



Federal Communications Commission  
Washington, D.C. 20554

September 7, 2021

Audacy License, LLC  
2400 Market St.  
4<sup>th</sup> Floor  
Philadelphia, PA 19103

Re: Audacy License, LLC  
WBEN(AM), Buffalo, NY  
Fac. ID No.: 34381  
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed September 3, 2021, on behalf of Audacy License, LLC ("ALL"). ALL requests special temporary authority ("STA") to operate station WBEN(AM) with parameters at variance from its licensed facilities and/or reduced power.<sup>1</sup>

In support of the request, ALL states that during a recent inspection of the transmitter site, station personnel noted that the directional parameters were slightly out of tolerance. An inspection of the array and towers showed that one of the top loading guy wires had snapped and was hanging off of the tower. Plans are being made to remedy the situation, however until the repairs are made, the station requests STA to operate with parameters at variance from licensed facilities.

Accordingly, the request for STA IS HEREBY GRANTED. WBEN(AM) may operate during daytime and nighttime hours with parameters at variance from its licensed facilities and/or reduced power. It will be necessary to further reduce power or cease operation if complaints of interference are received. WBEN(AM) must notify the Commission when licensed operation is restored.<sup>2</sup> WBEN(AM) 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 **March 6, 2022**.

**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

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<sup>1</sup> WBEN(AM) is licensed for operation on 930 kHz with a daytime and nighttime power of 5 kilowatts, employing a directional antenna pattern at night (DAN-U).

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

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 that reads "Jerome J. Manarchuck". The signature is written in a cursive style with a large, stylized initial "J".

Jerome J. Manarchuck  
Audio Division  
Media Bureau

cc: Laura M. Berman, Esq. (via email only)