

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

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

April 8, 2004

Cary S. Tepper, Esquire
Booth, Freret, Imlay & Tepper, P.C.
7900 Wisconsin Avenue
Suite 304
Bethesda, Maryland 20814-3628

In re: WJCA(FM), Albion, NY
Facility ID No. 86922

WIFF(FM), Binghamton, NY
Facility ID No. 2868

CSN International
Requests For Waiver of 47 C.F.R.
Section 73.3521 (Main Studio
Rule)

Dear Mr. Tepper:

The staff has under consideration the January 15, 2004¹ requests for waiver of 47 C.F.R. Section 73.1125 filed by CSN International ("CSN") to operate WJCA(FM), Albion, New York and WIFF(FM), Binghamton, New York as satellite stations of its commonly owned noncommercial educational ("NCE") station, WREQ(FM), Ridgebury, Pennsylvania.² CSN has previously informed the Commission that over the past few years the number of stations which it owns has increased and it now desires to conserve its resources through the use of centralized operations due to the increasing cost of construction, management, personnel, studio rental fees, and incidentals related to maintaining studios and equipment.

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

¹ Supplements to this request were submitted on February 16, 2004 and March 29, 2004.

² In its March 29, 2004 supplement, CSN states that although it originally requested and received authority on February 13, 2002 for WREQ(FM) to operate as a satellite station of WJCA(FM), it was subsequently decided that WREQ(FM) would maintain its own main studio.

station licensed to its community, or (3) within 25 miles of the center of its community.³ 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.⁴ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁵

CSN proposes to operate WJCA(FM), Albion, New York and WIFF(FM), Binghamton, New York as satellite stations of WREQ(FM), Ridgebury, Pennsylvania, which is located 99 miles from Albion and 57 miles from Binghamton. Where there are great distances between parent and satellite stations, as here, and where the parent and satellite stations are in different states, 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, CSN has pledged to: (1) appoint local representatives in Albion and Binghamton who will keep CSN management abreast of local issues of interest and concerns; (2) publicize, in advance, a quarterly meeting between residents of Albion and Binghamton and CSN management, to be held in these communities, for the purpose of ascertaining community issues; (3) air programming responsive to the ascertained community issues; (4) originate 10-12 percent of its programming that will be localized for Albion and Binghamton; (5) provide for the broadcast of news, weather, and public service announcements which address Albion and Binghamton issues; and (6) maintain a toll-free telephone number between Albion and Binghamton and the WREQ(FM) main studio.

In these circumstances, we are persuaded that CSN will meet its local service obligations and thus, that grant of the requested waivers is consistent with the public interest. However, we remind CSN, of the requirement that it maintain the public files for WJCA(FM) and WIFF(FM) at the main studio of the "parent" station, WREQ(FM). It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁶ We further remind CSN that, notwithstanding the grant of the waiver requested here, the public files for WJCA(FM) and WIFF(FM) must contain the quarterly issues and programs list for Albion and Binghamton, New York required by 47 C.F.R. Section 73.3527(e)(8).

³ See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order")

⁴ *Id.*

⁵ *Id.*

⁶ See *Reconsideration Order*, 14 FCC Rcd 11113, 11129 at Paragraph 45.

Accordingly, the requests for a waiver of 47 C.F.R. Section 73.1125 filed by CSN International for WCJA(FM) and WIFF(FM) ARE HEREBY GRANTED.

Sincerely,

s/ Michael F. Wagner for

Peter H. Doyle, Chief
Audio Division
Media Bureau