

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON DC 20554**

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June 26, 2008

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

Re: PJ Radio, LLC  
WTSX(FM), Port Jervis, New York  
Facility Identification Number: 53036  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed June 25, 2008, on behalf of PJ Radio, LLC ("PJR"). PJR requests special temporary authority ("STA") to operate Station WTSX with emergency antenna facilities pursuant to Section 73.1680.<sup>1</sup> In support of the request, PJR states that the licensed tower was found by the owner to be structurally defective and was replaced with a new tower adjacent to the old tower. PJR states that it was not possible to move the licensed antenna to the new tower, but that a temporary antenna was installed on the new tower. PJR provides technical details for the proposed STA operation, and requests STA for continued use of the emergency antenna pending implementation of Construction Permit BPH-20080313AAB (*See* Note 1, below).

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 service<sup>2</sup> to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area<sup>3</sup> 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.

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

Geographic coordinates:	41° 22' 23" N, 74° 43' 51" W (NAD 1927)
Channel	244 (96.7 MHz)
Effective radiated power:	2.8 kilowatts (H&V)
Antenna height:	
above ground:	50 meters

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<sup>1</sup> WTSX is licensed for operation on Channel 244A (96.7 MHz) with effective radiated power ("ERP") of 3 kW (H&V) and antenna height above average terrain ("HAAT") of 91 meters. Construction Permit BPH-20080313AAB authorizes relocation of the transmitter and operation with ERP of 3 kW (Max-DA, H&V) and HAAT of 92 meters.

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

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

above mean sea level: 378 meters  
Above average terrain: 93 meters

PJR must notify the Commission when licensed operation is restored. PJR 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 26, 2008**.

**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,



Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: PJ Radio, LLC