefore, the station is requesting STA to continue to operate non-directionally during daytime hours but with a reduced power of 1.25 kilowatts, and to operate during nighttime hours employing the daytime non-directional tower and a nighttime power of 1.25 kilowatts.

Section 73.1560(d), which governs reduced power operation, states:

In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10<sup>th</sup> day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent

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<sup>1</sup> WXXI(AM) is licensed for operation on 1370 kHz with a daytime and nighttime power of 5 kilowatts, employing a directional antenna pattern at night (DAN-U).

restoration of the authorized power within 30 days, a request for Special Temporary Authority (see Section 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

Section 73.1680 of the Commission's rules provide for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(1) provides that AM stations using an emergency non-directional antenna in lieu of authorized directional facilities, shall operate with power reduced to 25% or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the request complies with Sections 73.1560(d) and 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station WXXI(AM) may operate during daytime hours with reduced power and during nighttime hours with an emergency antenna facility consisting of the station's daytime non-directional tower. The nighttime power must not exceed 1.25 kilowatts. It will be necessary to further reduce or cease operation if complaints of interference are received. WPB must notify the Commission when licensed operation is restored.<sup>2</sup> WPB 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 **July 7, 2016**.

**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:

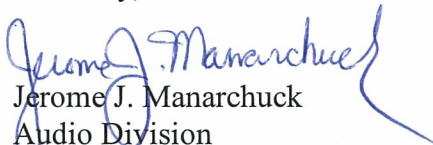
- Restoration of licensed facilities is complete and testing is underway;

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<sup>2</sup> *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

- 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: Malcolm G. Stevenson, Esq. (via email only)