

FEDERAL COMMUNICATIONS COMMISSION
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March 12, 2013

Lee J. Peltzman, Esq.
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1850 M Street NW, Suite 240
Washington, DC 20036

Re: WWPJ(FM), Pen Argyl, Pennsylvania
Mercer County Community College
Facility Identification Number: 78699
Special Temporary Authority
BSTA-20130228AFK

Dear Counsel:

This is in reference to the request filed February 28, 2013, on behalf of Mercer County Community College ("MCCC"). MCCC requests special temporary authority ("STA") to operate Station WWPJ with temporary facilities.¹ In support of the request, MCCC states that it has lost the lease on the licensed site. MCCC states that it received a grant of a minor change application to relocate the station, but that the proposed tower would not pass a loading study. MCCC requests STA for operation from a temporary tower until it can file a new application and the application is approved and implemented, and a new tower constructed.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing criteria.

¹ WWPJ is licensed for operation on Channel 208A (89.5 MHz) with effective radiated power of 0.003 kilowatt (H), 0.1 kilowatt (V) (Max-DA) and antenna height above average terrain of 333 meters. Effectively, this STA request seeks to extend the STA requests previously granted on June 29, 2011 and July 23, 2012.

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

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

Geographic coordinates:	40° 53' 05" N, 75° 15' 42" W (NAD 1927)
Channel	208 (89.5 MHz)
Effective radiated power:	0.03 kilowatt (H&V)
Antenna height:	
above ground:	36 meters
above mean sea level:	547 meters
above average terrain:	324 meters

It is anticipated that an application for modification of construction permit will be filed prior to the expiration date below. MCCC must use whatever means are necessary to protect workers and the public from radio frequency exposure in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

This authority expires on **September 8, 2013**.

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,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Mercer County Community College