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

**In Reply Refer To:
1800B3-MAT**

AUG 28 2003

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Washington, D. C. 20007-3501

In Re: **NEW(FM), Norwich, VT**
New Hampshire Public Radio and Vermont
Public Radio
File No. BPED-19961122MB
Facility ID No. 84441
Request for Waiver of Main Studio Rule

Dear Counsel:

The staff has under consideration the above-captioned application filed by New Hampshire Public Radio and Vermont Public Radio, ("NHVPR") for a construction permit for a new noncommercial educational ("NCE") FM station in Norwich, Vermont. NHVPR has requested a waiver of the main studio requirement, 47 C.F.R. § 73.1125, in order to operate the Norwich, Vermont station as a satellite¹ of its commonly-owned NCE station WVPS(FM), Burlington, Vermont. 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.² 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

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).

² *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").

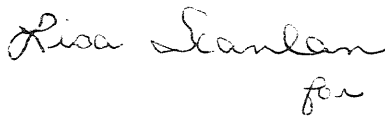
main studio location requirement where satellite operations are proposed.³ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.⁴

NHVPR'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. NHVPR proposes to operate the Norwich, Vermont station as a satellite of WVPS(FM), Burlington, Vermont, approximately 69 miles from Norwich. Where there is considerable 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, NHVPR has pledged to: (1) survey, annually, listeners and community leaders in Norwich to determine the issues of concern, and provide news, public affairs and other non-entertainment programming to address those issues; (2) maintain in Norwich the public inspection file for the proposed station; (3) install a toll-free WATS line so that residents of the Norwich area will be able to call directly the WVPS(FM) studio without cost; and (4) actively recruit residents of the proposed service area to serve on the NHVPR board of directors.

Under these circumstances, we are persuaded that NHVPR will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind NHVPR that notwithstanding its commitment to maintain a public inspection file in Norwich, Vermont, it must also maintain a public file for the Norwich station at the main studio of the parent station, WVPS(FM), Burlington, Vermont. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind NHVPR 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 New Hampshire Public Radio and Vermont Public Radio for a construction permit for a new noncommercial educational FM station in Norwich, Vermont (File No. BPED-19961122MB) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,



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

³ *Id.*

⁴ *Id.*

⁵ See *Reconsideration Order*, 14 FCC Rcd at 11129.