

FEDERAL COMMUNICATIONS COMMISSION
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IN REPLY REFER TO:
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Washington, D. C. 20006-2334

RECEIVED

In re: NEW (Ed. FM), Newburyport, MA
University of Massachusetts
Facility ID No. 93889
File No. BPED-19990721MB

Dear Ms. Chuh:

This is in reference to the captioned application by the University of Massachusetts ("University") for a new noncommercial, educational FM station at Newburyport, Massachusetts. The application, *inter alia*, requests a waiver of 47 C.F.R. § 73.1125(a), the Commission's main studio rule, to permit the proposed Newburyport facility to operate as a satellite of WUMB-FM, Boston, Massachusetts.¹ For the reasons set forth below, we shall grant University's application and its 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 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.*

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 RR2d 1554, 1562 (1964).

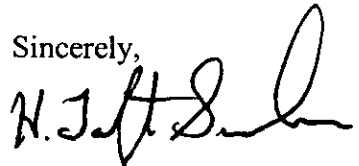
University's request is based on the economies of scale that would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a) in these circumstances.

University proposes to operate the Newburyport station as a satellite of WUMB-FM, Boston, Massachusetts, approximately 30 miles from Newburyport. 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, University has pledged to: (1) ascertain issues of public concern to the Newburyport area by holding annual meetings to provide an opportunity for Newburyport residents and community leaders to provide direct input concerning the programming of the Newburyport station; (2) appoint Newburyport leaders to the existing WUMB-FM Community Advisory Board; (3) hold an on-air event upon the completion of construction of the Newburyport station to acquaint the Newburyport community with the station's personnel, programming, and operations; (4) regularly produce and broadcast public affairs and public service programming that specifically addresses the informational, educational, and cultural needs of Newburyport; and (5) establish a toll-free telephone number between Newburyport and the WUMB-FM main studio.

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 Newburyport, Massachusetts station at the main studio of the "parent" station, WUMB-FM, Boston, Massachusetts. 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 University that, notwithstanding the grant of the waiver requested here, the public file for the Newburyport station must contain the quarterly issues and programs list for Newburyport, Massachusetts required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application of the University of Massachusetts (BPED-19990721MB), being in all respects acceptable, and its request for a waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED.

Sincerely,



Linda Blair, Chief
Audio Services Division
Mass Media Bureau