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**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554**

DEC 03 2003

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

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

**In re: WSPV(FM), Greencastle, Indiana**  
Facility ID No. 93526  
Hoosier Broadcasting Corporation  
BMPED-20021206AAO

Request for Waiver of § 73.1125  
(Main Studio Rule)

Dear Mr. Carr:

This staff has under consideration: (1) the request of Hoosier Broadcasting Corporation ("Hoosier") for minor change in the facilities of station WSPV(FM), Greencastle, Indiana; and (2) WSPV's waiver of the Commission's main studio requirement, 47 C.F.R Section 73.1125, in order to operate WSPV(FM), Greencastle, Indiana, as a satellite of its commonly owned noncommercial educational ("NCE") station WIRE(FM), Lebanon, Indiana.<sup>1</sup>

Main Studio Waiver. Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community of license contour, (2) within the contour of any other broadcast station licensed on its community, or (3) within 25 miles of the center of its community of license.<sup>2</sup> 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 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

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<sup>1</sup> 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).

<sup>2</sup> See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998); recon. *Granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").

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.<sup>3</sup> A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.<sup>4</sup>

Hoosier states that as a noncommercial educational licensee, it has encountered difficulty in providing financial support for the main studios required by the Commission. Therefore, Hoosier now seeks a waiver of C.F.R. Section 73.1125 in order to arrange its stations into a regional originating and satellite structure. Hoosier's request is based on the economies of scale that would be realized by grant of its waiver.

Hoosier proposes to operate WSPV(FM), Greencastle, Indiana, as a satellite of station WIRE(FM), Lebanon, Indiana, approximately 35 miles from Greencastle. 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 community's needs and interests. To that end, the staff of Hoosier has pledged to engage in a quarterly ascertainment of the community needs and interests of Greencastle by: (1) maintaining the local public file for the new station at the public library in Greencastle; (2) promoting public meetings with area citizens to discuss local issues and public concerns; (3) conducting random telephone surveys of randomly selected residents of Greencastle to determine principals issues; (4) soliciting comments and suggestions regarding suggestions regarding programming and the needs of community; (5) maintaining a toll-free telephone number between Greencastle and Lebanon; (6) requesting listeners to the contact the stations by mail or e-mail concerning issues and problems; (7) holding yearly meetings at a restaurant in Greencastle for interested members of public to discuss community needs; and (8) mailing out twenty questionnaires per month (60 per quarter) to homes in the Greencastle's area selected at random. The questionnaires will ask the recipients to state what they believe to the problems and needs of the Greencastle area.

Under these circumstances, we are persuaded that Hoosier will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind Hoosier, however, of the requirement that it maintain a public file for WSPV(FM) at the main studio of the "parent" station WIRE(FM). It must also make reasonable accommodation for listeners wishing to examine the file's contents.<sup>5</sup> We further remind Hoosier that, notwithstanding the grant of waiver requested here, the public file for WSPV(FM) must contain the quarterly issues and programs list, as required by 47 C.F.R. Section 73.3527(e)(8).

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<sup>3</sup> *Id*

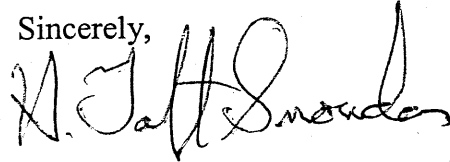
<sup>4</sup> *Id*

<sup>5</sup> *See Reconsideration Order*, 14 FCC Rcd at 11129.

Minor change application. We have examined in the application (BMPED-20021206AAO) for minor change in the facilities of station WSPV(FM). We find that the application complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience, and necessity would be furthered by its grant.

Accordingly, Hoosier Broadcasting Corporation's request for waiver of 47 C.F.R. Section 73.1125 and its application BMPED-20021206AAO, ARE HEREBY GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Taft Snowdon". The signature is written in a cursive style with a large, looped initial "H".

H. Taft Snowdon  
Supervisory Attorney  
Audio Division  
Media Bureau