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IN REPLY REFER TO:
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In re: NEW, Oscoda, Michigan
Central Michigan University
File No. BPED-921023MA

NEW, Oscoda, Michigan
C&S Broadcasting of Michigan
File No. BPH-921023MH

Dear Counsel:

This is in reference to the above-captioned mutually exclusive construction permit applications for a new FM station in Oscoda, Michigan and the Joint Request for Approval of Settlement Agreement ("Joint Request") filed on December 14, 1995 by Central Michigan University ("University") and C&S Broadcasting of Michigan ("C&S").

We have examined the agreement and the attached affidavits and find that the applicants have complied with the provisions of 47 U.S.C. § 311(c)(3); 47 C.F.R. § 73.3525 and the Public Notice FCC Waives Limitations on Payments To Dismissing Applicants In Universal Settlements of Cases Subject To Comparative Proceedings Freeze Policy, FCC 95-391, 10 FCC Rcd 12182 (1995). Since both of the applicants propose to serve the same community, no Section 307(b) questions have been presented and no publication is required under 47 C.F.R. § 73.3525(b). Furthermore, we find that University is fully qualified and that a grant of the application would serve the public interest by expediting a new FM service to Oscoda, Michigan.

Additionally, University requests waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125 in order to operate the proposed Oscoda facility as a satellite of commonly

owned noncommercial, educational station WCMU-FM, Mount Pleasant, Michigan.¹ For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant Foundation's application for a construction permit.

Section 73.1125(a) 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 its community of license. Amendment of Sections 73.1125 and 73.1130, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), the Commission will waive this requirement 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. Id. A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. Id.

University'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. § 73.1125(a)(4) in these circumstances. University proposes to operate the proposed Oscoda station as a satellite of WCMU-FM, Mount Pleasant, Michigan, approximately 90 miles from Oscoda. Where there is a great distance between parent and satellite stations, 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, University has pledged to: (1) to become a member of its Chamber of Commerce; (2) have representatives of University participate in a variety of community activities; (3) maintain contact with community leaders in the Oscoda area; obtain feedback through the offering of courses in the area including extending degree programs for teachers seeking to maintain certification and offering a graduate degree program in a number of disciplines; (4) expand coverage of significant events in Oscoda, including cultural events and political campaigns and election results; (5) have the capability to air some programs separately on the Oscoda station or some or all of University's radio network; (6) maintain a toll-free telephone number between Oscoda and the proposed station's main studio in Mount Pleasant; and (7) establish a public inspection file at a convenient location in Oscoda. In these circumstances, we are persuaded that University will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, pursuant to 47 C.F.R. § 0.283, the Joint Request for Approval of Settlement Agreement IS GRANTED and the application filed by C&S Broadcasting of Michigan IS DISMISSED. Finally, the application of Central Michigan University for a new educational FM station in Oscoda, Michigan (File No. BPED-921023MA) and the request for waiver of

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 RR2d 1554, 1562 (1964).

47 C.F.R. § 73.1125 ARE HEREBY GRANTED. The authorization will be forwarded under separate cover.

Sincerely,

Linda Blair

Linda Blair, Chief
Audio Services Division
Mass Media Bureau

for

[Handwritten signature]