

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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October 27, 2005

Joseph C. Chautin III, Esq.
Hardy, Carey & Chautin, LLP
110 Veterans Blvd., Suite 300
Metairie, LA 70005

Re: WBSN-FM, New Orleans, Louisiana
Facility Identification Number: 53677
Providence Educational Foundation
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed October 12, 2005, on behalf of Providence Educational Foundation (PEF). PEF requests special temporary authority (STA) to operate Station WBSN-FM from a site other than the licensed site.¹ In support of the request, PEF states that the licensed facility is inoperable due to damage from Hurricane Katrina.

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.

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

| | |
|---------------------------|---|
| Geographic coordinates: | 29° 55' 11" N, 90° 01' 29" W (NAD 1927) |
| Channel | 206 (89.1 MHz) |
| Effective radiated power: | 5 kilowatts (H&V) |
| Antenna type: | Nondirectional |
| Antenna height: | |
| above ground: | 134 meters |
| above mean sea level: | 134 meters |
| above average terrain: | 134 meters |

¹ Station WBSN-FM is licensed for operation on Channel 206C2 (89.1 MHz) with effective radiated power of 8.5 kilowatts (H&V), and antenna height of 190 meters above average terrain.

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.

PEF 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 **April 27, 2006**.

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: Providence Educational Foundation

Federal Communications Commission
Washington, D.C. 20554

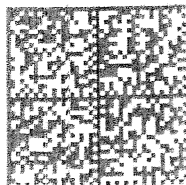
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