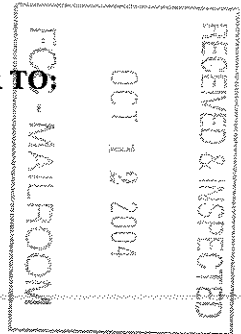


**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

OCT 04 2004

**IN REPLY REFER TO:  
1800B3-EB**



James L. Travis  
Chief Engineer  
P.O. Box 506  
Bath, New York 14810

**In Re: NEW(FM), Carbondale, Pennsylvania**  
Facility No. 121887  
Family Life Ministries, Inc.  
File No. BPED-19981023MH  
Application for Construction Permit

Request for Waiver of 47 C.F.R. § 73.1125  
(Main Studio Rule)

Dear Applicant:

The staff has under consideration the above-referenced application for a new noncommercial educational ("NCE") FM station in Carbondale, Pennsylvania, filed by Family Life Ministries ("FLM"). In the application, FLM also seeks a waiver of 47 C.F.R. § 73.1125, in order to operate the Carbondale facility as a satellite of its commonly owned NCE FM station WCIK(FM), Bath, New York.<sup>1</sup> For the reasons set forth below, we will waive 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 its community of license. *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998), *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("*Reconsideration Order*"). However, under Section 73.1125(b)(2), the Commission will waive these requirements 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 operation 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.*

FLM's request is based on the economies of scale which would be realized by grant of its waiver, *e.g.*, avoiding the cost of equipping, staffing, and operating a studio in the Carbondale

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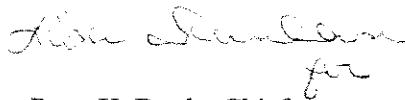
<sup>1</sup> A "satellite" meets all of the Commission's technical rules. However, it originates no programming and instead rebroadcasts the parent station's programming. *See Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR 2d, 1554, 1562 (1964).

area. We agree and conclude that there is good cause to waive 47 C.F.R. §73.1125(a) under these circumstances. As noted above, FLM proposes to operate the Carbondale, Pennsylvania station as a satellite station of WCIK(FM), Bath, New York, approximately 107 miles from Carbondale, Pennsylvania. Where there is considerable distance between the parent and the satellite station, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, FLM has pledged to meet its local service obligations by: (1) conducting regular ascertainment surveys of Carbondale listeners and maintain the results in the public file; (2) having at least one resident from the Carbondale listening area on the advisory board; (3) developing local programming and opening a production studio in the Carbondale, Pennsylvania area; and (4) installing a toll-free telephone line from Carbondale, Pennsylvania to the WCIK (FM) main studio in Bath, New York.

Under these circumstances, we are persuaded that FLM will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind FLM, that, notwithstanding its commitment to maintain a public inspection file in Carbondale, it must also maintain a public file for the Carbondale station at the main studio of the parent station, WCIK(FM), Bath, New York. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd at 11, 129, ¶45. We further remind FLM 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).

We have reviewed FLM's application and find that it complies with all pertinent statutory and regulatory requirements. Additionally, our evaluation reveals that grant of the application will further the public interest, convenience and necessity. Accordingly, the application (File No. BPED-199981023MH) of Family Life Ministries for a new noncommercial educational FM station in Carbondale, New York, as well as its request for waiver of 47 C.F.R. § 73.1125, IS GRANTED.

Sincerely,



Peter H. Doyle, Chief  
Audio Division  
Media Bureau