

FEDERAL COMMUNICATIONS COMMISSION

JAN 13 10 14 AM '98 WASHINGTON, D. C. 20554

DISPATCHED JAN 09 1998

IN REPLY REFER TO:
1800B3-ALM

Wayne D. Johnson, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D. C. 20006

Re: WVCF(FM), Eau Clair, Wisconsin, File No. BMPED-970613II
WVCY(AM), Oshkosh, Wisconsin, File No. BZ-970613AW
KVCX(FM), Gregory, South Dakota, File No. BPED-970613IG

Dear Mr. Johnson:

The staff has under consideration the subject applications of VCY America, Inc. ("VCY") to modify the facilities of noncommercial, educational stations WVCF(FM), Eau Claire, Wisconsin; WVCY(AM), Oshkosh, Wisconsin; and KVCX(FM), Gregory, South Dakota. VCY requests a waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate these stations as satellite stations of commonly owned NCE station WVCY-FM, Milwaukee, Wisconsin.¹ In addition, VCY has requested that WVCY(AM), be licensed as a noncommercial, educational radio station. For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant the VCY applications.

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.

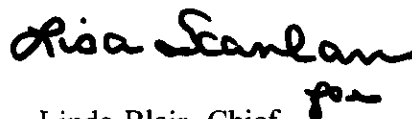
VCY's request is based on the economies of scale which would be realized by grant of

¹A "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).

its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. VCY proposes to operate WVCF(FM), Eau Claire, Wisconsin, WVCY(AM), Oshkosh, Wisconsin, and KVCX(FM), Gregory, South Dakota as satellite stations of WVCY-FM, Milwaukee, Wisconsin which is approximately 200 miles from Eau, Claire, 60 miles from Oshkosh, and 600 miles from Gregory, South Dakota. 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 station communities' needs and interests. To that end, VCY has pledged to: (1) ascertain the needs of each community through an issue-oriented and truly interactive programming format which relies upon direct community involvement in the form of on-air listener calls; (2) establish a regional advisory council, comprised of at least one resident of each station's service area, which will provide input to management on programming issues of interest to residents throughout VCY's service areas; (3) air local programming, including the weekly "Bulletin Board" program which provides information about community events in the service area of individual VCY stations; (4) conduct "share-a-thon" fundraisers, soliciting input on programming; (5) maintain a web page which permits listeners throughout the VCY network and beyond to have input regard the programming broadcast on VCY stations; and (6) maintain a toll free telephone number between Eau Claire and Oshkosh, Wisconsin and Gregory, South Dakota and the WVCY-FM main studio in Milwaukee, Wisconsin. We also remind VCY that it must maintain a public file for the stations in the communities of Eau Claire and Oshkosh, Wisconsin and Gregory, South Dakota, as required by 47 C.F.R. § 73.3527(d). In these circumstances, we are persuaded that VCY will meet its local service obligations and thus, that grant of the requested waivers are consistent with the public interest. Furthermore, VCY has previously demonstrated to the Commission its qualifications to be the licensee of a noncommercial, educational broadcasting station as set forth in Section 73.503(a) of the Commission's rules.

Accordingly, the applications of VCY America, Inc. to modify the facilities of WVCF(FM), Eau Claire, Wisconsin; WVCY(AM), Oshkosh, Wisconsin; and KVCX(FM), Gregory, South Dakota and the requests for waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED. Furthermore, the modification of license for WVCY(AM), BZ-970613AW, IS HEREBY GRANTED. Authorization for the modification of license will be forwarded under separate cover.

Sincerely,

A handwritten signature in black ink that reads "Linda Blair" with a stylized flourish at the end.

Linda Blair, Chief
Audio Services Division
Mass Media Bureau