

WAGNER

FEDERAL COMMUNICATIONS COMMISSION

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Dean R. Brenner, Esq.
Crispin & Brenner, P.C.
Suite 1105
1156 15th Street, N.W.
Washington, D.C. 20005

In re: **WCOV-FM, Clyde, NY**
Facility ID No. 34561
Family Life Ministries, Inc.

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

Dear Mr. Brenner:

This letter refers to the November 14, 2001 request of Family Life Ministries, Inc. ("Family") for waiver of the Commission's main studio rule, 47 C.F.R. § 73.1125. Family seeks to operate station WCOV-FM as a "satellite" of its noncommercial educational FM station WCIK(FM), Bath, New York.¹ For the reasons set forth below, we will grant the requested waiver.

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. See *Report and Order, Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast and radio stations*, 13 FCC Rcd 15,691 (1998); *recon. granted in part*, 14 FCC Rcd 11,113 (1999) ("*Reconsideration Order*"). 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-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. *Id.* 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. *Id.*

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*, 3 RR 2d 1554, 1562 (1964).

Family's request is based on the economies of scale which would be realized by grant of its waiver, *i.e.*, avoiding the cost of equipping, operating, and staffing a main studio in the Clyde, New York area. We conclude that Family has demonstrated "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. As noted above, Family proposes to operate WCOV-FM as a satellite of co-owned station WCIK(FM), Bath, New York. Clyde is approximately 67 miles from Bath. Where there is a considerable distance between parent and satellite, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests and respond to them in its programming. To that end, Family has stated that it will: (1) conduct annual ascertainment of community needs in Clyde; (2) add a Clyde resident to its existing Advisory Board; and (3) develop programming specifically directed to Clyde residents, as it has for its other satellite communities.² Additionally, Family pledges to maintain its public file in Clyde and to maintain a toll-free telephone line from Clyde to the WCIK(FM) studio in Bath.

In these circumstances, we are persuaded that Family will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest. Irrespective of its commitment to maintain the WCOV-FM public inspection file in Clyde, however, we remind Family of the requirement that it maintain a public file for WCOV-FM at the main studio of the "parent" station, WCIK(FM), Bath, New York. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd at 11,129 ¶ 45. We further remind Family that, notwithstanding the grant of the waiver requested here, the public file for WCOV-FM must contain the quarterly issues and programs list for Clyde New York, required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, Family Life Ministries, Inc.'s request for waiver of 47 C.F.R. § 73.1125, IS HEREBY GRANTED.

Sincerely,



Peter H. Doyle, Chief
Audio Services Division
Mass Media Bureau

² Family operates seven other stations as satellites of WCIK(FM): WCIH(FM), Elmira, New York; WCID(FM), Friendship, New York; WCII(FM), Spencer, New York; WCIY(FM), Canandaigua, New York; WCOT(FM), Jamestown, New York; WCOU(FM), Warsaw, New York; and WCOG(FM), Galeton, Pennsylvania.