

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

AUG 13 2007

**In Reply Refer To:
1800B3-MAT**

Malcolm G. Stevenson, Esq.
Schwartz, Woods & Miller
1350 Connecticut Ave., NW
The Dupont Circle Building – Suite 300
Washington, D. C. 20036-1717

In Re: **NEW(FM), Morgantown, PA**
Four Rivers Community Broadcasting,
Corp.
File No. BPED-19980512MI
Facility ID No. 90677
Request for Waiver of Main Studio Rule

Dear Counsel:

The staff has under consideration the above-captioned application filed by Four Rivers Community Broadcasting Corp. ("Four Rivers") for a construction permit for a new noncommercial educational ("NCE") FM station in Morgantown, Pennsylvania. Four Rivers has requested a waiver of the main studio requirement, 47 C.F.R. § 73.1125, in order to operate the Morgantown, Pennsylvania station as a satellite¹ of its commonly-owned NCE station WBYO(FM), Sellersville, Pennsylvania. For the reasons set forth below, we will waive Section 73.1125.

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 the community of license.² However, under Section 73.1125(b)(2), 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 proposed. *Id.* A satellite station must,

¹ 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).

² *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, 13 FCC Rcd 15691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").

however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

Four Rivers' request is based on the economies of scale which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. Four Rivers proposes to operate the station as a satellite of WBYO(FM), Sellersville, Pennsylvania, approximately 34 miles from Morgantown, Pennsylvania. The Commission expects the licensee of a satellite station to take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, Four Rivers has pledged to: (1) seek out and address issues of public concern within the coverage area; (2) include community leaders from the Morgantown area on the station's advisory board; (3) maintain a local public inspection file in accordance with the rules; (4) make available a toll free telephone number in order for the residents of Morgantown to contact the station studios; and (5) have members of the station's governing board periodically visit the area and meet with local leaders to get first hand input and responses to the station's programming.

Under these circumstances, we are persuaded that Four Rivers will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind Four Rivers that, notwithstanding its commitment to maintain a public inspection file in Morgantown, it must also maintain a public file for the Morgantown station at the main studio of the parent station, WBYO(FM), Sellersville, Pennsylvania. It must also make reasonable accommodation for listeners wishing to examine the file's contents.³ We further remind Four Rivers that, notwithstanding the grant of the waiver requested here, the public file for the station must contain the quarterly issues and programs list, as required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application of Four Rivers Community Broadcasting Corp. for a construction permit for a new noncommercial educational FM station in Morgantown Pennsylvania (File No. BPED-19980512MI) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter H. Doyle", with a stylized flourish at the end.

Peter H. Doyle, Chief
Audio Division
Office of Broadcast License Policy
Media Bureau

³ See *Reconsideration Order*, 14 FCC Rcd at 11129, 129, ¶45.