

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

June 4, 2009

Harry F. Cole, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209-3801

Re: WELM (AM), Elmira, New York
Facility Identification Number: 52120
Pembroke Pines Elmira, Ltd.
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed August 13, 2008, on behalf of Pembroke Pines Elmira, Ltd. ("PPE"). PPE requests further extension of the special temporary authority ("STA") granted on March 17, 2006, to operate Station WELM with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.¹ In support of the request, PPE states that the station's consulting engineer has advised that a nearby structure requires detuning, and that a problem with scheduling of engineering staff has delayed completion of the work.

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.

Our review indicates that the licensee has made progress toward restoration of licensed operation, but additional time is required for completing the work. Thus, extension of STA is warranted.

Accordingly, the request for extension of STA IS HEREBY GRANTED. Station WELM may

¹ WELM is licensed for operation on 1410 kHz with 5 kilowatts daytime and 1 kilowatt nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

continue to operate during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation during nighttime hours with a nondirectional antenna and reduced power not to exceed 0.25 kilowatt also is authorized, only as necessary to facilitate the repair work. It will be necessary to further reduce power or cease operation if complaints of interference are received. PPE must notify the Commission when licensed operation is restored.² PPE 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 **December 4, 2009**.

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: Pembroke Pines Elmira, Ltd.

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).