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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DISPATCHED BY

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In Reply Refer To: 1800B3-JR

Mountain Lake Public Telecommunications Council
One Sesame Street
Plattsburgh, NY 12901

WAMC
318 Central Avenue
Albany, NY 12206

In re: WCFE-FM, Plattsburgh, NY

Assignment of License
File No. BALED-960426GE

Main Studio Waiver

Informal Objections

Dear Applicants:

This concerns: (1) the captioned application to assign the license of Station WCFE-FM, Plattsburgh, New York, from Mountain Lake Public Telecommunications Council to WAMC (File No. BALED-960426GE); (2) the associated request of WAMC for a waiver of 47 C.F.R. §73.1125(a), the Commission's main studio rule; and (3) the informal objections filed by Bruce Longstreet ("Longstreet"), by Allyn Kahn ("Kahn"), by Steven J. Keil ("Keil"), and jointly by Gwen Kuldewicz ("Kuldewicz") and Floyd Gilcie ("Gilcie") (together, "Objectors"). For the reasons set forth below, the informal objections are denied and the waiver and assignment granted.

Waiver request. WAMC, a not-for-profit corporation chartered by the New York State Education Department, proposes to operate noncommercial educational ("NCE") Station WCFE as a satellite of Station WAMC(FM), Albany, New York, without a main studio

within its principal community contour.¹ In support of its request, WAMC argues generally that the Commission has "traditionally" permitted NCE licensees to operate satellite stations and has recognized the public benefits of allowing public broadcasters to realize economic benefits of network operations by waiving the main studio rule. WAMC specifically references waivers granted by the Commission for its five current satellite stations.² WAMC also references the Hearing Designation Order in Sound of Life, Inc., 4 FCC Rcd 8273 (ASD 1989), in which Section 73.1125 was waived with respect to WAMC's proposal for a new FM station in Vorheesville, New Jersey. Further, WAMC argues that the Commission continues to favor public broadcaster requests for main studio waivers.

Informal Objections. Objectors argue generally that local management of WCFE will better serve the local community than management by WAMC, 150 miles distant. Longstreet asserts that inasmuch as the Plattsburgh area is "over-served" by public radio, WCFE has developed a "unique, alternative" programming service responsive to community needs.³ He contrasts this to WAMC's programming offering "nothing unique" to the Plattsburgh region. According to Longstreet, most area listeners already receive WAMC's signal from its Ticonderoga, New York facility, and they can hear the same public radio staples from four sources simultaneously. Also, Kahn says that the proposed operation of WCFE may cause interference to other stations. Kuldewicz and Gilcie express concern that emergency weather/disaster warnings as well as local political coverage and Native American issues could not be as well covered by WAMC. Keil opines that an 800 telephone number and call-in show do not necessarily make a station responsive to public concerns.

Discussion. Each main studio 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 has found that "good cause" exists to waive the main studio location requirement where satellite operations are proposed. Main Studio Reconsideration, 3 FCC Rcd at 5027. See also Nebraska Educational Television Commission, 38 FCC 500 (1965). However, satellite stations are not permitted to ignore their local service obligations, and the Commission has been receptive to waiver requests from state and regional networks operating

¹ The Commission has defined a satellite station as one which usually originates no programming. . . . It rebroadcasts the programming of the parent station." Multiple Ownership Rules, FCC 64-904, released October 5, 1964, 3 RR 2d 1554 1562 (1964).

² WCAN(FM), Canajoharie, WAMK(FM), Kingston, WOSR(FM), Middletown, and WANC(FM), Ticonderoga, New York, and WAMQ(FM), Great Barrington, Massachusetts.

³ Longstreet, for example, notes WCFE's "extensive" use of call-in shows allowing listeners to interact with elected officials, providing local musicians with a venue, internship opportunities for local students, and visibility to social service agencies and arts organizations. Similarly, Kahn points out that much of WCFE's programming is locally produced or controlled and deals with local community interest issues. Kahn also references a great variety in WCFE's music programming, especially jazz, and opportunities for the development of local talent. Keil notes that WCFE now presents nationally aired programs not broadcast on other public stations.

stations on a satellite basis only where local service obligations will be met. See e.g., Sound of Life, Inc., 4 FCC Rcd 8273 (1989); Board of Regents, State of Florida, 9 FCC Rcd 4019 (ASD 1994). Thus, an applicant seeking a waiver must show that the local community will continue to be served.

WAMC proposes to operate WCFE-FM as a satellite approximately 150 miles distant from its Albany facility. Where there is great distance between parent and satellite stations, as here, there is particular concern that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, WAMC (1) promises to maintain local production facilities; (2) pledges to maintain a "Community Advisory Board" which will include at least one Plattsburgh area resident to recommend community needs and programming to its Board of Directors, asserting that it already has selected a board representative from Plattsburgh; (3) asserts that it conducts regular ascertainment studies in the areas of its existing satellite stations and will do so for Plattsburgh; (4) commits to a full-time receptionist at the WCFE-FM facilities in Plattsburgh as well as a full-time "underwriter" and "representative"; (5) says it will provide two toll free telephone numbers, one "generally available" for local residents and a listener comment line; (6) commits to assigning news personnel and/or retain local reporters to cover Plattsburgh, where it will maintain a studio and offices; and (7) states that it will maintain a public file at the local WCFE studio. WAMC argues that local programming will be enhanced by drawing on its Albany production resources, including a news staff, fully equipped control rooms and studios, a live performance studio, and a computerized news room.

WAMC's waiver request provides sufficient information to satisfy the primary obligation of a satellite station, which is to continue to serve the needs and interests of Plattsburgh, WCFE-FM's community of license, whether or not it maintains a local main studio in compliance with §73.1125. Accordingly, grant of a waiver is appropriate. The grant, however, is conditioned upon WAMC fulfilling the pledges set forth in its waiver request and noted above, particularly those relating to ascertaining community needs and providing programming responsive to those needs. To this end, we expect the results of WAMC's ascertainment to be detailed in the WCFE-FM public file in Plattsburgh.

In light of our finding that WCFE-FM can meet the needs and interests under WAMC's stewardship, we find the objectors' concerns regarding the loss of the station's local operation to be without merit. Additionally, there is no evidence indicating that WAMC's proposed operation of WCFE-FM will interfere with any other broadcast facility, especially since WAMC proposes no modification of the station's technical facilities in the instant application, and Kahn's concern in this regard appears to be no more than speculation.

Finally, an examination of the assignment application reveals that WAMC has the requisite qualifications to hold the WCFE-FM license. The examination also reveals that grant of the application will serve the public interest, convenience, and necessity.

Conclusion. In light of the above and pursuant to 47 C.F.R. §0.283: the informal objections

filed by Bruce Longstreet, by Allyn Kahn, by Steven J. Keil, and by Gwen Kuldewicz and Floyd Gilcie ARE DENIED; and the application to assign the license of Station WCFE-FM, Plattsburgh, New York, from Mountain Lake Public Telecommunications Council to WAMC (File No. BALED-960426GE) and WAMC's associated request for a waiver of 47 C.F.R. §73.1125(a) ARE GRANTED.

Sincerely,

Linda Blair, Chief
Audio Services Division
Mass Media Bureau

cc: Bruce Longstreet
Allyn Kahn
Gwen Kuldewicz/Floyd Gilcie
Michelle A. McClure, Esquire
Steven J. Keil