

FEDERAL COMMUNICATIONS COMMISSION
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June 4, 2015

Pembroke Pines Elmira, Ltd.
1705 Lake Street
Elmira, NY 14901

Re: WLKY (FM), Elmira, NY
Pembroke Pines Elmira, Ltd.
Facility Identification Number: 52122
Special Temporary Authority
BSTA-20150521ACA

Dear Licensee:

This is in reference to the request filed May 21, 2015, on behalf of Pembroke Pines Elmira, Ltd. ("PPE"). PPE explains that lightning damaged the station's licensed facility, and as explained in the request, the licensee cannot gain access to the facility at this time to make repairs. PPE requests Special Temporary Authority to operate a temporary facility from a tower 11 km south in order to maintain station operations.

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 service¹ to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area² without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

In the present instance, the requested STA operation at 0.5 kW would significantly extend the licensed 60 dBu contour in the direction of, and well past, Sayre, NY. Our review concluded that the ERP must be reduced from 0.50 kW to 0.25 kW in order to be acceptable.³

Accordingly, the request for STA IS HEREBY GRANTED with the ERP limited to 0.25 kW. Station WIVY-FM may operate with the following facilities:

¹ For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

² For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

³ At 0.25 kW, there is yet an extension of the 60 dBu contour in the direction of Sayre, but it is small and unlikely to have any adverse effect on other facilities.

Geographic coordinates: 41° 01' 54.7" N, 76° 47' 2.2" W (NAD 1927)
Channel 232A (94.3 MHz)
Effective radiated power: 0.25 kilowatts (H&V) – ERP LIMITED TO THIS VALUE
Antenna height:
 above ground: 237 meters
 above mean sea level: 224 meters
 above average terrain: 623 meters
Antenna structure registration no.: 1006946

PPE must use whatever means are necessary to protect workers and the public from radiofrequency exposure in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310. PPE must advise the Commission when licensed operations resume.

This authority expires on **December 1, 2015**.

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 that reads "Dale Bickel". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Miles Mason (via e-mail only)