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In Reply Refer To:
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5335 Wisconsin Avenue, N.W.
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Washington, D.C. 20015-2003

In re: WBPR(FM), Worcester, MA
File No. BPED-940314IG
Request for Waiver of 47 C.F.R. §73.1125

Dear Mr. Olender:

We have on file a March 14, 1994, request from the University of Massachusetts ("UM") for waiver of the Commission's main studio rule, 47 C.F.R. § 73.1125.¹ UM proposes to locate the WBPR(FM), Worcester, Massachusetts, main studio outside its principal community contour at its co-owned facility, WUMB(FM), Boston, Massachusetts.² UM also proposes to operate WBPR(FM) as a "satellite" of WUMB(FM). For the reasons below, we grant UM's request for waiver.

Background. UM states that good cause exists for consideration of its waiver request. UM reports that co-locating WBPR(FM)'s studio with WUMB(FM) and operating WBPR(FM) as a "satellite" station will permit UM "to provide expanded noncommercial educational programming and . . . a second public radio service to over 200,000 people in the Worcester area." Operating WBPR(FM) as a "satellite" of WUMB(FM), UM contends, will allow for the establishment of "a regional, public radio educational and cultural network."

¹ Section 73.1125 requires a licensee to maintain its main studio in its city of license except when "good cause" exists for locating the main studio outside of the station's principal contour consistent with the public interest.

² Station WBPR(FM) (formerly WAYW(FM)) is an unbuilt facility authorized to operate on Channel 220 with 1.0 kW effective radiated power.

UM also states that co-locating the station's studios "will conserve valuable resource which may be used to expand and develop high quality noncommercial programming to a greater number of Central Massachusetts residents."

UM indicates that it intends to employ a "variety" of procedures to ascertain the issues of public concern to the Worcester area. UM proposes to (1) hold annual meetings in Worcester, allowing residents direct input into WBPR(FM)'s programming; (2) place Worcester community leaders on the WBPR(FM) community advisory board; (3) maintain a 24-hour toll-free telephone number for Worcester residents to the studio in Boston; and (4) maintain WBPR(FM)'s local public inspection file in Worcester. UM also pledges to produce public affairs and public service programming responsive to the identified needs and issues of concern to Worcester.

Discussion. Although the Commission's Rules require licensees to maintain a main studio within a station's principal community contour, the Commission will waive this requirement where "good cause" exists for locating the main studio outside the station's principal community contour consistent with the public interest. See 47 C.F.R. § 73.1125. The purpose of the rule is "to make broadcast stations readily accessible to people in the communities which they are primarily licensed to serve." FM Radio Moves, 27 FCC 2d 851, 852 (1971). The Commission also waives the main studio requirement for "satellite" stations. These stations operate on a channel designated in the Commissions Rules; however, instead of originating their own local programming, they rebroadcast the programming of a parent station. See Multiple Ownership Rules, 3 RR 2d 1554, 1562 (1964).

In the past, the Commission has recognized the economic benefits of centralized operations for noncommercial educational stations. See Amendment of Section 73.1125 and 73.1120 of the Comm'n's Rules, Memorandum Opinion and Order, 3 FCC Rcd 5024, 5027 (1988). Because of the limited funding available to these stations, we have granted waivers to state and regional public television and radio networks to operate "satellite" stations that do not necessarily meet the main studio requirements. See Nebraska Educational Television Commission, 4 FCC 2d 8273 (1989). However, these stations have not been permitted to ignore local service obligations. See Georgia State Bd. of Education, 70 FCC 2d 948 (1979). The Commission has never "indicated, directly or indirectly, that licenses were granted to state educational networks for the purpose of providing statewide service and not local service." Id. at 956. The Commission generally grants waivers only upon a showing that the local community would be served and that the station will comply with the local/toll-free telephone requirements. 3 FCC Rcd at 5027. See also 47 C.F.R. § 73.1125(c).

We find that UM's request demonstrates good cause for locating the main studio of WBPR(FM) outside its principal community contour and for operating WBPR(FM) as a "satellite" station of WUMB(FM). UM asserts that it will fulfill its primary obligation of serving the interests of its community of license. Worcester residents will have direct input into the station's programming at annual local meetings, UM will place Worcester community leaders on the station's community advisory board and the station will maintain its local

public inspection file in Worcester. UM will also provide a 24-hour toll-free telephone number for Worcester residents to contact the studio in Boston. UM further indicates that it will regularly produce programming specifically designed to meet the needs of Worcester.

Conclusion. The University of Massachusetts' request for waiver of 47 C.F.R. § 73.1125 to co-locate the WBPR(FM), Worcester, Massachusetts, studios with station WUMB(FM), Boston Massachusetts, and to operate WBPR(FM) as a "satellite" of station WUMB(FM) IS GRANTED subject to the following conditions:

1. That the University of Massachusetts install a toll-free telephone line from Worcester to the WUMB(FM) studio in Boston, in compliance with 47 C.F.R. § 73.1125(c);
2. That the University of Massachusetts periodically provide programming of specific interest to the people of the Worcester area; and
3. That the University of Massachusetts maintain a public file in Worcester, Massachusetts.

Sincerely,

A handwritten signature in black ink that reads "Dennis Williams". The signature is written in a cursive, flowing style.

Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau