

2-A523

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

October 04, 2002

IN REPLY REFER TO:

1800B3-VFA

Ernest T. Sanchez, Esq.  
Sanchez Law Firm  
2000 L Street, NW  
Suite 200  
Washington, DC 20036

RECEIVED & INSPECTED  
OCT - 9 2002  
FCC - MAILROOM

In re: WAJW(FM), Chesterton, IN  
The WBEZ Alliance, Inc.  
Facility ID No. 3248  
Application for Assignment of License  
BALED-20020708AAE

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

Dear Mr. Sanchez:

The staff has under consideration an application requesting approval of the assignment of the license for WAJW(FM), Chesterton, Indiana, from Auricle Communications ("Auricle") to The WBEZ Alliance, Inc ("WBEZ"). WBEZ has requested a waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125 in order to operate WAJW(FM) as a satellite of its commonly owned noncommercial educational ("NCE") station, WBEZ(FM), Chicago, Illinois.<sup>1</sup> For the reasons set forth below, we will grant the assignment application and WBEZ's request to waive Section 73.1125.

Assignment application. We have reviewed the application to assign WAJW (FM) from Auricle to WBEZ. We find that Auricle and WBEZ are fully qualified to sell and acquire, respectively, station WAJW(FM). We also find that WBEZ is fully qualified to be the licensee of WAJW(FM) and the routine grant of the assignment application would further the public interest, convenience and necessity.

Main Studio Waiver. Pursuant to Section 73.1125(a), a main studio must be located either (1) within the station's principal community contour, (2) within the principal community contour of any other broadcast station licensed to its community, or

<sup>1</sup> A "satellite" station meets all of the Commission's technical rules. However, it originates no programming and instead rebroadcast the parent station's programming. See Memorandum Opinion and Order Amendment of Multiple Ownership Rules, 3 RR2d 1554, 1562 (1964).

(3) within 25 miles of the center of its community.<sup>2</sup> 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 the 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.<sup>3</sup> A satellite station must, however, demonstrate that it will meet its local obligation to satisfy the Section 73.1125 “public interest” standard.<sup>4</sup>

WBEZ’s request is based on the economies of scale which would be realized by grant of its waiver.<sup>5</sup> We agree and conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. WBEZ proposes to operate WAJW(FM), Chesterton, Indiana as a satellite station of WBEZ(FM), Chicago, Illinois, approximately 40 miles from Chesterton, Indiana. Where there is great distance between the parent and the satellite station, and where the parent and satellite station are in difference states, 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, the staff of WBEZ has pledged to: (1) subscribe to the local newspaper, the *Chesterton Tribune*; (2) deploy personnel to cover the problems, needs and interests of Chesterton and consult with civic community leaders on at least a quarterly basis; (3) assure that the news and cultural programming provided includes contributions from Porter County and Chesterton specifically including news, public affairs, cultural events, political elections and results in Chesterton; (4) develop and maintain a web page that will solicit public feedback on programming; (5) maintain a duplicate inspection file for WAJW(FM) in Chesterton; and (6) maintain a toll-free telephone number between Chesterton, Indiana and the WBEZ(FM) main studio.

In these circumstances, we are persuaded that WBEZ will meet its local service obligation and thus that grant of the requested waiver is consistent with the public interest. We remind WBEZ, however, of the requirement that it maintain a public file for the Chesterton, Indiana station at the main studio of the “parent” station, WBEZ(FM), Chicago, Illinois. It must also make reasonable accommodation for listeners wishing to examine the file’s contents.<sup>6</sup> We further remind WBEZ that, notwithstanding the grant

---

<sup>2</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 Station*, 13 FCC Rcd 15691 (1198); *recon granted in part*, 14 FCC Rcd 11113 (1999) (“*Reconsideration Order*”).

<sup>3</sup> *Id.*

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

<sup>5</sup> WBEZ notes that it can save approximately \$60,000 annually by not equipping and staffing a station in Chesterton.

<sup>6</sup> See *Reconsideration Order*, 14 FCC Rcd at 11129 Paragraph 45.

of waiver requested here, the public file for WAJW(FM) must contain quarterly issues and programs list for Chesterton, Indiana required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, the application to assign the license of WAJW(FM) from Auricle Communications to The WBEZ Alliance, Inc. and the associated request for a waiver of 47 C.F.R. Section 73.1125, IS GRANTED.

Sincerely,

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

Peter H. Doyle, Chief  
Audio Division  
Media Bureau