

FEDERAL COMMUNICATIONS COMMISSION
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December 31, 2012

James P. Riley, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209

Re: WMCA(AM), New York, New York
Facility Identification Number: 58626
Salem Media of New York, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed December 21, 2012, on behalf of Salem Media of New York, LLC ("Salem"). Salem requests special temporary authority ("STA") to operate Station WMCA with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, Salem states that WMCA is no longer silent and returned to the air approximately four weeks ago following damage to the site by Hurricane Sandy. New ATU's have been fabricated and installed to permit nondirectional operation for WMCA on tower #1 while using a temporary 'loaner' transmitter. Therefore, Salem requests an STA to operate at a nondirectional power of 1.25 kilowatts for a period of 90 days, while they await the arrival and installation of the new transmitter.

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)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth. Our review indicates that the proposed STA operation complies with Section 73.1680; however, in light of the greater potential for interference to other stations resulting from emergency nondirectional operation, operation also is authorized with parameters at variance and/or reduced power while maintaining monitor points within licensed limits as the preferred mode of operation.

Accordingly, the request for STA IS HEREBY GRANTED. Station WMCA may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation with an emergency nondirectional antenna and reduced power not to exceed 1.25 kilowatts daytime and nighttime is authorized, only as necessary to rebuild the day and night facilities in accordance with the station's license. It will be necessary to further reduce power or

¹ WMCA is licensed for operation on 570 kHz with 5 kilowatts, unlimited hours, employing the same directional pattern daytime and nighttime (DA-1-U).

cease operation if complaints of interference are received. Salem 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 **March 31, 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,


Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Salem Media of New York, LLC