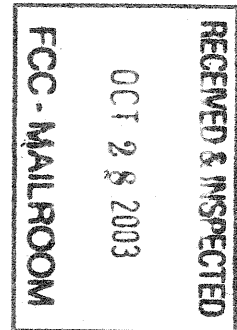


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**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

OCT 24 2003

**In Reply Refer To:
1800B3-MAT**



Malcolm Stevenson, Esq.
Schwartz, Woods & Miller
1350 Connecticut Ave., NW
Suite 300
Washington, D. C. 20036

In Re: **NEW(FM), Wyomissing, PA**
Four Rivers Community Broadcasting
Corporation
File No. BPED-19980923MF
Facility ID No. 91726
Request for Waiver of Main Studio Rule

Dear Counsel:

The staff has under consideration the above-captioned application filed by Four Rivers Community Broadcasting Corporation ("FRCB") for a construction permit for a new noncommercial educational ("NCE") FM station in Wyomissing, Pennsylvania. FRCB has requested a waiver of the main studio requirement, 47 C.F.R. § 73.1125, in order to operate the Wyomissing, Pennsylvania station as a satellite¹ of its commonly-owned NCE station WBYO(FM), Sellersville, Pennsylvania. For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license; (2) within the principal community contour of any other broadcast station licensed to its community; or (3) within 25 miles of the center of the community of license.² 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 a 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

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, Memorandum Opinion and Order*, 3 RR 2d 1554, 1562 (1964).

² See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, 13 FCC Rcd 15691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").

main studio location requirement where satellite operations are proposed.³ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.⁴


FRCB's request is based on the economies of scale which would be realized by a 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. FRCB proposes to operate the Wyomissing, Pennsylvania station as a satellite of WBYO(FM), Sellersville, Pennsylvania, approximately 35 miles from Wyomissing. 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, FRCB has pledged to: (1) contact Wyomissing community leaders and residents either in person or by telephone, letter or e-mail on a quarterly basis to conduct interviews and solicit their concerns and needs in the community, which will be covered by the station's public affairs, news, cultural and local programming.; (2) include community leaders from the Wyomissing area on FRCB's advisory board; (3) maintain the local public inspection file in accordance with the rules; and (4) make a toll free telephone number available for the residents of Wyomissing to contact the WBYO(FM) studio.

Under these circumstances, we are persuaded that FRCB will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind FRCB that notwithstanding its commitment to maintain a public inspection file in Wyomissing, Pennsylvania, it must also maintain a public file for the Wyomissing station at the main studio of the parent station, WBYO(FM), Sellersville, Pennsylvania. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind FRCB that, notwithstanding the grant of the waiver requested here, the public file for the station must contain the quarterly issues and programs list, as required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application of Four Rivers Community Broadcasting Corporation for a construction permit for a new noncommercial educational FM station in Wyomissing, Pennsylvania (File No. BPED-19980923MF) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,



Peter H. Doyle, Chief 
Audio Division
Office of Broadcast License Policy
Media Bureau

³ *Id.*

⁴ *Id.*

⁵ See *Reconsideration Order*, 14 FCC Rcd at 11129, 129, ¶45.