

2B450
Chow

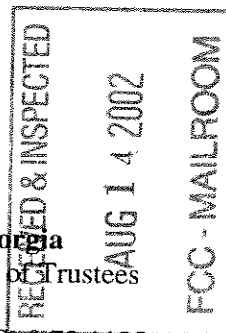
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

AUG 9 2002

In Reply Refer To:
1800B3-ACS

Wayne Coy, Jr. Esq.
Cohn and Marks, LLP
1920 N Street, N.W.
Washington, D.C. 20036

In re: **NEW(FM), Thomasville, Georgia**
Florida State University Board of Trustees
File No. BPED-19990618MC
Request for Waiver of 47 C.F.R. § 73.1125
Main Studio Rule
Facility ID No. 93708



Dear Counsel:

The staff has under consideration the above-referenced request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by Florida State University Board of Trustees ("Florida State").¹ Florida State has requested a waiver of the main studio requirement, in order to operate its proposed new noncommercial educational ("NCE") FM station in Thomasville, Georgia as a "satellite"² of its commonly-owned NCE FM station WFSQ(FM), Tallahassee, Florida. For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license; (2) within the principal community contour of any other broadcast station licensed to its community; or (3) within 25 miles of the center of the community of license. *See Report and Order*, Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations, 13 FCC Rcd 15691 (1998), *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("*Reconsideration Order*"). However, under Section 73.1125(b)(2), the Commission will waive this requirement where good cause exists to do so and where the proposed studio location "would be consistent with the operation of the station in the public interest." Each waiver request by an NCE station seeking to operate as the satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus found good cause exists to waive the main studio location requirement where satellite operations are proposed. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

¹Florida State amended its waiver request on June 20, 2002.

² A "satellite" station meets all of the Commission's technical rules; however, it originates no programming and instead rebroadcasts the parent station's programming. *See* Amendment of Multiple Ownership Rules, *Memorandum Opinion and Order*, 3 RR 2d 1554, 1562 (1964).

Florida State's request is based on the economies of scale which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. Florida State proposes to operate the Thomasville, Georgia station as a satellite of WFSQ(FM), Tallahassee, Florida, approximately 55 miles from Thomasville. Where there is a great distance between parent and satellite station, as here, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, Florida State has pledged to: (1) meet regularly with Thomasville community leaders to determine the concerns and needs of the Thomasville residents, (2) have at least one resident of Thomasville serve as an advisor, (3) create programming to address the cultural and political activities in Thomasville and (4) maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules.

Under these circumstances, we are persuaded that Florida State will meet its local service obligation and thus, grant of the requested waiver is consistent with the public interest. We remind Florida State however, of the requirement that it maintain a public file for the station at the main studio of the station at which its programming originates, and it must provide the accommodation to listeners or residents as required under the amended rules. *See Reconsideration Order*, 14 FCC Rcd at 11129, ¶45. Thus, in the instant case, Florida State must maintain the public file for the Thomasville facility at the main studio of parent station WFSQ(FM), Tallahassee, Florida.

Accordingly, the application filed by Florida State University Board of Trustees (File No. BPED-19990618MC) and the request for waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED.

Sincerely,

for

Peter H. Doyle, Chief
Audio Division
Office of Broadcast License Bureau
Media Bureau

cc: Florida State University