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

**MAR 01 1996**

IN REPLY REFER TO:  
**1800B3-ALM**

Lawrence M. Miller, Esq.  
Schwartz, Woods & Miller  
Suite 300, The Dupont Circle Building  
1350 Connecticut Avenue, N.W.  
Washington, D. C. 20036-1702

In re: NEW, Marion, Indiana  
Ball State University  
File No. BPED-940317MI

Dear Mr. Miller:

This refers to the above-captioned application filed by Ball State University ("Ball State") for a new educational FM radio station in Marion, Indiana. The application includes a request for waiver of 47 C.F.R. § 73.1125 (the Commission's main studio rule) so to allow Ball State to operate the proposed Marion facility as a satellite station of commonly owned station WBST(FM), Muncie, Indiana.

In order to ensure that local issues in Marion will be met, Ball State has agreed to undertake the following:

1. Ascertain, on a continuing basis, the issues of concern to Marion by contacting residents of the community.
2. Recruit individuals from the Marion area to serve on its community advisory board.
3. Develop programming for Marion. Remote broadcast equipment will be used to carry live programs and for coverage of events originating in Marion.
4. Establish a toll-free telephone number between Marion and the station's main studio in Muncie, Indiana.

The Commission has stated that "we have recognized the benefits of centralized operations for noncommercial educational stations, given the limited funding available to these stations, and we have granted waivers to state and regional public television and radio networks to operate 'satellite' stations that do not necessarily meet the requirements of a main studio. These stations, however, have not been permitted to ignore local service obligations, and waivers generally have been granted only upon a showing that the local community would be served."

Memorandum Opinion and Order in MM Docket No. 86-406, 3 FCC Rcd 5024 (1988). Thus, local needs should be met by this applicant.

We have determined that Ball State has established that its centrally programmed simultaneous schedule will serve the problems, needs and interests of Marion, Indiana. Accordingly, 47 C.F.R. § 73.1125(a)(4) IS HEREBY WAIVED to the extent indicated herein. Lastly, the application of Ball State University for a new, noncommercial FM station in Marion, Indiana, being in all respect acceptable, IS HEREBY GRANTED. The construction permit authorization will be forwarded under separate cover.

Sincerely,

*Risa Scanlan*  
*for*

Dennis Williams  
Assistant Chief  
Audio Services Division  
Mass Media Bureau