



Federal Communications Commission
Washington, D.C. 20554

July 22, 2022

Emmis Radio License, LLC
One Emmis Plaza
40 Monument Circle
Suite 700
Indianapolis, IN 46204

Re: Emmis Radio License, LLC
WFNI(AM), Indianapolis, IN
Fac. ID No.: 19521
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed July 13, 2022 on behalf of Emmis Radio License, LLC ("ERL"). ERL requests special temporary authority ("STA") to operate station WFNI(AM) from an alternate site location.¹

In support of the request, WFNI(AM) states that it suspended operation on August 3, 2021 due to the sale of the station's licensed antenna site and resulting dismantlement of the towers. The station has remained off the air since that date pursuant to Commission silent authority and must resume broadcast operations by 12:01 a.m., August 4, 2022 or its license will expire as a matter of law. Therefore, WFNI(AM) requests an STA to operate from an alternate site location with temporary facilities.

Specifically, WFNI(AM) requests temporary operation from the rooftop of ERL's studio/office building at 40 Monument Circle in Indianapolis, Indiana, while efforts are finalized to locate a new permanent site. A reduced power operation is proposed employing an Information Systems HPPR.0990 rooftop antenna system with a daytime and nighttime power of 200 watts. ERL states that the proposed antenna will be mounted on a steel pipe on the roof of the elevator penthouse structure atop the studio building. The only access to this area is via a set of stairs up to a normally locked roof hatch door. The rooftop is 44 meters above ground level and the top of the antenna will be 51 meters above ground level.

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 to the licensed community; (3) STA facilities must maintain, as closely as

¹ WFNI(AM) is licensed for operation on 1070 kHz with a daytime power of 50 kilowatts and a nighttime power of 10 kilowatts, employing different directional antenna patterns (DA2-U).

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.

Accordingly, the request for STA is GRANTED. Station WFNI(AM) may operate with the following facilities:

Geographic coordinates	39° 46' 04" N, 86° 09' 32" W (NAD 1927)
Frequency	1070 KHz
Hours of operation	Daytime and Nighttime
Operating power	0.2 kilowatt (Daytime and Nighttime)
Antenna	Information Systems HPPR.0990 mounted on the rooftop of the studio building
Theoretical RMS	109.51 mV/m/@1 km

It will be necessary to further reduce power or cease operation if complaints of interference are received. WFNI(AM) must notify the Commission when licensed operation is restored. WFNI(AM) 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 **January 18, 2023**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if broadcast operations do not commence by 12:01 a.m., August 4, 2022. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1)(1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also Public Notice*, Expedited Processing of Applications Filed by Silent Stations, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

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

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

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 dark ink, reading "Jerome J. Manarchuck". The signature is fluid and cursive, with the first name "Jerome" and last name "Manarchuck" clearly legible.

Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Gregory L. Masters, Esq. (via email only)