

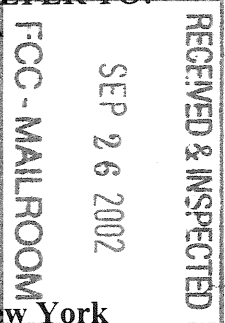
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**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

SEP 25 2002

IN REPLY REFER TO:

1800B3-VFA



Alan C. Campbell, Esquire
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, N.W.
Washington, D. C. 20036

In re: WFBF(FM), Buffalo, New York
Facility ID No. 20725
Family Stations, Inc.
Request for Waiver of § 73.1125
(Main Studio Rule)

Dear Mr. Campbell:

This staff has under consideration the request of Family Stations, Inc. ("Family") for a waiver of the Commission's main studio requirement, 47 C.F.R Section 73.1125¹, in order to operate WFBF(FM), Buffalo, New York as a satellite of its commonly owned noncommercial educational ("NCE") station WFSI(FM), Annapolis, Maryland.²

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community of license contour, (2) within the contour of any other broadcast station licensed on 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 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 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

¹ The waiver request filed on February 2, 1999. Supplements to the request were submitted on June 16, 1999, June 27, 1999, August 6, 2002 and August 20, 2002.

² 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 RR2d 1554, 1562 (1964).

meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

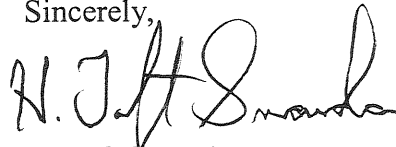
Family states that as a noncommercial educational licensee, it has encountered difficulty in providing financial support for the main studios required by the Commission. Therefore, Family now seeks a waiver of C.F.R. Section 73.1125 in order to arrange its stations into a regional originating and satellite structure. Family's request is based on the economies of scale that would be realized by grant of its waiver.

Family proposes to operate WFBF(FM), Buffalo, New York as a satellite of station WFSI(FM), Annapolis, Maryland, approximately 288 miles from Buffalo. Where there is a great distance between parent and satellite stations, as here, 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, the staff of Family has pledged to engage in a quarterly ascertainment of the community needs and interests of Buffalo by: (1) maintaining regular contact with part time employees of WFBF(FM) as well as volunteers and community leaders in Buffalo; (2) traveling to Buffalo on a regular basis to strengthen community contacts; (3) subscribing to the local newspaper, The Buffalo News; (4) airing a minimum of 45 minutes per week of local Public Affairs programming as determined by its ascertainment efforts; (5) maintaining a duplicate public inspection file for WFBF(FM) in Buffalo; and (6) maintaining a toll-free telephone number between Buffalo, New York and the WFSI(FM) main studio.

Under these circumstances, we are persuaded that Family will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind Family, however, of the requirement that it maintain a public file in Annapolis at the main studio of the "parent" WFSI(FM). It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd at 11129. We further remind Family that, notwithstanding the grant of waiver requested here, the public file for WFBF(FM) must contain the quarterly issues and programs list, as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, the request for waiver of 47 C.F.R. Section 73.1125 filed by Family Stations, Inc. IS HEREBY GRANTED.

Sincerely,

A handwritten signature in dark ink, appearing to read "H. Taft Snowdon". The signature is fluid and cursive, with the first name "H." and last name "Snowdon" being clearly legible.

H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau