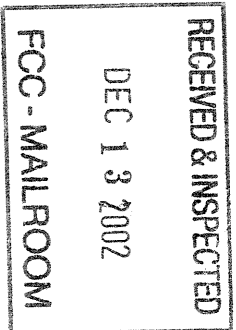


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**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

DEC 11 2002

IN REPLY REFER TO:
1800B3-MAT



Margaret L. Miller, Esq.
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Ave., NW, Suite 800
Washington, D. C. 20036-6802

In Re: **NEW(FM), Norwalk, OH**
Kent State University
File No. BPED-19980512MW
Facility ID No. 90728
Request for Waiver of Main Studio Rule

Dear Counsel:

The staff has under consideration the above-captioned application filed by Kent State University ("KSU") for a construction permit for a new noncommercial educational ("NCE") FM station in Norwalk, Ohio. KSU has requested a waiver of the main studio requirement, *see* 47 C.F.R. § 73.1125, in order to operate the Norwalk, Ohio station as a satellite¹ of its commonly-owned NCE station WKSU-FM, Kent, Ohio. 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 Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, 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

¹ 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 RR 2d 1554, 1562 (1964).

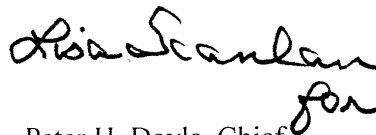
requirement where satellite operations are proposed. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

KSU'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. KSU proposes to operate the Norwalk, Ohio station as a satellite of WKSU-FM, Kent, Ohio, approximately 54 miles from Norwalk, Ohio. 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, KSU has pledged to: (1) conduct semi-annual ascertainment surveys to ensure that the needs and interests of Norwalk continue to be served; (2) assess community needs and problems through the analysis of audience mail, e-mail, telephone calls to WSKU's Listener's Line, informal surveys and Community Advisory Board meetings; (3) be alert for Norwalk-area local news media coverage from diverse sources; (4) establish a community advisory board and subscribe to Norwalk area papers; (5) make periodic trips to the Norwalk community in order to solicit comments from residents concerning local events and developments; (6) set up a toll-free telephone number in order for residents in the Norwalk coverage area to be in contact with the main studio at Kent, Ohio; (7) provide a web site, which will enable local residents to comment on WKSU's programming and to receive extensive information about KSU and its radio station service, and (8) increase its coverage of significant events in the Norwalk coverage area, including cultural events (such as concerts) and political campaigns and election results.

Under these circumstances, we are persuaded that KSU will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind KSU that, notwithstanding its commitment to maintain a public inspection file in Norwalk, it must also maintain a public file for the Norwalk station at the main studio of the parent station, WKSU-FM, Kent, Ohio. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd at 11129, ¶45. We further remind KSU 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).

Accordingly, the application of Kent State University for a construction permit for a new noncommercial educational FM station in Norwalk, Ohio (BPED-19980512MW) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle" with a stylized flourish at the end.

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