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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554  
JAN 13 2003

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IN REPLY REFER TO:  
1800B3-MH

Malcolm G. Stevenson, Esquire  
Schwartz, Woods & Miller  
Suite 300, The Dupont Circle Building  
1350 Connecticut Avenue, N.W.  
Washington, D.C. 20036-1717

In re: **WBMP(FM), WARWICK, PA**  
**Facility ID No. 91617**  
Four Rivers Community Broadcasting Corporation  
File No. BMPED-20020730ABZ

Request for Waiver of 47 C.F.R. §73.1125

Dear Mr. Stevenson:

We have on file Four Rivers Community Broadcasting Corporation's ("FRCB") above-referenced application, as amended, for modification of construction permit for unbuilt noncommercial educational FM station WBMP(FM), Warwick, Pennsylvania and its waiver of 47 C.F.R. § 73.1125, the main studio rule.<sup>1</sup> For the reasons set forth below, we will grant FRCB's waiver request and its application.

*Waiver Request.* FRCB proposes to operate WBMP(FM) as a satellite of co-owned noncommercial educational FM station WBYO(FM), Sellersville, Pennsylvania, approximately 27 miles from Warwick.<sup>2</sup> FRCB submits that authorization of the proposed station to operate from the WBYO(FM) studio facilities at Souderton will permit more resources to be allocated toward programming rather than duplicating the administration and management that is in place at the WBYO(FM)'s studios.

Pursuant to § 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.<sup>3</sup> However, under Section

<sup>1</sup> The waiver request was supplemented on September 18, 2002 and October 4, 2002.  
<sup>2</sup> A "satellite" station meets all of the Commission's technical rules. However, it originates no programming and instead broadcast the parent station's programming. See *Amendment of Multiple Ownership Rules*, 3 RR2d 1554, 1562 (1964). FRCB proposes to utilize the WBYO(FM) main studio at 746 Route 113 in Souderton, Pennsylvania.

<sup>3</sup> 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*").

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.<sup>4</sup> A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 “public interest” standard.<sup>5</sup>

FRCB’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. Section 73.1125(a)(4) under these circumstances. The Commission expects the licensee of a satellite station to take adequate measures to maintain its awareness of the satellite community’s needs and interests. Where there is considerable distance between the parent and the satellite station, 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, FRCB has pledged to: (1) contact Warwick community leaders by telephone, letter, or e-mail on a quarterly basis to solicit their views regarding community issues of public concern warranting responsive programming; (2) meet in person with Warwick community leaders at least once per year; (3) ensure the availability of its governing board members to meet with Warwick Community leaders upon request; (4) maintain the local public inspection file in accordance with Commission’s rules; and (5) maintain a toll-free telephone number available for contacting the station studios and management.

In these circumstances, we are persuaded that FCRB will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind FRCB, however, of the requirement that it maintain a public file for the proposed station at the main studio of the “parent” station, WBYO(FM), and make reasonable accommodation to listeners wishing to view the contents of the file.<sup>6</sup> We further remind FRCB that notwithstanding the grant of the waiver requested here, the public file for WBMP(FM) must contain the quarterly issues and programs list required by 47 C.F.R. § 73.3527(e)(8). With these *caveats* underscoring FRCB’s obligations to the residents of Warwick, its request for waiver of 47 C.F.R. § 73.1125 will be granted.

*Modification application/Actions.* We have also examined FRCB’s modification application and find that it complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience and necessity would be furthered by its grant.

Accordingly, Four Rivers Community Broadcasting Corporation’s request for waiver of

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<sup>4</sup> *Id.*


<sup>5</sup> *Id.*

<sup>6</sup> See *Reconsideration Order*, 14 FCC Rcd at 11,129, paragraph 45.

47 C.F.R. Section 73.1125 and its application (File No.BMPED-20020730ABZ) ARE HEREBY GRANTED. The authorization is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", with a long horizontal flourish extending to the right.

 Peter H. Doyle, Chief  
Audio Division  
Media Bureau