



Federal Communications Commission
Washington, D.C. 20554

July 3, 2017

In Reply Refer to:
1800B3

John Wells King, Esq.
4051 Shoal Creek Lane East
Jacksonville, FL 32225-4792

In re: **WXNI(FM) (formerly WUMD(FM)),
Newport, RI
Facility ID No. 163899
Rhode Island Public Radio**

BLSTA-20170502AAR
Request for Special Temporary Authorization

Dear Mr. King:

This letter refers to the May 2, 2017, request for Special Temporary Authorization (“STA”) filed on behalf of Rhode Island Public Radio (RIPR), licensee of Station WXNI(FM), formerly WUMD(FM), Newport, Rhode Island (the Station).¹ RIPR seeks authority to operate the Station at variance with Section 73.1125, the Commission’s main studio location rule.² RIPR requests authority to operate the Station from its studio facility in Providence, Rhode Island, a location more than 25 miles (26.27 miles) from the station’s licensed community North Dartmouth, not within the Station’s principal community contour as required by Section 73.1125. RIPR requests authority to operate WXNI(FM) from its Providence studio facility until the Station’s modified facilities at Newport, Rhode Island, are constructed and licensed. RIPR notes that the Station was operated by students and faculty of the University of Massachusetts from studios and a transmitter site on the University’s campus in North Dartmouth, but that the studio and transmitter site must be relocated pursuant to the terms of the parties’ agreement for purchase and sale of the Station.

Under Section 309(f) of the Communications Act, 47 U.S.C. Section 309(f), when an appropriate application has been filed, the Commission may grant special temporary authorization if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of such temporary operations would seriously prejudice the public interest. Section 309(f) is not a means by which broadcasters may enhance their facilities; rather, it is only applicable in those situations where broadcasters find themselves in extenuating circumstances.³ In this case, we believe that the public interest in maintaining the Station’s operation during the relocation of the Station to Newport, Rhode Island, coupled with the minor deviation from the terms of the rule here, warrants grant of the temporary deviation from Section 73.1125 of the Rules. Waiver will save RIPR the expense of constructing and operating the Station from temporary studio facilities during the relocation, and it will

¹ RIPR acquired the Station on June 27, 2017 from the University of Massachusetts pursuant to the staff’s grant of application no BALED-20170104AAT. Additionally, the staff granted RIPR’s application to relocate the Station from North Dartmouth, Massachusetts to Newport, Rhode Island on that same date. *See* BPED-20171014AAW.


² 47 CFR § 73.1125.

³ *Man Corp.*, Memorandum Opinion and Order, 62 FCC 2d 260 (1976).

not materially impact the station's ability to ascertain the needs and interests of the current license community, North Dartmouth, Massachusetts, during the interim period prior commencement of operation at Newport, Rhode Island.

Accordingly, the May 2, 2017, request for Special Temporary Authorization filed by Rhode Island Public Radio IS GRANTED, and it may operate Station WXNI(FM), from its studio facilities in Providence, Rhode Island. This authorization will expire 90 days from the date of this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter H. Doyle", with a stylized flourish extending to the right.

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Rhode Island Public Radio