

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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August 2, 2007

Katrina C. Gleber, Esq.
Leventhal, Senter & Lerman, PLLC
2000 K Street NW, Suite 600
Washington, DC 20006-1809

Re: WDDM (FM), Hazlet, New Jersey
Facility Identification Number: 70644
WVRM, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed January 10, 2007, and supplemented on July 31, 2007, on behalf of WVRM, Inc. ("WI"). WI requests special temporary authority ("STA") to operate Station WDDM at variance from its authorization.

In support of the request, WI states that, under previous control, the station was granted Construction Permit BPED-19960513IA, to relocate the transmitter; the station was relocated and Application BLED-19970515KA, for license to cover the permit, was filed. WI states that it has come to the attention of the current board of directors that the station was not constructed according to the terms of the construction permit, and that the license application remains pending due to the discrepancies.

Our review indicates that Station WDDM has not operated from its currently licensed site for several years; that it was issued Construction Permit BPED-19960513IA on September 3, 1996, and that it timely filed License Application BLED-19970515KA. However, due to technical discrepancies, the license application remains pending. Our review indicates that STA for facilities identical with those now proposed was granted to Station WDDM (formerly, WCNJ) on August 7, 2002, and subsequently extended through May 18, 2004. Our review also indicates that the station has been silent since January 10, 2007, and thus faces the loss of its license if it does not resume broadcasting on or before January 10, 2008.

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

Geographic coordinates: 40° 23' 45" N, 74° 10' 30" W (NAD 1927)
Channel 207 (89.3 MHz)

Effective radiated power: 0.0035 kilowatt (H&V)
Antenna height:
 above ground: 67 meters
 above mean sea level: 158 meters
 Above average terrain: 134 meters

WI 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. The authority granted herein does not cover the period between May 18, 2004, and January 10, 2007, and is without prejudice as to whatever action the Commission may take in connection with operation of Station WDDM during the foregoing period. It expected that WI will proceed expeditiously to file an application for a new construction permit and amend its pending license application to conform with the station's actual facilities. Any request for extension of this authority will be evaluated on the basis of WI's progress toward restoration of licensed operation. *See* STA Advisory, below.

This authority expires on **February 2, 2008**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also* *Public Notice, Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

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,

A handwritten signature in black ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: WVRM, Inc.
Daniel W. Noel, District Director, New York