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File

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

NOV 18 1988

IN REPLY REFER TO:
1800B3-ALM

Mr. Walt S. Gradzki, CE
Mercer County Community College
1200 Old Trenton Road
Trenton, New Jersey 08690

Re: New FM Service in Cape May, New Jersey, File No. BPED-950321MA

Dear Mr. Gradzki:

The staff has under consideration the application of Mercer County Community College ("Mercer") to construct a new noncommercial educational ("NCE") FM station in Cape May, New Jersey (File No. BPED-950321MA). Mercer requests waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the Cape May station as a satellite of its NCE station WWFM(FM), Trenton, New Jersey.¹ For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant Mercer'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.

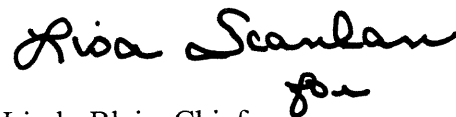
Mercer's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. Mercer proposes to operate the Cape May station as a satellite of WWFM(FM), Trenton, New Jersey, approximately 90 miles from Cape May. 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

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).

the satellite community's needs and interests. To that end, Mercer has pledged to: (1) maintain technical equipment in Cape May that will allow it to separately originate local programming; (2) produce programming to address any special needs and interests of Cape May County on its weekly network public affairs show "Portfolio"; (3) ascertain community needs and interests through a Listener Survey sent monthly to its members and by placing a public notice in a local newspaper to solicit input on issues of concern to the community; (4) appoint at least two residents to its Community Advisory Commission consistent with Section 396(k)(8) of the Communications Act of 1934, as amended; (5) maintain a toll-free telephone number for residents of Cape May to contact Mercer management in accordance with 47 C.F.R. § 73.1125(c); (6) maintain the station's local public inspection file in Cape May pursuant to 47 C.F.R. § 73.3526(d); and (7) station personnel will be available on a daily basis, via appointment, to meet locally with residents, instead of in Trenton. In these circumstances, we are persuaded that Mercer will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of Mercer County Community College for a new noncommercial educational FM station in Cape May, New Jersey (File No. BPED-950321MA) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization will be forwarded under separate cover.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Blair" with a stylized flourish at the end.

Linda Blair, Chief
Audio Services Division
Mass Media Bureau