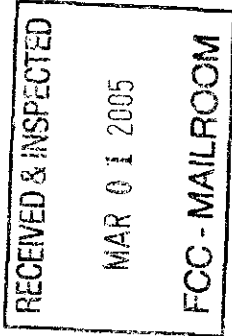


FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554

February 25, 2005

IN REPLY REFER TO:  
1800B3-ALM

Patrick J. Vaughn, Esquire  
General Counsel  
American Family Association  
Post Office Drawer 2440  
Tupelo, Mississippi 38803



In re: **WBEL(FM), Cairo Illinois**  
Facility ID No. 87567

**WAWF(FM), Kankakee, Illinois**  
Facility ID No. 78927

**WBMF(FM), Crete, Illinois**  
Facility ID No. 89339

**WWGN(FM), Ottawa, Illinois**  
Facility ID No. 13926

Requests For Waiver of the Main  
Studio Rule, Section 73.1125

Dear Mr. Vaughn:

This is reference to the July 7, 2004, and December 3, 2004, requests for waivers of the Commission's main studio rule, Section 73.1125, for the above captioned stations<sup>1</sup> filed by American Family Association ("AFA"). AFA proposes to operate these stations as satellite stations of commonly owned noncommercial educational FM station, WAFR, Tupelo, Mississippi. Voice of One Communications ("Voice") and The Honorable Robert M. Eschbach, Mayor of the City of Ottawa, Illinois ("The Mayor") filed Informal Objections to the request for waiver to operate WWGN(FM) as a satellite station on December 27, 2004, and January 14, 2005, respectively.<sup>2</sup>

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<sup>1</sup> Supplements to the waiver requests for WWGN(FM), WAWF(FM), and WBMF(FM) were submitted on February 10, 2005 and for WBEL(FM) on February 11, 2005. Additional material was submitted at the request of the staff on February 21, 2005 (correcting an erroneous prior assertion that AFA "no longer owns" WWGN(FM) by unequivocally asserting that AFA does in fact still own that station) and February 22, 2005 (supplying a copy of a "Lease Management Agreement" between AFA and Family Worship Center Church, Inc. executed in May of 2004).


<sup>2</sup> AFA filed an Opposition to Voice's Informal Objection on December 30, 2004, to which Voice submitted a Reply dated February 8, 2005.

case basis. The Commission has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus has found that "good cause" exists to waive the main studio location requirement where satellite operations are proposed.<sup>7</sup> However, in order to receive a satellite main studio waiver, an applicant must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.<sup>8</sup>

In this case, the Commission has previously found to be in the public interest and granted waiver of the Main Studio Rule to AFA for the Cairo, Kankakee, and Crete stations based on the same public interest showing now submitted for WWGN(FM).<sup>9</sup> Moreover, AFA has demonstrated the loss of its existing studio for WWGN(FM) and that it has submitted an application to assign the license of this station. Accordingly, the public interest is not well served by compelling AFA to take station WWGN(FM) off the air as it constructs or acquires a new studio that it may only operate until the station is sold. Additionally, AFA stated in its opposition to Voice's Informal Objection that, in the event the proposed sale of WWGN(FM) to Family Worship Center is unsuccessful, AFA still plans to operate WWGN(FM) as a satellite of WAFR(FM) in Tupelo. Accordingly, we shall deny the informal objections and grant the waivers requested by AFA.

**Conclusion:** For the reasons set forth above, the informal objections filed by Voice of One Communications and The Mayor of Ottawa, Illinois, ARE DENIED and AFA's requests ARE GRANTED. However, AFA is reminded that the public inspection files for WBEL(FM), WAWF(FM), WBMF(FM), and WWGN(FM) must now be maintained at the main studio of the new "parent" station, WAFR(FM), Tupelo, Mississippi, and that it must make reasonable accommodation for listeners wishing to examine the file's contents.<sup>10</sup> Additionally, notwithstanding grant of the requested waivers here, the public inspection files for each of these stations must contain the quarterly issues and programs list for their communities of license required by Section 73.3527(3)(8) of the rules. Finally, the actions taken herein are without prejudice to any action on the contested assignment and renewal applications for WWGN(FM) that are currently pending before the Commission.

Sincerely,

  
for Peter H. Doyle, Chief  
Audio Division  
Media Bureau

cc: Voice of One Communications  
Hon. Robert M. Eschbach

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Those representations are now repeated in the request to change the "parent" station for the Cairo, Kankakee, and Crete satellite stations to WAFR(FM), and thus those proposals may be approved.

<sup>10</sup> See *Reconsideration Order*, 14 FCC Rcd at 11129 ¶ 45.

**Background.** Commission records reflect that, in response requests for waiver of Section 73.1125 filed by AFA, on the Chief, Audio Division, on August 6, 2002, authorized and WBEL(FM), Cairo, Illinois, WAWF(FM), Kankakee, Illinois, and WBFM(FM), Crete, Illinois, to operate as satellites of WWGN(FM), Ottawa, Illinois.<sup>3</sup> In support of its requests for waivers of Section 73.1125, AFA pledged to maintain a community presences in Kankakee and Crete by (1) adding members from Cairo, Kankakee, and Crete to its community advisory board; (2) soliciting listeners opinions, during semi-annual pledge drives, regarding community issues in Cairo, Kankakee, and Crete that should be addressed during programming; (3) providing for periodic local programming for Cairo, Kankakee, and Crete, including coverage of significant local news or cultural events; (4) maintaining toll free telephone numbers from Cairo, Kankakee, and Crete to the WWGN(FM) main studio.

**Waiver Requests.** On July 7, 2004, AFA filed a request to modify the WBEL(FM) main studio waiver to specify its noncommercial educational station, WAFR(FM), Tupelo, Mississippi, as the originating station because AFA had submitted an application to assign the license of WWGN(FM).<sup>4</sup> Similar requests were submitted on December 3, 2004, for WAWF(FM), WBFM(FM), and WWGN(FM). AFA has pledged to maintain the public interest commitments made previously for the Cairo, Kankakee, and Crete stations, and to establish the same public interest obligations for WWGN(FM). On February 11, 2005, AFA requested expedited processing of the waiver requests because it was being evicted from the WWGN(FM) studio facilities on February 28, 2005.

**Informal Objections:** Voice and The Mayor object to the operation of WWGN(FM), Ottawa, Illinois, as a satellite station of WAFR(FM). They believe that a local studio is needed in Ottawa and argue that grant of the waiver request for WWGN(FM) "would further diminish AFA's undeniable and fiduciary responsibility to the city of license and community at large."<sup>5</sup>

Pursuant to Section 73.1125, a station's main studio must be located either (1) within a station's principal community contour; (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.<sup>6</sup> However, under Section 73.1125(b)(2), 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-

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<sup>3</sup> See Amendment of Multiple Ownership Rules, *Memorandum Opinion and Order*, 3 RR2d 1554, 1562 (1964).

<sup>4</sup> See File No. BALED-20040528AUJ. On July 28, 2004, AFA timely filed a license renewal application for WWGN(FM). Voice has objected to these applications, which remain pending.

<sup>5</sup> Voice Objection at 1. Voice states that "the positive effect of live and local input on the broadcasting of WWGN has been significant," and it indicates concern over the loss of that outlet for local expression. See also The Mayor's Objection at 1.

<sup>6</sup> See *Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast and radio stations*, 13 FCC Rcd 15691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").