

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

DEC 03 2003

**IN REPLY REFER TO:
1800B3-VFA**

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1), Rome, New York

**Request for Waiver of § 73.1125
(Main Studio Rule)**

Dear Mr. Smithwick:

This staff has under consideration the request of Bible Broadcasting Network, Inc. ("BBN") for a waiver of the Commission's main studio requirement, 47 C.F.R Section 73.1125, in order to operate WYFY(FM), Rome, New York, as a satellite of its commonly owned noncommercial educational (NCE) station WYFQ(AM), Charlotte, North Carolina.¹

Pursuant to Section 73.1125(a) a main studio must be located either (1) within a station's principal community of license contour, (2) within the contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community of license.² However, under Section 73.1125(b)(2), the Commission will waive these requirements 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

¹ A "satellite" 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 RR2d 1554, 1562 (1964).

² See *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").

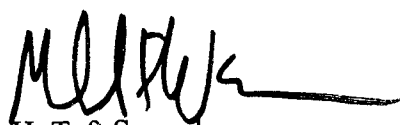
operations are proposed.³ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁴

BBN states that, while WYFY has full production capability it is struggling to meet the financial burden of operating WYFY as a fully staffed and independently programmed station. BBN's request is thus 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. Section 73.1125(a)(4) under these circumstances. BBN proposes to operate WYFY, Rome, New York as a satellite of station WYFQ, Charlotte, North Carolina, approximately 622 miles from Rome. Where there is a great distance between parent and satellite stations, 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, the staff of BBN has pledged: (1) to have a Community Advisory Board ("CAB") with at least one member from Rome; (2) to utilize that CAB member to ascertain the needs of WYFY's listening audience on a quarterly basis; (3) to originate programming and public service announcements from WYFY designed to meet the ascertained needs and interests of Rome; and (4) to maintain a toll free telephone number between Rome and the WYFQ main studio in Charlotte, North Carolina.

Under these circumstances, we are persuaded that BBN will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind BBN, however, of the requirement that it maintain a public file for WYFY(AM) at the main studio of the "parent" station, WYFQ(AM). It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind BBN that, notwithstanding the grant of the waiver requested here, the public file for WYFY(AM) must contain the quarterly issues and programs list, as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, the waiver request of 47 C.F.R. Section 73.1125, filed by Bible Broadcasting Network, Inc. IS HEREBY GRANTED.

Sincerely,


H. Taft Snowden
Supervisory Attorney
Audio Division
Media Bureau

³ *Id.*

⁴ *Id.*

⁵ See *Reconsideration Order*, 14 FCC Rcd at 11129.