

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C. 20554

NOV 26 2004

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

Patrick J. Vaughn, Esquire
General Counsel
American Family Association
Post Office Drawer 2440
Tupelo, Mississippi 38803

**In re: WJZB(FM), Starkville, MS
Facility ID No. 78453
American Family Association**

**Request For Waiver of The
Commission's Main Studio
Rule (Section 73.1125)**

Dear Mr. Vaughn:

The staff has under consideration American Family Association's ("AFA") May 16, 2000 request for a waiver¹ of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, in order to operate WJZB(FM) as a satellite station of its commonly owned noncommercial educational ("NCE") station WAFR-FM, Tupelo, Mississippi.² For the reasons set forth below, we shall grant AFA'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.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

¹ Supplements to the waiver request were submitted on July 12, 2002, November 17, 2004, November 19, 2004, November 22, 2004, and November 23, 2004.

² 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).

³ 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").


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

AFA proposes to operate WJZB(FM), Starkville, Mississippi, as a satellite of WAFR-FM, Tupelo, Mississippi, approximately sixty miles from Starkville. Where there is a great distance between parent and satellite stations, as here, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite station's community's needs and interests. To that end, AFA has pledged to: (1) add at least one resident of the community of Starkville to its Community Advisory Board who will be asked to provide recommendations on community needs and programming directly to AFA management; (2) solicit listeners' opinions and recommendations regarding local needs, interests, and programming during fundraising campaigns held every six months; (3) track the listener responses received and factor those responses in the planning of a program schedule and issues to be addressed; (4) provide coverage of significant local news and cultural events in Starkville; (5) provide for the broadcast of local public service announcements; and (6) maintain a toll-free telephone number between Starkville and the WAFR(FM) main studio.

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

Accordingly, the requests for waiver of 47 C.F.R. Section 73.1125 for filed by America Family Association IS HEREBY GRANTED.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau

⁴ *Id.*

⁵ *Id.*

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