

MAIL ROOM  
**FEDERAL COMMUNICATIONS COMMISSION**

**WASHINGTON, D. C. 20554**

**NOV 02 2000**

**IN REPLY REFER TO:  
1800B3-ALM**

2000 NOV -2 P 3:36  
James L. Oyster, Esquire  
108 Oyster Lane  
Castleton, Virginia 22716-2839

**In re: WJVP(FM), Culebra, PR**  
Clamor Broadcasting Network,  
Inc.  
Facility ID No. 11619  
Request For A Waiver of Section  
73.1125 (Main Studio Rule)

Dear Mr. Oyster:

The staff has under consideration the request<sup>1</sup> of Clamor Broadcasting Network, Inc. ("Clamor") for a waiver of the Commission's main studio requirement, *see* 47 C.F.R. § 73.1125, in order to operate WJVP(FM) as a satellite of its commonly owned NCE station WKVN-FM, Levittown, Puerto Rico.<sup>2</sup> For the reasons set forth below, we shall grant Clamor's request for waiver.

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

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<sup>1</sup> We note that on April 7, 2000, the Enforcement Bureau, San Juan Resident Agent Office, issued an Official Notice of Violation to Clamor for failure to have any employees working at the WJVP(FM) main studio. The instant request, filed on May 31, 2000 is made by Clamor to legitimize WJVP(FM)'s current operations.

<sup>2</sup> 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).

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.*

Clamor'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.

Clamor proposes to operate WJVP(FM), Culebra, Puerto Rico as a satellite of WKVN-FM, Levittown, Puerto Rico, approximately 58 miles from Culebra. Where there is a great distance between parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, Clamor has pledged to: (1) establish an auxiliary studio at WJVP(FM) capable of originating programming; (2) ascertain, on an on-going basis by periodic, regular visits of the Clamor President and CEO to Culebra, the needs and interests of Culebra; (3) maintain a duplicate of the WJVP(FM) public inspection file at the auxiliary studio of the station; and (4) maintain a toll-free telephone number between Culebra and the WKVN-FM main studio.

In these circumstances, we are persuaded that Clamor will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind Clamor, however, of the requirement that it maintain a public file for the WJVP(FM) at the main studio of the "parent" station, WKVN-FM, Levittown, Puerto Rico. 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 Clamor that, notwithstanding the grant of the waiver requested here, the public file for WJVP(FM) must contain the quarterly issues and programs list for Culebra, Puerto Rico required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request of Clamor Broadcasting Network, Inc. for waiver of 47 C.F.R. § 73.1125 IS HEREBY GRANTED.

Sincerely,

  
for Linda Blair, Chief  
Audio Services Division  
Mass Media Bureau