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DFEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554
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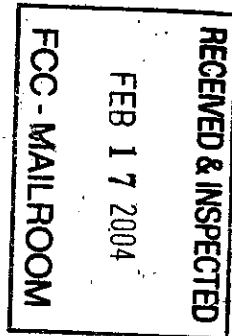
IN REPLY REFER TO:
1800B3-ALM

J. Richard Carr, Esquire
5528 Trent Street
Chevy Chase, Maryland 20815

In re: **WSPM(FM), Cloverdale, IN**
Facility ID No. 93486

WSPV(FM), Greencastle, IN
Facility ID No. 93526

Requests For Waivers of 47
C.F.R. Section 73.1125 (Main
Studio Rule)



Dear Mr. Carr:

This is in response to your letter of December 19, 2003 on behalf of Hoosier Broadcasting Corporation ("Hoosier"), the licensee of WSPM(FM), Cloverdale, Indiana and WSPV(FM), Greencastle, Indiana. On July 2, 2003, the Chief, Audio Division granted Hoosier's request for a waiver of 47 C.F.R. Section 73.1125 and authorized WSPM(FM) to operate as a satellite of Hoosier's station WIRE(FM), Lebanon, Indiana.¹ Furthermore, on December 3, 2003, the Chief, Audio Division granted Hoosier's request for a waiver of 47 C.F.R. Section 73.1125 and authorized WSPV(FM) to operate also as a satellite of WIRE(FM).

Your letter states that these authorizations were not in accordance with what was requested by Hoosier. The letter further indicates that WSPM(FM) operates with a classical music format that is distinct from the programming offered by WIRE(FM). Consequently, Hoosier requested authorization for WSPV(FM) to rebroadcast the programming WSPM(FM). You also state that, in a separate request, Hoosier sought a waiver of 47 C.F.R. Section 73.1125 to co-locate the WSPM(FM) with that of WIRE(FM) in Lebanon, Indiana to realize cost-savings. Your letter further indicates that Hoosier never requested to operate WSPM(FM) as a satellite of WSPV(FM).


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).

Examination of the record for these requests as well as the material submitted with your letter of December 19, 2003, reveals that you are correct. Additionally, Hoosier has shown that it can achieve significant and continuing cost savings by combining the studios of WIRE(FM) and WSPM(FM) rather than maintaining a separate studio for WSPM(FM). On February 12, 2004, Hoosier submitted documentation which adequately demonstrates that it could save approximately \$6,900.00 per month. Hoosier also states that it currently operates WIRE(FM) and WSPM(FM) with a monthly loss ranging from \$15,000.00 to \$25,000.00. Hoosier believes that operation of the three stations from a consolidated main studio will enable it to obtain underwriting revenue which meets the costs of operating the stations. The Commission has previously recognized limited funding as a basis for permitting centralized operation for noncommercial educational stations and networks. *See Amendment of Section 73.1125*, 3 FCC Rcd 5027, 5027 (1988). *See also* letter from Chief, Mass Media Bureau dated February 6, 1996 in re WMKV(FM), Reading, Ohio (reference 1800B3-PHD).

Moreover, on the basis of commitments previously made by Hoosier and approved in the letters authorizing WSPM(FM) and WSPV(FM) to operate as satellite stations, we are persuaded that WSPM(FM) and WSPV(FM) will meet their public service obligations to the residents of Cloverdale and Greencastle, Indiana. We remind Hoosier, however, of the requirement that it maintain a public file for WSPM(FM) and WSPV(FM) at the WIRE(FM) studio. 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 Hoosier that, notwithstanding the grant of the waiver requested here, the public file for WSPM(FM) must contain the quarterly issues and programs list for Cloverdale, Indiana and the file for WSPV(FM) must contain the quarterly issues and programs list for Greencastle, Indiana as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, Hoosier Broadcasting Corporation's request for waivers of 47 C.F.R. Section 73.1125 to operate WSPM(FM), Cloverdale, Indiana and WSPV(FM), Greencastle, Indiana from the common main studio of WIRE(FM), Lebanon, Indiana ARE GRANTED.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau