

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C. 20554

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IN REPLY REFER TO:
1800B3-ALM

DISPATCHED

Cynthia J. Larose, Esq.
Arter & Hadden
1801 K Street, N.W.
Suite 400K
Washington, D. C. 20006-1301

Re: New Educational FM station in Ocean City, Maryland, BPED-960820MA

Dear Ms. Larose:

The staff has under consideration the application of Salisbury State University Foundation, Inc. ("Foundation") to construct a new noncommercial, educational FM station in Ocean City, Maryland (File No. BPED-960820MA). Foundation requests waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the proposed Ocean City facility as a satellite of commonly owned NCE station WSCL(FM), Salisbury, Maryland.¹ For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant Foundation's application for a construction permit.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of its community of license. Amendment of Sections 73.1125 and 73.1130, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), the Commission will waive this requirement 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. Id. A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. Id.

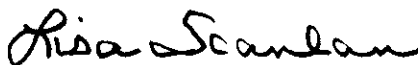
Foundation's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. Foundation proposes to operate the proposed Ocean City station as a satellite of WSCL(FM), Salisbury, Maryland, approximately 30 miles from

¹A "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).

Ocean City. 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. To that end, Foundation has pledged to: (1) systematically ascertain the problems, needs and interests of the Ocean City area by regularly contacting local officials and community leaders whose input will be reflected in the proposed station's news, public affairs and informational programming; (2) regularly deploy news stringers to Ocean City and incorporate local news in its overall local and regional coverage; (3) add one or more leaders from the Ocean City political, civic and/or religious community to its advisory board; (4) maintain a toll-free telephone number between Ocean City and the WSCL(FM) main studio in Salisbury; and (5) place the proposed station's public inspection file in Ocean City. In these circumstances, we are persuaded that Foundation will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of Salisbury State University Foundation, Inc. for a new educational FM station in Ocean City, Maryland (File No. BPED-960820MA) and the request for waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED. The authorization will be forwarded under separate cover.

Sincerely,



Linda Blair, Chief *for*
Audio Services Division
Mass Media Bureau