

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

May 7, 2007

IN REPLY REFER TO:
1800B3-EEB

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In Re: WAKX(FM), Narragansett Pier, RI
Facility ID Nos. 22874
Rhode Island Public Radio

Application for Assignment of License
File No. BALED-20070323ACD

Application to Convert to Noncommercial
Educational Status
File No. BMLED-20070323ACG

Request for Waiver of 47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Counsel:

The staff has under consideration the referenced applications to: (1) assign the license for FM station, WAKX, Narragansett Pier, Rhode Island, from Davidson Media Station WAKX Licensee, LLC, ("Davidson") to Rhode Island Public Radio ("RIPR"); and (2) to modify WAKX(FM)'s license by converting it from commercial to noncommercial educational status ("NCE").¹ In the application, RIPR seeks a waiver of Section 73.1125 in order to operate WAKX(FM), as a "satellite" of its NCE AM station WRNI, Providence, Rhode Island.² For the reasons set forth below, we shall grant both the assignment of license application and the modification of license application. The latter grant will become effective upon notification of consummation of its acquisition of the station.

We have reviewed the application to assign the license of station WAKX(FM) from Davidson Media Station WAKX Licensee, LLC, to Rhode Island Public Radio. We find that Davidson and RIPR are fully qualified to sell and acquire, respectively, the license for WAKX(FM). We also find that EMF is fully qualified to be the licensee of WAKX(FM) and that the grant of the application would further the public interest, convenience and necessity. We will, therefore, grant the application below.

¹ EMF is proposing to reclassify WAKX(FM) from commercial to noncommercial educational status pursuant to 73.1690(c)(9).

² 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 RR2d 1554, 1562 (1964).

Pursuant to *Amendment of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities without a Construction Permit*,³ RIPR may apply to convert WAKX(FM), from commercial authorization to noncommercial educational status. It may do so by filing a license application and a demonstration that it is a qualified educational organization pursuant to 47 C.F.R. Section 73.503(a) and that the station will be used to advance RIPR's educational program.⁴ We will accept the instant showing. An examination of RIPR's proposal reveals that RIPR is qualified to operate WAKX(FM) as noncommercial educational facility and that grant of its application would serve the public interest, convenience and necessity. We will convert WAKX(FM) to noncommercial educational status with the effective date of the grant being the date that RIPR notifies the Commission of the consummation of the acquisition of the station.⁵

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license, (2) within the principal community contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community of license.⁶ However, under Section 73.1125(b)(2), the Commission will waive these requirements 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 operation 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.⁷ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.⁸

RIPR's request is based on the economies of scale which would be realized by grant of its waiver, *e.g.*, avoiding the cost of equipping, staffing, and operating a studio in the Narragansett Pier, Rhode Island, area. We conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. As noted above, RIPR proposes to operate WAKX(FM) as a satellite of WRNI(AM), Providence, Rhode Island, approximately 31 miles from Narragansett Pier. We are particularly concerned that the permittee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, RIPR has pledged to meet its local service obligations by: (1) ascertaining the needs Narragansett Pier by interviewing residents and community leaders and providing issue-responsive programs each

³ 12 FCC Rcd 1237 (1997).

⁴ See 47 C.F.R. § 73.1690(c)(9).

⁵ See 47 C.F.R. § 1.102.

⁶ See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998), *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").

⁷ *Id.*

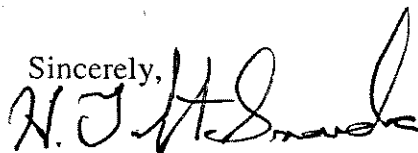
⁸ *Id.*

quarter; (2) covering news stories related to events in Narragansett Pier; (3) providing a toll-free number by which Narragansett Pier residents can reach the WAKX(FM) studios.

In these circumstances, we are persuaded that RIPR will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind RIPR, however, of the requirement that it maintain a public file for the Narragansett Pier station at the main studio of the "parent" station WRNI(AM), Providence, Rhode Island. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁹ We further remind RIPR that, notwithstanding the grant of the waiver requested here, the public file for WAKX(FM) must contain the quarterly issues and programs list for Narragansett Pier, Rhode Island, as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, in light of the above discussion, the application (File No. BALED-20070323ACD) to assign the license from Davidson Media Station WAKX Licensee, LLC, to Rhode Island Public Radio, IS HEREBY GRANTED. additionally, the application (File No. BMLED-20070323ACG) to convert WAKX(FM)'s station license from commercial to noncommercial educational status and the concomitant request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The effective date of the latter action will be the date on which the Commission is notified that RIPR has consummated its acquisition of the station.¹⁰ The authorization to operate the station as a noncommercial educational facility will be sent at that time. In order to facilitate the transmission of the authorization, RIPR and counsel are requested to send a copy of the consummation notification to both Erica Porter, Room 2-A110, and Druscilla Smalls, Room 2-A140, at the Federal Communications Commission, 445 12th Street, S.W. Washington, D.C. 20554.

Sincerely,



H. Taft Snowdon
Supervisory Attorney
Audio Division

⁹ See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

¹⁰ *Id.*