

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

MAR 4 1997

IN REPLY REFER TO:
1800B3-ALM

Lawrence M. Miller, Esq.
Schwartz, Woods & Miller
1350 Connecticut Avenue, N.W.
Suite 300
Washington, D. C. 20036

Re: New FM Service in Johnstown, Pennsylvania, BPED-950308MA

Dear Mr. Miller:

The staff has under consideration the application of QED Communications Inc. ("QED") for a construction permit for new noncommercial educational ("NCE") FM station for Johnstown, Pennsylvania (BPED-950308MA). QED has requested a waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the Johnstown station as a satellite of its NCE station WQED-FM, Pittsburgh, Pennsylvania.¹ For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant QED's 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.

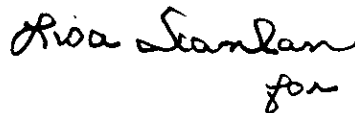
QED's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. QED proposes to operate the Johnstown station as a satellite of WQED-FM, Pittsburgh, Pennsylvania, approximately 60 miles from Johnstown. The Commission expects the licensees of a satellite station to take adequate measures to

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).

maintain its awareness of the satellite community's needs and interests. To that end, QED has pledged to: (1) ascertain the issues of interest to Johnstown residents and will assure that its programming service is responsive to those needs; (2) seek participation of an area resident on its community advisory board; (3) make arrangements to originate programs or program elements remotely from Johnstown and to include participants from Johnstown in its programming produced in Pittsburgh; and (4) maintain a toll free telephone number between Johnstown, and the proposed station's main studio in Pittsburgh, Pennsylvania. We also remind QED that it must maintain a public file for the new station in Johnstown, as required by 47 C.F.R. § 73.3527(d). In these circumstances, we are persuaded that QED will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of QED Communications Inc. for a new noncommercial educational FM station in Johnstown, Pennsylvania (File No. BPED-950308MA) 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 cursive script that reads "Lisa Scanlan".

Linda Blair, Chief
Audio Services Division
Mass Media Bureau