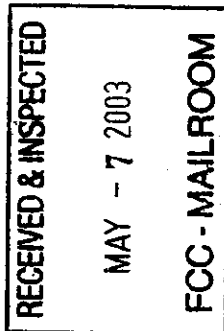


FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

MAY 06 2003

In Reply Refer To:
1800B3-MAT



Ernest T. Sanchez, Esq.
The Sanchez Law Firm
2000 L Street, NW
Suite 200
Washington, D. C. 20036

In Re: **WBEW(FM), Chesterton, IN**
The WBEZ Alliance, Inc.
File No. BMPED-20020906ABL
Facility ID No. 3248
Request for Waiver of Main Studio Rule

Dear Counsel:

This refers to the above-captioned application filed by The WBEZ Alliance, Inc. ("Alliance"), for a minor modification of the facilities of WBEW(FM), formerly WAJW(FM), and a request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, in order to operate the station as a satellite¹ of its commonly-owned NCE station WBEZ(FM), Chicago, Illinois. For the reasons set forth below, we will grant the above-referenced application for a minor change and the request for a waiver of Section 73.1125.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license; (2) within the principal community contour of any other broadcast station licensed to its community; or (3) within 25 miles of the center of the community of license.² However, under Section 73.1125(b)(2), 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 a 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

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 RR 2d 1554, 1562 (1964).

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

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.*

Alliance's request is based on the economies of scale which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. Alliance proposes to operate the Chesterton, Indiana station as a satellite of WBEZ(FM), Chicago, Illinois, approximately 40 miles from Chesterton, Indiana. 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, Alliance has pledged to: (1) subscribe to the *Chesterton Tribune*, the town's only daily newspaper; (2) make periodic visits to the Porter County area in an effort to understand and respond to the issues and concerns of the Chesterton community; (3) assure that the news and cultural programming provided over WBEW includes programming with contributions from Porter County; (4) continue its long and close association with individuals and institutions in Porter County for the purpose of assuring that programming from that area, which is responsive to those interests and needs, is developed and broadcast; (5) fulfill its local program service responsibilities and based upon its quarterly ascertainment of community needs, Alliance intends to incorporate into WBEW's news, public affairs and cultural programs programming of unique concern to the residents of Porter County; (6) cover significant events, including cultural events, political campaigns and election results, in Chesterton and the immediate vicinity; (7) deploy personnel to cover the problems, needs and interests of the Chesterton/Porter County community and regularly consult with local civic and community leaders as part of its ongoing ascertainment efforts and take into account the findings of such ascertainment efforts in developing Alliance's news and public affairs programs; (8) maintain a web page which solicits public feedback on WBEW's programming; and (9) maintain the public inspection file at its Chicago studios and establish a toll-free telephone number in order that Porter County residents may call the Chicago studios.

Under these circumstances, we are persuaded that Alliance will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind Alliance that notwithstanding its commitment to maintain a public inspection file in Chesterton, it must also maintain a public file for the Chesterton station at the main studio of the parent station, WBEZ(FM), Chicago, Illinois. It must also make reasonable accommodation for listeners wishing to examine the file's contents.³ We further remind Alliance that, notwithstanding the grant of the waiver requested here, the public file for the station must contain the quarterly issues and programs list, as required by 47 C.F.R. § 73.3527(e)(8).

³ See *Reconsideration Order*, 14 FCC Rcd at 11129, 129, ¶45.

Accordingly, the above-referenced application of The WBEZ Alliance, Inc for a minor modification of the construction permit for WBEZ(FM) (File No. BMPED-20020906ABL) and the request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter H. Doyle".

Peter H. Doyle, Chief *for*
Audio Division
Office of Broadcast License Policy
Media Bureau