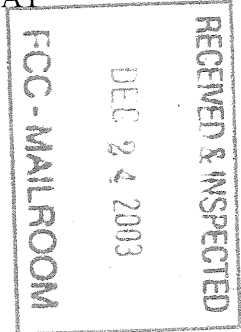


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J-B48

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

DEC 23 2003

In Reply Refer To:
1800B3-MAT



Malcolm G. Stevenson, Esq.
Schwartz, Woods & Miller
1350 Connecticut Ave., NW
Suite 300
Washington, D. C. 20036-1717

In Re: **NEW(FM), Middletown, PA**
Four Rivers Community Broadcasting
Corporation
File No. BPED-19970806MC
Facility ID No. 87834
Request for Waiver of § 73.1125

Dear Counsel:

The staff has under consideration the above-captioned application filed by Four Rivers Community Broadcasting Corporation ("FRCB") for a construction permit for a new noncommercial educational ("NCE") FM station in Middletown, Pennsylvania. FRCB has requested a waiver of the main studio requirement, 47 C.F.R. § 73.1125, in order to operate the Middletown, Pennsylvania station as a satellite¹ of its commonly-owned NCE station WBYO(FM), Sellersville, Pennsylvania. 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 main studio location requirement where satellite operations are proposed.³ A satellite station must,

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*, 13 FCC Rcd 15691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").

³ *Id.*

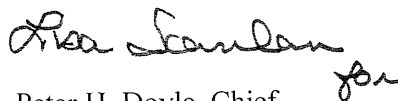
however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.⁴

FRCB'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. FRCB proposes to operate Middletown, Pennsylvania station as a satellite of WBYO(FM), Sellersville, Pennsylvania, approximately 81 miles from Middletown, Pennsylvania. Where there is a 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, FRCB has pledged to: (1) seek out and address issues of public concern within the coverage area; (2) include on its advisory board community leaders from the Middletown area; (3) maintain a local public inspection file in Middletown and a toll-free telephone number, which will be published in the Middletown area telephone directory; (4) have the FRCB's governing board periodically visit the Middletown area to get first hand input and responses to the proposed station's programming and meet with local leaders and (5) have the proposed station remotely controlled from the WBYO(FM) studios and utilize automatic transmission system (ATS) technology.

Under these circumstances, we are persuaded that FRCB will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind FRCB that notwithstanding its commitment to maintain a public inspection file in Middletown, it must also maintain a public file for the Middletown station at the main studio of the parent station, WBYO(FM), Sellersville, Pennsylvania. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind FRCB 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 Four Rivers Community Broadcasting Corporation for a construction permit for a new noncommercial educational FM station in Middletown, Pennsylvania (File No. BPED-19970806MC) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

⁴ *Id.*

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