

FEDERAL COMMUNICATIONS COMMISSION
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July 26, 2011

James P. Riley, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209

Re: WNYM (AM), Hackensack, NJ
Facility Identification Number: 58635
Salem Media of New York, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed July 25, 2011, on behalf of Salem Media of New York, LLC ("SMNY") and accompanied by the engineering statement of Carl T. Jones, Jr., P. E. SMNY requests special temporary authority ("STA") to operate Station WNYM with parameters at variance and/or reduced power while maintaining monitor points within licensed limits, and with a temporary nondirectional antenna and reduced power.¹ In support of the request, SMNY states that it plans to relocate its transmitting equipment into a newly constructed addition to the transmitter building.

Our review indicates that the proposed STA operation complies with the technical provisions of Section 73.1615, which governs operation during modification of facilities.

Accordingly, the request for STA IS HEREBY GRANTED. Station WNYM may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation with a temporary nondirectional antenna and reduced power not to exceed 12.5 kilowatts daytime and 1.25 kilowatts nighttime also is authorized, only as necessary to facilitate the construction work. It will be necessary to further reduce power or cease operation if complaints of interference are received. SMNY 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 **January 26, 2012**.

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

¹ WNYM is licensed for operation on 970 kHz with 50 kilowatts daytime and 5 kilowatts nighttime, employing different directional antenna patterns during daytime and nighttime hours. (DA-2-U).

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 blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Salem Media of New York, LLC