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

JUN 11 2002

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In Re: **NEW(FM), Tuscaloosa, Alabama**
The Moody Bible Institute of Chicago
File No. BPED-19960819MC
Facility ID No. 83088

WALN(FM), Carrollton, Alabama
American Family Association
File No. BPED-19960918ME
Facility ID No. 1539

Joint Request for Approval of Settlement
MX Group 960811

Dear Counsel:

This is in reference to the above-captioned mutually exclusive construction permit applications for a new noncommercial educational FM station in Tuscaloosa, Alabama, an application to improve the existing facilities of noncommercial Station WALN(FM), Carrollton, Alabama and the Joint Request for Approval of Settlement ("Joint Request") filed on July 19, 2001 by The Moody Bible Institute of Chicago ("MBI") and American Family Association("AFA").

Pursuant to the terms of the Joint Request, the MBI application would be granted and the AFA application would be dismissed in return for the dismissal by MBI of its applications at Prichard, Alabama (BPED-19950524MI) and Bessemer, Alabama (BPED-1997424MA). The Commission has directed the Media Bureau (formerly Mass Media Bureau) to waive the provisions of Section 73.3525(a)(3) of the Commission's Rules and accept universal settlements that involve payments to applicants that exceed their reasonable and prudent expenses for certain applications. In light of the Commission's directive, AFA has or will receive consideration for dismissing its application beyond that

allowed. *See Report and Order* in MM Docket No. 95-31, *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, FCC 00-120, 15 FCC Rcd 7386 (2000), *recon. denied*. *Memorandum Opinion and Order*, 16 FCC Rcd 5074 (2001).

We have examined the Joint Request, Settlement Agreement and declarations attached thereto. Based on this examination, we find that approval of the Joint Request would serve the public interest and that the AFA application was not filed for the purpose of reaching or carrying out the agreement. Accordingly, the applicants have complied with the provisions of 47 U.S.C. § 311(c)(3) and 47 C.F.R. § 73.3525. Since the applicants propose to serve different communities, MBI has demonstrated in a March 29, 2002 supplement that dismissal of the AFA application would not unduly impede the objectives of Section 307(b) of the Communications Act of 1934. Accordingly we will not require republication under 47 C.F.R. ¶ 73.3525(b). Furthermore, we find that MBI is fully qualified and that a grant of the application would serve the public interest by expediting a new noncommercial educational FM service to Tuscaloosa, Alabama.

Main Studio Waiver Request. MBI has requested a waiver of the main studio requirement, *see* 47 C.F.R. § 73.1125, in order to operate the Tuscaloosa, Alabama station as a satellite¹ of its commonly-owned NCE station WMBV(FM), Dixons Mills, Alabama. 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 the community of license. *See Report and Order*, 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 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 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.*

MBI'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. MBI proposes to operate the Tuscaloosa, Alabama station as a satellite of WMBV(FM), Dixons Mills, Alabama, approximately 75 miles from Tuscaloosa, Alabama. Where there is a considerable distance between parent and satellite stations, as here, we are particularly concerned that the

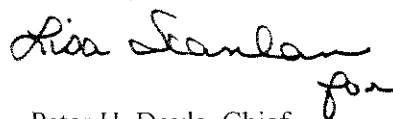
¹A "satellite" station meets all of the Commission's technical rules; however, it originates no programming and instead rebroadcasts the parent station's programming. *See Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR 2d 1554, 1562 (1964).

licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, MBI has pledged to: (1) utilize a local MBI representative to ascertain the problems, needs and interests of the Tuscaloosa community and address them through programming on the Tuscaloosa station; (2) make periodic visits to the Tuscaloosa community by MBI's management employees at WMBV(FM); (3) maintain a toll-free telephone number for the use of Tuscaloosa residents to reach the WMBV(FM) studios; (4) maintain a public inspection file for the station at a location in Tuscaloosa; (5) establish a citizens advisory board made up of residents of the community of Tuscaloosa, which will meet periodically with the general manager of WMBV(FM) to discuss the local issues of public concern; (6) include news insertions in its local broadcasts on WMBV(FM) to include segments regarding events in Tuscaloosa and (7) will periodically broadcast public affairs programming responsive to the local issues of public concern ascertained by MBI in connection with its local information gathering efforts.

Under these circumstances, we are persuaded that MBI will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind MBI, however, of the requirement that it maintain a public file for the station at the main studio of the station at which its programming is originated, and it must provide the accommodation to listeners or residents as required under the amended rules. See *Reconsideration Order*, 14 FCC Rcd at 11129, ¶45. Thus, in the instant case, MBI must maintain the public file at the main studio of parent station WMBV(FM), Dixons Mills, Alabama.

Accordingly, pursuant to 47 C.F.R. § 0.283, the Joint Request for Approval of Settlement and the request for waiver of 47 C.F.R. § 73.1125 filed by The Moody Bible Institute of Chicago ARE GRANTED; the application filed by American Family Association (File No. BPED-19960918ME) to improve the facilities of WALN(FM) IS HEREBY DISMISSED and the application filed by The Moody Bible Institute of Chicago (File No. BPED-19960819MC) IS HEREBY GRANTED. The construction permit authorization will follow under separate cover.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Scanlan" followed by a small flourish.

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