

JB-450-mw

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
December 12, 2002

IN REPLY REFER TO:
1800B3-EB

RECEIVED & INSPECTED
DEC 17 2002
FCC - MAILROOM

Donald E. Wildmon, President
American Family Association
P.O. Drawer 3206
107 Parkgate
Tupelo, MS 38803

In Re: WPAS(FM), Pascagoula, MS
American Family Association
Facility ID No. 1699

Request for Waiver of 47 C.F.R. §
73.1125 (Main Studio Rule)

Dear Mr. Wildmon:

The staff has under consideration the referenced June 14, 2002 request for a waiver of the Commission's main studio requirement, 47 C.F. R. Section 73.1125, filed by American Family Association ("AFA"). In this request, AFA seeks a waiver of Section 73.1125 in order to operate WPAS(FM) as a "satellite" station of its noncommercial educational FM station WAFR(FM) Tupelo, Mississippi.¹ For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license, (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 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 operation 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.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

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 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").

³ *Id.*

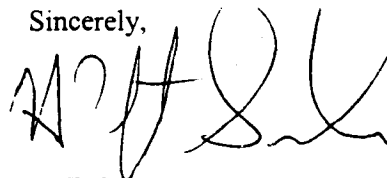
⁴ *Id.*

AFA'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) under these circumstances. AFA proposes to operate WPAS(FM), Pascagoula, Mississippi as a satellite station of WAFR(FM) Tupelo, Mississippi, approximately 268 miles from Pascagoula. Where there is considerable distance between the parent and the satellite station, 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, AFA has pledged to meet its local service obligations by: (1) adding to its Community Advisory Board at least one resident of Pascagoula who will be asked to provide recommendations on community needs and programming directly to the management of AFA; (2) soliciting listeners' opinions regarding community issues that should be addressed during program planning during each regular "Shareathon" (pledge drives normally held every six months). AFA will track the listener response by community and factor those responses in its planning of the program schedule and the issues to be addressed; (3) providing periodic local programming for Pascagoula, including coverage of significant local news or cultural events; (4) providing for the broadcast of local public service announcements; (5) maintaining its public file within the community of license and will maintain a toll-free number; and (6) maintaining a public inspection file for the station within the Pascagoula community.

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

Accordingly, the request made by American Family Association for waiver of 47 C.F.R. Section 73.1125, IS GRANTED.

Sincerely,



H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau

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