

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

OCT 10 1996

**In Reply Refer To:
1800B3-MAT/WBE**

A. Wray Fitch III
Gammon & Grange, P. C.
8280 Greensboro Drive
McLean, VA 22102-3807

In Re: NEW(FM), Mount Vernon, Illinois
Illinois Bible Institute, Inc.
File No. BPED-950131MA
Request for Waiver of Main Studio Rule

Dear Counsel:

This refers to the above-referenced application filed by Illinois Bible Institute, Inc. ("IBI") requesting a waiver of 47 C.F.R. § 73.1125 to operate a new noncommercial FM station at Mount Vernon, Illinois at variance with the Commission's main studio rule. Specifically, IBI wants to operate the station as a satellite of commonly owned WIBI(FM), Carlinville, Illinois. As set forth below, we will grant IBI's waiver request.

Waiver Request

Section 73.1125 of the Commission's Rules requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of the community of license. See Amendment of Sections 73.1125 and 73.1130, Report and Order, (Report and Order"), 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), a licensee may locate the main studio outside the station's principal community contour 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." The Commission will consider a waiver request by a NCE station seeking to operate as a satellite of another NCE station on a case by case basis. See Nebraska Educational Television Commission, 4 RR 2d 771 (1965). 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 for public television and radio networks seeking to

operate a satellite¹ station without a local studio. Report and Order at 5027. These satellite stations, however, must demonstrate that they will meet their local service obligations to satisfy Section 73.1125's "public interest" standard. Id.

IBI has established that a waiver is warranted under the Commission's policies set forth by the Commission under 47 C.F.R. § 73.1125(a)(4). In support of its request, IBI states that it will "maintain the Mount Vernon station public file in Mount Vernon, Illinois." IBI further states that it will: (1) establish toll-free phone service to the main studio for all communities within the Mount Vernon, Illinois service area; (2) air entertainment, public affairs and news programming which will address the Mount Vernon service area needs; (3) air a one-half-hour public affairs or news program dealing specifically with the needs of the Mount Vernon service area and include interests with area leaders; (4) gather material via remote recording equipment, material for the public affairs/news program and for use in regularly scheduled news program; (5) monitor area news through a subscription to the Mount Vernon Register News newspaper and through a news wire and (6) it will conduct an informal ascertainment of area leaders (government, civic organizations, religious organizations, businesses and other groups) on an ongoing basis and will establish an advisory board consisting of Mount Vernon area community leaders, which will provide input on programming. Therefore, we conclude that IBI has established the means necessary to fulfill the primary obligation of a satellite station and that grant of the waiver request is warranted.

Technical Matter

By letter dated August 31, 1995, the staff asked for additional information concerning an apparent discrepancy in the site elevation and coordinates. In the September 28, 1995 responsive amendment, IBI explained that the proposed antenna would be mounted on the east tower of the WMIX(AM) array. However, the application specified the site elevations for that tower, but specified the coordinates of the center of the AM array, as dictated by Item 2(b), Section V-B, FCC Form 340.

In this case, since the tower height and site elevation of the east tower are different than those of the other towers, and as there exists a separate FAA clearance for that tower structure, we believe it is preferable to specify the actual coordinates of that tower, and

¹A "satellite" 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 R 2d 1554, 1562 (1964).

not the coordinates with the center of the array. This will make the tower height and coordinate data consistent between the Commission's and the FAA's files and the IBI authorization, and thus avoid future difficulties for the station which could arise from apparent discrepancies.

Accordingly, Illinois Bible Institute, Inc.'s request for waiver of 47 C.F.R. § 73.1125 IS HEREBY GRANTED and its application BPED-950131MA, as amended, IS HEREBY GRANTED with the coordinates of 38° 22' 15" NL, 88° 55' 20" WL, corresponding to the coordinates of WMIX's east tower.

Sincerely,

Linda Blair Scanlan

for

Linda Blair
Chief, Audio Services Division
Mass Media Bureau

cc:
Illinois Bible Institute, Inc.