

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

IN REPLY REFER TO:
1800B3-ALM

J. Geoffrey Bentley, Esq.
Bentley Law Office
Post Office Box 807
Herndon, Virginia 20172-0807

JUN 17 1997

Re: License for WJLH(FM), Flagler Beach, Florida, BLED-960618KB

Dear Mr. Bentley:

The staff has under consideration the application of Cornerstone Community Radio, Inc. ("Cornerstone") for a license to cover the construction permit for new noncommercial educational ("NCE") FM station WJLH(FM), Flagler Beach, Florida (File No. BLED-960618KB). On April 18, 1997 Cornerstone amended this application to request a waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the Flagler Beach station as a satellite of its NCE station WJLU(FM), New Smyrna Beach, Florida.¹ For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant Cornerstone's application for a license to cover its 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.

Cornerstone'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. Cornerstone proposes to operate the Flagler Beach station as a satellite of WJLU(FM), New Smyrna Beach, Florida, approximately 30 miles


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).

from Flagler Beach. The Commission expects the licensee of a satellite station to take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, Cornerstone has pledged to: (1) pay regular visits to Flagler Beach by Cornerstone management; (2) establish a Citizens Advisory Board in Flagler Beach which will meet with Cornerstone management twice a year; (3) arrange for periodic broadcasts of public affairs programs responding to local issues and concerns in Flagler Beach; (4) include Flagler Beach community events in the programming of WJLU(FM); (5) maintain the WJLH(FM) Public Inspection File in Flagler Beach; and (6) maintain a toll-free telephone number between Flagler Beach and the WJLU(FM) main studio in Port Orange, Florida. In these circumstances, we are persuaded that Cornerstone will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of Cornerstone Community Radio, Inc. for a license to cover the construction permit of WJLH(FM), BLED-960618KB, and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization will be forwarded under separate cover.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Blair".

Linda Blair, Chief 
Audio Services Division
Mass Media Bureau