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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
July 24, 2003

IN REPLY REFER TO:
1800B3-MH

Jeffrey D. Southmayd, Esquire
Southmayd & Miller
1220 19th Street, N.W., Suite 400
Washington, D.C. 20036

RECEIVED & INSPECTED
JUL 28 2003
FCC - MAILROOM

In Re: WSOR(FM) Naples, Florida
The Moody Bible Institute of Chicago
Facility ID No. 51506

Application for Minor Change
File No. BPED-20030404ABN and
Request for Waiver of 47 C.F.R. § 73.1125

Dear Mr. Southmayd:

This letter refers to the captioned minor change application of The Moody Bible Institute of Chicago ("Moody") licensee of WSOR(FM), Naples, Florida, requesting waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, to permit WSOR(FM) to operate as a "satellite" of station WKES(FM), Lakeland, Florida.¹ Pursuant to Report and Order, Amendment of Parts 73 and 74 of the Commission's Rules to Permit Minor Changes in Broadcast Facilities Without a Construction Permit,² an application is no longer required for noncommercial educational applicants seeking waiver of the main studio rule. For the reasons set forth below, we will dismiss Moody's application but consider and grant the waiver request contained as an exhibit to that application.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community 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.³ 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" station meets all of the Commission's technical rules. However, it originates no programming and instead rebroadcasts the parent station's programming.

² 12 FCC Rcd 12371 (1997).


³ 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").

operations are proposed.⁴ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁵

Moody's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a)(4) under these circumstances. Moody proposes to operate WSOR(FM) as a satellite station of WKES(FM), Lakeland, Florida, approximately 151.2 miles from Naples. Where there is great distance between the parent and the satellite station, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, Moody has pledged: (1) to establish a local citizen's advisory board consisting of residents of the community of Naples; (2) that the board will meet quarterly on conference calls with management employee of WKES(FM) to discuss the local issues of public concern facing the community; (3) to have at least one in-person meeting each year open to members of the public to attend and participate; (4) to include news insertions in its local broadcasts on WKES(FM) to include segments regarding events in Naples; (5) that it will periodically broadcast public affairs programming responsive to the local issues of public concern in ascertained by Moody in connection with its local information gathering efforts; and (6) to maintain a toll-free telephone number between Naples and the Moody studio facilities, as required by Section 73.1125(d) of the rules and maintain a public inspection file for the station in the Naples community.

In these circumstances, we are persuaded that Moody will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind Moody, however, of the requirement that it maintain a public file for the Naples, Florida at the main studio of the "parent" station, WKES(FM), Lakeland, Florida. It must make reasonable accommodation for listeners wishing to examine the file's contents.⁶ We further remind Moody that, notwithstanding the grant of the waiver requested here, the public file for WSOR(FM) must contain the quarterly issues and programs list for Naples, Florida as required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application (File No. BPED-20030404ABN) of The Moody Bible Institute of Chicago to modify facilities of WSOR(FM), Naples, Florida, IS DISMISSED and its request for waiver of 47 C.F.R. § 73.1125, IS GRANTED.

Sincerely,

Peter H. Doyle, Chief
Audio Division
Media Bureau

⁴ Id.

⁵ Id.

⁶ See *Reconsideration Order*, 14 FCC Rcd at 11129 ¶45.