

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

JUN 11 1998

IN REPLY REFER TO:  
1800B3-ALM

Wayne Coy, Jr., Esq.  
Cohn and Marks  
1333 New Hampshire Avenue, N.W.  
Suite 600  
Washington, D.C. 20036

In re: NEW, Hamilton, Montana  
The University of Montana  
File No. BPED-950124MG

Dear Mr. Coy:

This is in reference to the above-captioned application filed by The University of Montana ("University") for a construction permit for a new noncommercial, educational FM station at Hamilton, Montana. The application includes a request for waiver of 47 C.F.R. § 73.1125 (the Commission's main studio rule) so to allow University to operate the Hamilton facility as a satellite station of commonly owned station KUFM-FM, Missoula, Montana.

In order to ensure that local issues in Hamilton will be met, University has agreed to undertake the following:

1. Provide local technical facilities (switched digital, wideband audio) which will allow submission of locally produced program materials for distribution, on a real-time basis.
2. Include all community activity/public service announcements from Hamilton on the "University and Community Activities" show, which airs two times each week.
3. News and programming will address local Hamilton news, issues, needs and interests by: maintaining subscriptions to local newspapers in the proposed service area, subscribing to the Associated Press state-wide wire service, and frequent telephone and program-quality interviews with community leaders and others in the community.
4. Maintain a full-time news bureau in the state capital, Helena, during legislative sessions, providing news, information and commentary of special interest to the citizens of Hamilton and other Montana communities.

5. Endeavor to produce special public affairs programming for Hamilton.

6. Maintain a toll-free telephone number between Hamilton and the station's main studio in Missoula, Montana.

The Commission has stated that "we have recognized the benefits of centralized operations for noncommercial educational stations, given the limited funding available to these stations, and we have granted waivers to state and regional public television and radio networks to operate 'satellite' stations that do not necessarily meet the requirements of a main studio. These stations, however, have not been permitted to ignore local service obligations, and waivers generally have been granted only upon a showing that the local community would be served."

Memorandum Opinion and Order in MM Docket No. 86-406, 3 FCC Rcd 5024 (1988). Thus, local needs should be met by this applicant.

We have determined that University has established that its centrally programmed simultaneous schedule will serve the problems, needs and interests of Hamilton, Montana. Accordingly, 47 C.F.R. § 73.1125(a)(4) IS HEREBY WAIVED to the extent indicated herein. Lastly, the application of The University of Montana for a new, noncommercial FM station in Hamilton, Montana, being in all respects acceptable, IS HEREBY GRANTED. The construction permit authorization will be forwarded under separate cover.

Sincerely,

*Risa Scanlan*

Dennis Williams *for*  
Assistant Chief  
Audio Services Division  
Mass Media Bureau