

FCC MAIL SECTION

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DEC 24 11 14 AM '96

DEC 17 1996

332
P.K.
IN REPLY REFER TO:
1800B3-JWR

Marissa G. Repp, Esquire
Hogan & Hartson, L.L.P.
Columbia Square
555 13th Street NW
Washington, DC 20004-1109

In re: WUOK(AM), West Yarmouth, MA

Application for Assignment of
Construction Permit
File No. BAL-961009EE

Dear Ms. Repp:

The staff has under consideration the above-referenced application to assign the license of commercial¹ station WUOK(AM), West Yarmouth, Massachusetts, to The Executive Committee of the Board of Trustees of Boston University ("University"). University requests waiver of the Commission's main studio requirements, see 47 C.F.R. §§ 73.1125,² in order to operate the West Yarmouth station as a satellite of its noncommercial educational ("NCE") station WBUR(FM), Boston, Massachusetts. For the reasons set forth below, we waive 47 C.F.R. § 73.1125.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure the station will serve the needs and interests of the residents of the 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 a 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

¹ University requests that WUOK(AM)'s license be reclassified from "commercial" to "noncommercial educational." University states that its operation of WUOK(AM) will be in advancement of an educational program. As licensee of noncommercial educational station WBUR(FM), Boston, Massachusetts, University has met the legal qualifications to operate as a noncommercial educational entity. Therefore, its request will be granted.

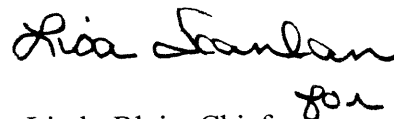
² In relevant part, Section 73.1125 requires each broadcast station to maintain a main studio within the station's principal community contour. A satellite station meets all of the Commission's technical rules; however, it originates no programming and instead rebroadcasts the parent station's programming. See Amendment of Multiple Ownership Rules, Memorandum, Opinion and Order, 3 RR 2d 1554, 1562 (1964).

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, as supplemented on December 10, 1996, 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 West Yarmouth main studio as a satellite of WBUR(FM), Boston, Massachusetts. West Yarmouth is located in the Cape Cod region of Massachusetts. University submits that Cape Cod is one of the most significant region's in WBUR(FM)'s fringe coverage area, and that WBUR(FM) has striven to assess the needs and improve its service to that area. West Yarmouth is approximately 52 miles from Boston. Where there is 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) employ a consultant on Cape Cod to advise it on regional issues, on a weekly or more frequent basis, with particular emphasis on the WUOK(AM) service area; (2) subscribe to the newspapers which serve the particular needs of the WUOK(AM) service area; (3) intensify its efforts to service the WUOK(AM) listening area with a program of assessing local needs and monitoring local issues; (4) intensify its news department's work in the WUOK(AM) service area, providing in-depth coverage of WUOK(AM) service area local issues; (5) assign a member of the WBUR news staff on a half-time basis to assess and report on issues in the WUOK(AM) service area; (6) collaborate with Cape and Islands Community Public Radio ("CICPR"), a non-profit organization, on programming to serve the WUOK(AM) service area; (7) utilize CICPR's board of community leaders as a resource for WBUR in providing guidance for effective service of West Yarmouth and other communities served by WUOK(AM). University also indicates that it will maintain a public file for the station in West Yarmouth and a toll free telephone number for the residents, as required by 47 C.F.R. §§ 73.3527(d) and 73.1125(c), respectively. In these circumstances, we are persuaded that University will meet its local service obligation and thus, that grant of the requested rule waiver is consistent with public interest.

Accordingly, we GRANT University's request to RECLASSIFY THE WUOK(AM) LICENSE AS "NONCOMMERICAL EDUCATIONAL" and GRANT University's request for waiver of 47 C.F.R. § 73.1125. As the assignment application is otherwise in full compliance with the Commission's Rules, we GRANT the assignment application, File No. BAL-961009EE. The authorization will be forwarded under separate cover.

Sincerely,



Linda Blair, Chief
Audio Services Division
Mass Media Bureau