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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C. 20554

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IN REPLY REFER TO:  
1800B3-ALM

DISPATCHED BY

Ms. Christine Newcomb, Esq.  
Dow, Lohnes, & Albertson  
1200 New Hampshire Avenue, N.W.,  
Suite 800  
Washington, D. C. 20036-6802

IN RE: NEW (Ed. FM), Sundance, WY  
University of Wyoming  
ID Facility No. 92621  
File No. BPED-990122MC

Dear Ms. Newcomb:

The staff has under consideration the above referenced application of the University of Wyoming ("University") for a construction permit for a new noncommercial educational ("NCE") FM station in Sundance, Wyoming. University has requested a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, in order to operate the proposed Sundance station as a satellite of its NCE station KUWR(FM), Laramie, Wyoming.<sup>1</sup> For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant University's application.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of its community of license. *Amendment of Sections 73.1125 and 73.1130*, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), 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 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.*

University's request is based on the economies of scale, which 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)(4) under these circumstances. University proposes to operate the Sundance, Wyoming station as a satellite of KUWR(FM), Laramie, Wyoming, approximately 175 miles

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<sup>1</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).

from Sundance. Where there is a great distance between the 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, University has pledged to: (1) place a Sundance resident on the Wyoming Public Radio Advisory Council; (2) cover significant events, including cultural events, political campaigns, and election results, in Sundance and its environs; (3) broadcast Wyoming Today, a phone-in public affairs program which features community leaders from the State, including Sundance; and (4) maintain a toll-free telephone number between Sundance and the KUWR(FM) main studio in Laramie, Wyoming. In these circumstances, we are persuaded that University will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind University, however, of the requirement that it maintain a public file for the Sundance station at the main studio of the "parent" station KUWR(FM). *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 64 Fed. Reg. 35941 (July 2, 1999).

Accordingly, the application of the University of Wyoming for a construction permit for a new noncommercial, educational FM radio station in Sundance, Wyoming (File No. BPED-990122MC) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,

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

Linda Blair, Chief  
Audio Services Division  
Mass Media Bureau