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In Reply Refer to: 1800B3-BSH

Michael Kestler, President
Calvary Chapel of Twin Falls, Inc.
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Mr. Aaron Reed
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In re: **WSMA(FM), Scituate, Massachusetts**
Facility ID No. 122202

Application for License to Cover
File No. BLED-20060331ASV
Petition for Reconsideration

Main Studio Waiver Request
File No. 20050201BWB

Dear Mr. Kestler, Mr. Reed, Mr. Ingoldsby, Ms. McSweeney, and Counsel:

We have before us: (1) a Request for waiver of Section 73.1125 of the Commission's Rules¹ regarding location of a broadcast station's main studio ("Waiver Request"), filed February 1, 2005, for Station WSMA(FM), Scituate, Massachusetts (the "Station") by CSN International, former licensee of the Station; (2) separate petitions for reconsideration ("Petitions") of the April 14, 2006, grant of the referenced WSMA(FM) application for license to cover a construction permit filed by Aaron Read April 18, 2006, by Joseph E. Ingoldsby on May 5, 2006, and by Patricia M. McSweeney on May 15, 2006 (collectively, the "Petitioners"); and (3) a request to dismiss the Waiver Request ("Dismissal Request") filed June 16, 2008, by Calvary

¹ 47 C.F.R. § 73.1125.

Chapel of Twin Falls, Inc. ("Calvary"), current licensee of the Station. For the reasons discussed below, we grant the Dismissal Request, dismiss the Waiver Request, and deny the Petitions.


Petitioners have all based their requests for reconsideration of the license application grant on their objections to grant of the Waiver Request for the Station.² The Waiver Request sought, in order to provide economies of scale, permission to co-locate the WSMA(FM) studio with co-owned Station WJWT(FM), Gardner, Massachusetts, at Station WJWT(FM)'s Fitchburg, Massachusetts, studio location. The Waiver Request further proposed to operate WSMA(FM) as a 'satellite station' of WJWT(FM). Petitioners argue that grant of the Waiver Request would do harm to localism, and that any good that might result by a grant would be outweighed by such harm.

Subsequently, on August 31, 2006, CSN International's counsel filed a letter supported by a Declaration made subject to penalty of perjury by James Motshagen, the administrator "in overall charge of the construction"³ of the Station. The Declaration provides the following information. The station was granted program test authority on April 14, 2006. At that time, construction of the Station's main studio at 400A Franklin Street, Braintree, Massachusetts was not yet complete. The Station went on broadcast from a temporary studio at the Station's tower site from that date until the second week of May, 2006. The temporary studio was manned by the local manager for a minimum of five hours a day, could originate programming, was equipped with a published telephone number and that telephone number was often mentioned on the air. The public file was located at the temporary studio. By the second week of May, 2006, the main studio in Braintree was complete and the Station discontinued operations from the temporary studio.

The Declaration adds that the Station "has continued to operate from the Braintree studio, ever since. It is fully attended, and the public file is located there."⁴ We find that the information provided in the Declaration supports grant of the Dismissal Request, dismissal of the Waiver Request and, therefore, denial of the Petitions.

Accordingly, Calvary Chapel of Twin Falls, Inc.'s request to dismiss the Station's Main Studio Waiver Request IS GRANTED, the February 1, 2005, Main Studio Waiver Request (File No. 20050201BWB) IS DISMISSED, and the petitions for reconsideration of the grant of the application for license to cover (File No. BLED-20060331ASV) filed by Aaron Read, Joseph E. Ingoldsby, and Patricia M. McSweeney ARE DENIED.

Sincerely,


Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Brian M. Madden, Esq.

² We have also received numerous informal objections to grant of the Waiver Request. In light of our dismissal of the Waiver Request, these informal objections are dismissed as moot. Calvary is hereby directed to keep a copy of this letter in the Station's public file, so as to be available to the informal objectors, as well as the general public.

³ Declaration at 1.

⁴ *Id.* at 2.