

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

APR 30 1990

FCC MAIL SECTION

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IN REPLY REFER TO:
8920-ALMU

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Mr. Charles W. Loughery, President
Bux-Mont Educational Radio Association
Box 2012
Warminster, Pennsylvania 18974

In re: WBYO(FM) Sellersville, Penn.
Bux-Mont Educational Radio
Association
BPED-870514MN

Dear Mr. Loughery:

This is in response to the November 21, 1989 request of Bux-Mont Educational Radio Association (Bux-Mont) to operate the above-captioned facility as a "satellite" station of co-licensee, WRDV, Warminster, Pennsylvania. In support of your request for a waiver of Section 73.1125 of the Commission's Rules, you state WRDV fails to provide an adequate signal to Sellersville and even with a proposed power increase will still be unable to do so. Thus, you filed for the requested facilities in Sellersville which will be the first local service for that community. Currently, you contemplate duplicating 90% of the WRDV programming with the Sellersville facility and that if feasible the amount of locally originated will be increased with time. Finally, you believe that "[i]n this way valuable resources can be devoted towards providing service unique to the Sellersville area with better results and quality of service, especially localized service. The combined studio operation will enhance rather than compromise service responsive to the Sellersville Community."

You state that Bux-Mont "will use a variety of means to ascertain the needs of the Sellersville area and also to provide a means by which community leaders and local residents can provide input to station policy making and programming decisions." These include:

1. Interviews with area leaders, including local government, schools, police and service organizations to ascertain local needs.
2. The creation of a community advisory board.
3. Establishment of a toll-free telephone number from Sellersville to Warminster.
4. The installation of a studio-transmitter link from the WRDV studio to the Sellersville transmitter which will provide for the capability to program the Sellersville station separately from WRDV.

5. Installation of a remote-pickup system for use in the Sellersville area.

6. Encouragement of Sellersville residents to participate in station programming.

A "satellite" station has been defined by the Commission as one "operating on a channel specified in the...Table of Assignments and meeting all of the technical requirements of our rules, but one which usually originates no local programming...it rebroadcasts the programming of the parent station." Multiple Ownership Rules, 3 RR 2d 1554, 1562 (1964). Satellite stations involve deviations from such Commission regulations as station main studio location (Section 73.1125).

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).

We have determined that Bux-Mont has established that its centrally programmed simultaneous schedule will serve the problems, needs and interests of Sellersville, Pennsylvania. Accordingly, Section 73.1125 of the Commissions Rules IS WAIVED and authority to operate the Sellersville facility IS GRANTED.

Sincerely,



Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau