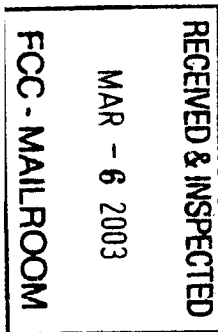


M. Wagner
2-A523

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
March 3, 2003

IN REPLY REFER TO:
1800B3-MH



Wayne D. Johnsen, Esquire
Wiley Rein & Fielding, LLP
1776 K Street, NW
Washington, D.C. 20006

In Re: WJCN(FM) Nassawadox, Virginia
CSN International
Facility ID No. 91505
Request for Waiver of 47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Mr. Johnsen:

The staff has under consideration the above-referenced October 23, 2002, request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by CSN International ("CSN").¹ CSN seeks a waiver of Section 73.1125 in order to operate WJCN(FM), Nassawadox, Virginia, as a "satellite" of its noncommercial educational ("NCE") FM station, WGPS(FM), Elizabeth City, North Carolina.² For the reasons set forth below, we will waive Section 73.1125 and grant CSN's request.³

Main Studio Waiver. 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) with 25 miles of the center of its community of license.⁴ 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 operations are proposed.⁵ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁶

CSN'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)

¹ CSN supplemented its waiver request on February 21, 2003.


² On February 6, 2003, CSN filed FCC Form 302-FM (File No. BLED-20030206ACQ) to cover outstanding construction permit.

under these circumstances. CSN proposes to operate WJCN(FM), Nassawadox, Virginia as a satellite station of WGPS(FM), Elizabeth City, North Carolina, approximately 84 miles from Nassawadox, Virginia. Where there is great distance between the parent and the 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, CSN: (1) will appoint a local representative in Nassawadox who will keep WGPS's management abreast of local issues of interest and concern to Nassawadox residents; (2) employees will visit Nassawadox quarterly to ascertain community issues, publicizing these visits in advance over the air, and identifying a time and a place where local residents may meet with CSN management; (3) will maintain a web page which permits listeners throughout the CSN network and beyond to have input regarding the programming broadcast on CSN stations; (4) will provide broadcast of news and public service announcements pertinent to Nassawadox residents addressing the issues ascertained by WGPS and CSN management; (5) will maintain a toll-free telephone number between Nassawadox and the CSN studio facilities, as required by Section 73.1125(d) of the rules.

In these circumstances, we are persuaded that CSN will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind CSN, however, of the requirement that it maintain a public file for the Nassawadox, Virginia station at the main studio of the "parent" station, WGPS(FM), Elizabeth City, North Carolina. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁷ We further remind CSN that, notwithstanding the grant of the waiver requested here, the public file for WJCN(FM) station must contain the quarterly issues and programs list for Nassawadox, Virginia as required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request made by CSN International for a waiver of 47 C.F.R. § 73.1125 IS GRANTED.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau

³ A "satellite" station meets all of the Commission's technical rules. However, it originates no programming and instead rebroadcasts the parent station's programming.

⁴ 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 15, 691 (1998): recon. granted in part, 14 FCC Rcd 11, 113 (1999) ("Reconsideration order").

⁵ *Id.*

⁶ *Id.*

⁷ See *Reconsideration Order*, 14 FCC Rcd at 11, 129 ¶ 45.