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

MAR 10 2005

IN REPLY REFER TO:
1800B3-ACS

John C. Trent, Esquire
Putbrese, Hunsaker & Trent, P.C.
P. O. Box 217
Sterling, Virginia 20167-0217

In Re: WISE-FM, Wise, Virginia
Virginia Tech Foundation, Inc.
Facility ID No. 85287
BALED-20040715ADB

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

Dear Counsel:

The staff has under consideration the above captioned application to assign the license of station WISE-FM, Wise, Virginia, from the University of Virginia's College at Wise ("UVA-Wise") to Virginia Tech Foundation, Inc. ("VTF") and its request for a waiver of the Commission's Main Studio Rule, Section 73.1125, in order to operate station WISE-FM as a "satellite" of commonly owned noncommercial educational ("NCE") station WVTF(FM), Roanoke, Virginia.¹ For the reasons set forth below, we will waive Section 73.1125 and grant VTF's application.

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 (3) within 25 miles of the center of its community of license.² 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

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 RR2d 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").

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

VTF'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.

VTF proposes to operate WISE-FM, Wise, Virginia, as a satellite station of WVTF(FM), Roanoke, Virginia, approximately 146 miles from Wise, Virginia. 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, VTF has stated that it will meet its local service obligations to the community by: (1) quarterly ascertaining issues of importance to the Wise community and ensuring that WISE-FM programming is responsive to those needs and concerns; (2) determining and addressing the community's local needs by providing easy access and interaction between staff and residents; (3) activating a toll-free number which will permit residents throughout the WVTF and WISE-FM listening areas to reach the main studio offices without long-distance charges, as required by Section 73.1125(d) of the rules; (4) allowing reasonable access for listeners to visit in person; (5) making available the station's e-mail, U.S. Mail and facsimile in order for listeners to be able to contact the station at the Roanoke location; and (6) maintaining ties with UVA-Wise and other local institutions and residents in order to provide programming that addresses the needs and interests of Wise listeners.

In these circumstances, we are persuaded that VTF will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind VTF, however, of the requirement that it maintain a public file for the Wise station at the main studio of the "parent" station, WVTF(FM), Roanoke, Virginia. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind VTF that, notwithstanding the grant of the waiver requested here, the public file for WISE-FM must contain the quarterly issues and programs list for Roanoke, Virginia, required by 47 C.F.R. Section 73.3527(e)(8).

Assignment Application. We have examined the application and find that it complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience and necessity would be furthered by its grant.

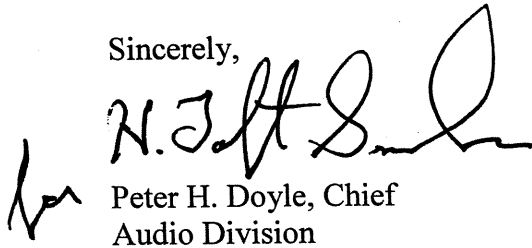
³ *Id*

⁴ *Id*

⁵ *See Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

Accordingly, Virginia Tech Foundation, Inc.'s request for waiver of 47 C.F.R. Section 73.1125 and its application BALED-20040715ADB, ARE HEREBY GRANTED. The authorization is enclosed.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau

Enclosure