

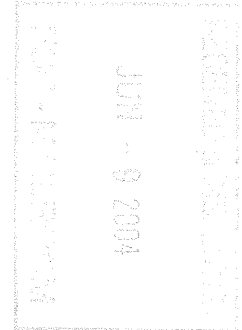
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

JUN 07 2004

IN REPLY REFER TO:  
1800B3-RAB

Donald E. Wildmon, Chairman  
American Family Association  
P. O. Drawer 3206  
Tupelo, MS 38803



**In Re: WHNI(FM), Rochester, IN**  
American Family Association  
Facility ID No. 89586

Request for Waiver of 47 C.F.R. § 73.1125  
(Main Studio Rule)

Dear Mr. Wildmon:

The staff has under consideration the above-referenced request made by American Family Association ("AFA") for a waiver of the Commission's Main Studio Rule, Section 73.1125, in order to operate station WHNI(FM), Rochester, Indiana, as a "satellite" of commonly owned noncommercial educational ("NCE") station WAFR(FM), Tupelo, Mississippi.<sup>1</sup> For the reasons set forth below, we will waive Section 73.1125 and grant AFA's request.

Main Studio Waiver. Pursuant to Section 73.1125(a), a broadcast station's 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

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<sup>1</sup> 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).

(3) within 25 miles of the center of its community of license.<sup>2</sup> 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 the 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.<sup>3</sup> A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.<sup>4</sup>

AFA's request is based on the economies of scale, which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. Section 73.1125(a)(4) under these circumstances.

AFA proposes to operate WHNI(FM), Rochester, Indiana, as a satellite station of WAFR(FM), Tupelo, Mississippi, approximately 474 miles from Rochester. Where there is a great distance between the parent and satellite station, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, AFA has pledged to meet its local service obligations by : (1) adding to its Community Advisory Board at least one resident of Rochester who will be asked to provide recommendations on community needs and programming directly to the management of AFA; (2) soliciting listeners' opinions regarding community issues that should be addressed during program planning held at each regular "Shareathon" (pledge drives normally held every six months); (3) tracking the listener response by community and factoring those responses in its planning of the program schedule and issues to be addressed; (4) providing periodic programming for Rochester, including coverage of significant local news or cultural events; (5) providing for the broadcast of local public service announcements; (6) maintaining WHNI(FM)'s public file within the Rochester community; and (7) maintaining a toll-free telephone number, as required by Section 73.1125(d) of the rules.

In these circumstances, we are persuaded that AFA will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind AFA, however, of the requirement that it maintain a public file for the Rochester station at the main studio of the "parent" station, WAFR(FM), Tupelo, Mississippi. It must also make reasonable accommodation for listeners wishing to examine the file's contents.<sup>5</sup> We further remind AFA that, notwithstanding the grant of the waiver requested here, the public file for WHNI(FM) must contain the quarterly

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<sup>2</sup> 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").

<sup>3</sup> *Id*

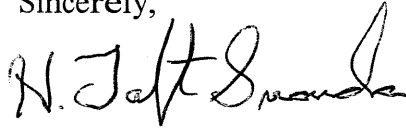
<sup>4</sup> *Id*

<sup>5</sup> See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

issues and programs list for Rochester, Indiana, required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, the request made by American Family Association for waiver of 47 C.F.R. Section 73.1125 IS HEREBY GRANTED.

Sincerely,

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

H. Taft Snowdon  
Supervisory Attorney  
Audio Division  
Media Bureau