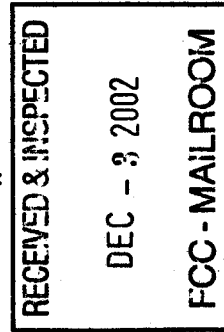


M. Wagner
2-A523

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
November 26, 2002

IN REPLY REFER TO:
1800B3-MH



A Wray Fitch, III, Esquire
Gammon & Grange, P.C.
Seventh Floor
8280 Greensboro Drive
McLean, VA 22102-3807

In Re: WZXX(FM), LAWRENCEBURG, TENNESSEE
Facility ID No. 89511
WAY-FM Media Group, Inc.

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

Dear Mr. Fitch:

The staff has under consideration the above-referenced May 16, 2002, request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by WAY-FM Media Group, Inc. ("WAY-FM").¹ WAY-FM seeks a waiver of Section 73.1125 in order to operate WZXX(FM), Lawrenceburg, Tennessee, as a "satellite" of its noncommercial educational ("NCE") FM station, WAYM(FM), Columbia, Tennessee.² For the reasons set forth below, we will grant WAY-FM's request and waive Section 73.1125.

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 principal 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 operations are proposed.⁴ A satellite station

WAY-FM supplemented its waiver request on November 20, 2002.

² A "satellite" station meets all of the Commission's technical rules. However, it originates no programming and instead rebroadcasts the parent station's programming.

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 15,691 (1998); *recon. granted in part*, 14 FCC Rcd 11,113 (1999) ("Reconsideration Order")

⁴ *Id.*


must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁵

WAY-FM's request is based on the economies of scale which would be realized by grant of its waiver. It claims that a waiver is necessary due to the limited funding available to noncommercial educational stations in small markets such as Lawrenceburg. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a)(4) under these circumstances. WAY-FM proposes to operate WZXX(FM), Lawrenceburg, Tennessee, as a satellite station of WAYM(FM), Columbia Tennessee approximately 36 miles from Lawrenceburg. 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, WAY-FM has pledged to: (1) establish a community advisory board consisting of least one resident of Lawrenceburg who will provide input and recommendations on community needs; (2) conduct interviews with residents and community leaders to assess community needs and programming on a quarterly basis; (3) provide periodic local programming for Lawrenceburg residents, including coverage of significant local news or cultural events; and (4) maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and maintain a public inspection file for the station within the Lawrenceburg community.

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

Accordingly, the request made by WAY-FM Media Group, Inc. for a waiver of 47 C.F.R. § 73.1125 IS GRANTED.

Sincerely,


for Peter H. Doyle, Chief
Audio Division
Media Bureau