FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

IN REPLY REFER TO:
1800B3-ALM

DEC 1 5 1997

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Washington, D. C. 20036-6802

Re: New FM Service in Sister Bay, Wisconsin (BPED-961003MB)

Dear Ms. Clay:

The staff has under consideration the application of State of Wisconsin-Educational Communications Board ("WECB") for a construction permit for new noncommercial educational ("NCE") FM station in Sister Bay, Wisconsin (File No. BPED-961003MB). WECB has requested a waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the Sister Bay station as a satellite of NCE station WHA(AM), Madison, Wisconsin.[1] For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant WECB's application for a construction permit.

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.

WECB'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) in these circumstances. WECB proposes to operate the Sister Bay station as a satellite of WHA(AM), Madison, Wisconsin, approximately 140 miles from Sister Bay.

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[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).

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 community's needs and interests. To that end, WECB has pledged to: (1) ascertain the needs of the Sister Bay community by utilizing personnel from the Wisconsin Public Radio ("WPR") bureau who will regularly meet with officials and citizens of Door County; (2) subscribe to the Door County newspaper to keep abreast of Door County and Sister Bay events and issues; (3) recruit local citizens from the Door County community to serve on WPR's Regional Advisory Committee for the northeastern part of the state; (4) maintain a toll-free telephone line between Sister Bay and the proposed station's main studio in Madison, Wisconsin; and (5) maintain the proposed station's Public Inspection File in Sister Bay. In these circumstances, we are persuaded that WECB will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of the State of Wisconsin-Educational Communications Board for a construction permit for a new educational FM radio station in Sister Bay, Wisconsin (BPED-961003MB) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization will be forwarded under separate cover.

Sincerely,

Lisa Scanlan

Linda Blair, Chief
Audio Services Division
Mass Media Bureau