

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: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

April 20, 2007

David D. Burns, Esq.
Latham & Watkins, LLP
555 Eleventh Street NW, Suite 1000
Washington, DC 20004-1304

Re: WFRY-FM, Watertown, New York
Facility Identification Number: 71904
Regent Licensee of Watertown, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed April 17, 2007, on behalf of Regent Licensee of Watertown, Inc. ("RLW"). RLW requests special temporary authority ("STA") to operate Station WFRY-FM with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, RLW states that its main antenna has been damaged by lightning and is usable. RLW states that it has installed an emergency antenna adjacent to the licensed tower and has restored operation with reduced power and antenna height.

Section 73.1680 of the Commission's rules provides 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)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna. Our review indicates that the proposed STA operation complies with Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station WFRY-FM may operate with the following facilities:

Geographic coordinates:	43° 57' 23" N, 75° 50' 44" W (NAD 1927)
Channel	248 (97.5 MHz)
Effective radiated power:	15 kilowatts (H&V)
Antenna manufacturer and type:	ERI, 1100 series, 2-bay, nondirectional
Antenna height:	
above ground:	38 meters
above mean sea level:	323 meters
above average terrain:	81 meters

RLW must notify the Commission when licensed operation is restored. RLW must use whatever

¹ Station WFRY-FM is licensed for operation on Channel 248C1 (97.5 MHz) with effective radiated power of 97 kilowatts (H&V), and antenna height above average terrain of 145 meters.

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 20, 2007**.

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,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Regent Licensee of Watertown, Inc.