

FEDERAL COMMUNICATIONS COMMISSION
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January 13, 2009

Marissa G. Repp, Esq.
Hogan & Hartson LLP
555 Thirteenth Street NW
Washington, DC 20004-1109

Re: WNOE-FM, New Orleans, Louisiana
Facility Identification Number: 58394
Clear Channel Broadcasting Licenses, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed January 9, 2009, on behalf of Clear Channel Broadcasting Licenses, Inc. ("CCBL"). CCBL requests special temporary authority ("STA") to operate Station WNOE-FM with emergency antenna facilities.¹ In support of the request, CCBL states that the station's transmission line has failed, and that it has resumed operation using an emergency antenna mounted on the licensed tower, with reduced power and antenna height. CCBL requests STA for continued use of the emergency antenna.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna.

Accordingly, the request for STA IS HEREBY GRANTED. Station WNOE-FM may operate from its licensed site with the following facilities:

Effective radiated power	10 kilowatts (H&V)
Antenna height	
Above ground	183 meters
Above mean sea level	183 meters
Above average terrain	183 meters

CCBL must notify the Commission when licensed operation is restored. CCBL 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.

¹ WNOE-FM is licensed for operation on Channel 266C0 (101.1 MHz) with effective radiated power of 100 kilowatts (H&V) and antenna height above average terrain of 306 meters.

This authority expires on **July 13, 2009**.

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,

A handwritten signature in black 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: Clear Channel Broadcasting Licenses, Inc.