

**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554  
September 19, 2007**

**IN REPLY REFER TO:  
1800B3-RAB**

A. Wray Fitch III, Esquire  
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McLean, VA 22102-3807

**In Re: WJNF(FM, Marianna, FL  
Facility ID No. 40082  
Way-FM Media Group, Inc.**

Application for Assignment of License  
File No. BALED-20070803ADF

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

Dear Counsel:

The staff has under consideration the referenced application to assign the license of noncommercial educational ("NCE") FM station WJNF, Marianna, Florida, from Marianna Educational Broadcasting Foundation, Inc. to Way-FM Media Group, Inc. ("Way-FM"). In the application, Way-FM seeks a waiver of the Commission's Main Studio Rule, Section 73.1125, in order to operate station WJNF(FM) as a "satellite" of commonly owned noncommercial educational ("NCE") station WAYT(FM), Thomasville, Georgia.<sup>1</sup> For the reasons set forth below, we shall grant both the assignment application and the waiver request.

Pursuant to Section 73.1125(a), a broadcast station's 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

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<sup>1</sup> 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).

the center of its community of license.<sup>2</sup> 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 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.<sup>3</sup> A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 “public interest” standard.<sup>4</sup>

Way-FM’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. Section 73.1125(a)(4) under these circumstances. As noted above, Way-FM proposes to operate WJNF(FM), Marianna, Florida, as a satellite station of WAYT(FM), Thomasville, Georgia, approximately 75 miles from Marianna. Where there is a great distance between the parent and satellite station, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community’s needs and interests. To that end, Way-FM has pledged to meet its local service obligations by: (1) establishing a community advisory board consisting of at least one resident of Marianna, Florida, which will provide input and recommendations on community needs and programming; (2) providing periodic local programming for Marianna residents including coverage of significant local news or cultural events; (3) maintaining a copy of WJNF(FM)’s local inspection file in Marianna; and (4) maintaining a toll-free telephone number, as required by Section 73.1125(d) of the rules.

In these circumstances, we are persuaded that Way-FM will meet its local service obligation and, thus, that grant of the requested waiver is consistent with the public interest. We remind Way-FM, however, of the requirement that it maintain a public file for WJNF(FM), Marianna, Florida, at the main studio of the “parent” station, WAYT(FM), Thomasville, Georgia. It must also make reasonable accommodation for listeners wishing to examine the file’s contents.<sup>5</sup> We further remind Way-FM that, notwithstanding the grant of the waiver requested here, the public file for WJNF(FM) must contain the quarterly issues and programs list for Marianna, Florida, as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, finding the applicant qualified and that grant of the assignment application would serve the public interest, convenience and necessity, the application (File No. BALED-20070803ADF) to assign the license of station WJNF(FM), Marianna,

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<sup>2</sup> 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*”).

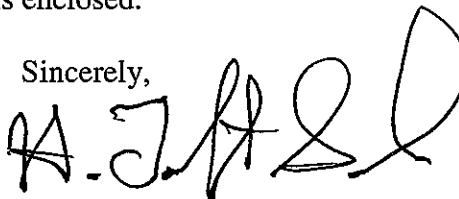
<sup>3</sup> *Id*

<sup>4</sup> *Id*

<sup>5</sup> See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

Florida, from Mariana Educational Broadcasting Foundation, Inc. to Way-FM Media Group, Inc. and the concomitant request for waiver of 47 C.F.R. Section 73.1125, ARE HEREBY GRANTED. The authorization is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Taft Snowdon". The signature is stylized with a large, looped "H" and a long, sweeping "S" at the end.

H. Taft Snowdon  
Supervisory Attorney  
Audio Division  
Media Bureau

cc: Way-FM Media Group, Inc.  
Enclosure