

MFW
2-B450

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

IN REPLY REFER TO:
1800B3-ALM

Todd M. Stansbury, Esquire
Wiley Rein & Fielding LLP
1776 K Street, N.W.
Washington, D. C. 20006

DEC 21 2001

RECEIVED

DEC 27 2001

FCC MAIL ROOM

In re: WIHM(AM), Taylorville, IL
Covenant Network
Facility ID No. 42644
File No. BML-20010530ADB
Request For Waiver of 47 C.F.R.
§ 73.1125 (Main Studio Rule)

Dear Mr. Stansbury:

This is in reference to (1) the captioned application filed by Covenant Network ("Covenant") to modify the license of WIHM(AM), Taylorville, Illinois to specify operation as a noncommercial educational radio station; and (2) Covenant's request for a waiver¹ of 47 C.F.R. § 73.1125, the Commission's main studio rule, to operate WIHM(AM) as satellite station of commonly owned NCE station, WRYT(AM), Edwardsville, Illinois.² For the reasons set forth below, we shall grant Covenant's application and its request for a waiver.

Covenant's Application: The instant application seeks to modify the license of WIHM(AM) to specify that the station will be operated as a noncommercial educational radio station. Section 73.503 of the Commission's rules states a noncommercial educational radio station "will be licensed only to a nonprofit educational organization and upon showing that the station will be used for the advancement of an educational program." In support of its request to modify the WIHM(AM) license, Covenant has appended material which demonstrates that it is a nonprofit educational organization and is, therefore, fully qualified to be the license of a non-profit educational radio station.

¹ An amendment to this waiver request was filed on December 6, 2001.

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

Main Studio Request: Pursuant to section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (2) within the 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 television and radio stations*, 13 FCC Rcd 15,691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("*Reconsideration Order*"). 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. *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.*

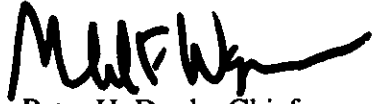
Covenant's request is based on the economies of scale that would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a) in these circumstances.

Covenant proposes to operate WIHM(AM), Taylorville as a satellite station of WRTY(AM), Edwardsville, Illinois, approximately 85 miles from Taylorville. Where there is a great distance between parent and satellite stations, 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, Covenant has pledged to: (1) conduct annual interviews with Taylorville leaders and residents; (2) form an advisory council with at least one resident of Taylorville serving on it; (3) develop periodic local programming for Taylorville including coverage of news and cultural events; (4) provide for the broadcast of local public service announcements for Taylorville; and (5) maintain a toll-free telephone number from Taylorville to the WRYT(AM) main studio.

In these circumstances, we are persuaded that Covenant will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind Covenant, however, of the requirement that it maintain a public file for WIHM(AM) at the main studio of the "parent" station, WRYT(AM), Edwardsville, Illinois. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45. We further remind Covenant that, notwithstanding the grant of the waiver requested here, the public file for WIHM(AM) must contain the quarterly issues and programs list for Taylorville required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, having determined that application filed by Covenant Network fully demonstrates that it is a nonprofit educational organization, the application (BML-20010530ADB) and the request for a waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED.

Sincerely,

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

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