

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

January 2, 2001
(corrected copy)

IN REPLY REFER TO:
1800B3

Harry F. Cole, Esq.
Bechtel & Cole
Suite 250, 1901 L Street, N.W.
Washington, D.C. 20036

In re: **WAJW(FM), Chesterton, IN**
Facility ID # 3248
Auricle Communications

File No. BLED-19990813KA
Request for Waiver of 47 C.F.R. §73.1125

Dear Mr. Cole:

The staff has under consideration the captioned application Auricle Communications ("Auricle") for license to cover the existing authorization of Station WAJW(FM), Chesterton, Indiana. The application includes a request for waiver of the Commission's main studio rule, 47 C.F.R. §73.1125, in order to operate station WAJW(FM) as a "satellite" of Auricle's station WFMU(FM), East Orange, New Jersey.¹ For the reasons set forth below, we will grant Auricle's request for waiver and its modification application.

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 a noncommercial educational ("NCE") FM 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

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 RR 2d 1554, 1562 (1964).

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.*


Auricle'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 Chesterton, Indiana area. While it indicated in its construction permit application for the modified WAJW(FM) facilities that the station's operation would comply with the main studio rule, Auricle proffered in an amendment dated December 21, 2000 that its acquisition and operation of WFMU(FM) since 1994 led it to conclude that the unique format of that station would benefit the WAJW(FM) listening area as well as WFMU(FM)'s own listening area. Accordingly, once WAJW(FM) was constructed, Auricle proposed to operate it as a satellite of WFMU(FM).

We conclude that Auricle has demonstrated "good cause" to waive 47 C.F.R. § 73.1125(a)(4) and operate WAJW(FM) as a satellite of co-owned station WFMU(FM), East Orange, New Jersey. Where there is a considerable distance between parent and satellite stations, and especially where the stations are in separate states, 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, Auricle states that it will ascertain the needs and interests of Chesterton residents by: (1) conducting regular, periodic interviews with representative leaders of Chesterton whom Auricle determines to be familiar with the area's needs and interests; (2) maintaining ongoing contacts with Chesterton through station representatives (including Auricle employees and volunteers) who reside in Chesterton; and (3) reviewing one or more newspapers from Chesterton and its surrounding areas. Auricle also commits to reflecting the results of its ascertainment efforts in its programming, covering issues of local importance to Chesterton residents as well as presenting news and public affairs programming related to Chesterton as part of Auricle's regular programming. Auricle states that it has contracted with two residents within WAJW(FM) primary service area to produce program segments addressing local issues, and it will offer training and materials to local residents in the expectation that they can assist with local program segments.

In these circumstances, we are persuaded that Auricle will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest. We remind Auricle, however, of the requirement that it maintain a public file for its Chesterton, Indiana station at the main studio of the "parent" station, WFMU(FM) in East Orange, New Jersey. 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 Auricle that, notwithstanding the grant of the waiver requested here, the public file for WAJW(FM) must contain the quarterly issues and programs list for Chesterton, Indiana required by 47 C.F.R. § 73.3527(e)(8).

We have also examined Auricle's license application and find that it complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience, and necessity would be furthered by its grant. In accordance with these findings, and in reliance upon the representations listed above, the license application (File No. BLED-19990813KA) of Auricle Communications for station WAJW(FM), Chesterton, Indiana and its request for waiver of 47 C.F.R. § 73.1125, ARE GRANTED. The authorization is enclosed.

Sincerely,


Linda Blair, Chief
Audio Services Division
Mass Media Bureau