

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON, DC 20554

In Reply Refer to:
1800B3

JUL 2 2003

J. Richard Carr, Esq.
5528 Trent Street
Chevy Chase, MD 20815

In re: **WSPM(FM), Cloverdale, IN**
Facility ID No. 93486
Hoosier Broadcasting Corporation

BLED-20020930ABP
Request for Waiver of 47 C.F.R.
Section 73.1125

Dear Mr. Carr:

The staff has under consideration the captioned application of the Hoosier Broadcasating Cooperation ("Hoosier") for license to cover the construction permit of Station WSPM(FM), Cloverdale, Indiana. The application, which was supplemented on December 23, 2002 and January 10, 2003, includes a request for waiver of the Commission's main studio rule, 47 C.F.R. §73.1125, in order to operate station WSPM(FM) as a "satellite" of Hoosier's station WIRE(FM), Lebanon, Indiana.¹ For the reasons set forth below, we will grant Hoosier's request for waiver and its license application.

Pursuant to Section 73.1125, a station's main studio must be located either (1) within a station's principal community contour; (2) within the principal community contour of any other broadcast station licensed to its community; or (3) within 25 miles of the center of its community.² 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 a noncommercial educational ("NCE") station seeking to operate as the satellite of another NCE

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. *See Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR 2d 1554, 1562 (1964). Hoosier indicates in a December 23, 2002 supplement to its waiver request that it did not request a waiver in its construction permit application because it did not anticipate that the application would be mutually exclusive with other applications; Hoosier states that, in facilitating a settlement with the competing applications, it spent more money to settle than it anticipated and now needs the cost savings of operating from the WIRE studio location.

² *See Report and Order, Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast and radio stations*, 13 FCC Rcd 15,691 (1998); *recon. granted in part*, 14 FCC Rcd 11,113 (1999) ("Reconsideration Order").

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 has found that "good cause" exists to waive the main studio location requirement where satellite operations are proposed.³ In order to receive a satellite main studio waiver, an applicant must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁴

Hoosier's request is based on the economies of scale which would be realized by grant of its waiver, *i.e.*, avoiding the cost of equipping, operating, and staffing a main studio in the Cloverdale, Indiana area. Hoosier indicates that "parent" station WIRE(FM) is moving to a new studio location and it seeks to collocate the WSPM(FM) studios at that location to cut operating costs. Hoosier also indicates that it has several other pending applications for noncommercial educational FM stations in central Indiana which, if granted, will form a state-wide network. Hoosier states that it plans to air three program services from its centralized location at the WIRE(FM) studios and that, if it was required to construct and staff separate studios it could not afford to air separate formats. Thus, Hoosier requests the instant waiver notwithstanding the representation that it would comply with Section 73.1125 in the original WSPM(FM) construction permit application.

We conclude that Hoosier has demonstrated "good cause" to waive 47 C.F.R. Section 73.1125(a)(4) and operate WSPM(FM) as a satellite of co-owned station WIRE(FM), Lebanon, Indiana. Cloverdale is approximately 60 miles from Lebanon. Where there is a considerable distance between parent and satellite stations, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests and respond to them in its programming. To that end, Hoosier states that it will ascertain the needs and interests of Cloverdale residents by: (1) conducting an annual telephone survey of randomly selected residents of Cloverdale to determine their principal issues of concern; (2) promoting and conducting an annual public meeting in Cloverdale at which a Hoosier representative will solicit and discuss local issues of public concern; (3) sending 20 questionnaires per month (60 per quarter) to randomly selected homes in Cloverdale soliciting their comments and questions regarding WSPM(FM) programming and the problems and needs of the community; (4) making on-air requests of listeners to contact Hoosier by mail or e-mail concerning issues and problems important to them. Hoosier also commits to reflecting the results of its ascertainment efforts in its programming. Finally, Hoosier states that it will keep a copy of the WSPM(FM) public inspection file both at the main studio, as required by Section 73.1125, but also at the conveniently located and well used public library in Greencastle, Indiana, 10 miles from Cloverdale,⁵ and will maintain a toll-free telephone line from Cloverdale to the WIRE(FM) studio in Lebanon.

In these circumstances, we are persuaded that Hoosier will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest. We

³ *Id.*

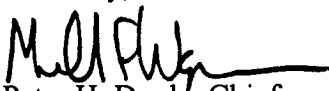
⁴ *Id.*

⁵ Hoosier states that it has posted a display at a "very public location" at the library asking people to notify WSPM, either by phone or in writing, of problems or issues concerning the community.

remind Hoosier, however, of the requirement that it maintain a public file for its Cloverdale, Indiana station at the main studio of the "parent" station, WIRE(FM), Lebanon, Indiana. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁶ We further remind Hoosier that, notwithstanding the grant of the waiver requested here, the public file for WSPM(FM) must contain the quarterly issues and programs list for Cloverdale, Indiana, required by 47 C.F.R. § 73.3527(e)(8).

We have also examined Hoosier's license application and find that it complies with all pertinent statutory and regulatory requirements and that the WSPM(FM) facilities were constructed in accordance with the terms of its authorization. We therefore find that the public interest, convenience, and necessity would be furthered by its grant. In keeping with these findings, and in reliance upon the representations listed above, the license application (File No. BLED-20020930ABOP) of the Hoosier Broadcasting Corporation for station WSPM(FM), Cloverdale, Texas, and its request for waiver of 47 C.F.R. § 73.1125, ARE GRANTED. The authorization is enclosed.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: Hoosier Broadcasting Corporation

⁶ See *Reconsideration Order*, 14 FCC Rcd at 11,129 ¶ 45.