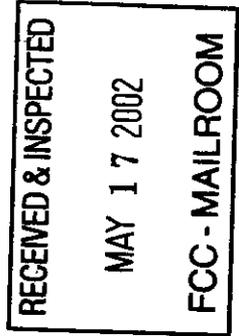


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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
May 15, 2002



IN REPLY REFER TO:
1800B3-EB

Richard A. Helmick, Esquire
Cohn & Marks
1920 N Street, N.W.
Suite 300
Washington, D.C. 20036

In Re: NEW(FM), Hamilton, Montana
Facility No. 92534
Faith Communications Corporation
Request for Waiver of 47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Mr. Helmick:

This staff has under consideration the above-referenced December 10, 2001 request for a waiver of the Commission's main studio requirement, 47 C.F.R. §73.1125, made by Faith Communications Corporation. ("Faith"). Faith is the permittee of a new noncommercial/educational ("NCE") FM station in Hamilton, Montana. Faith seeks a waiver of Section 73.1125 in order to operate the Hamilton NCE FM as a "satellite" of its noncommercial educational FM station KILA(FM), Las Vegas, Nevada.¹ For the reasons set forth below, we will waive Section 73.1125 and grant Faith's request.

Main Studio Waiver. Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community contour, (2) within the contour of any other broadcast station licensed to its community, or (3) with 25 miles of the center of its community. See Report and Order, *Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations*, 13 FCC Rcd 15.691 (1998); *recon.granted in part*, 14 FCC Rcd 11, 113 (1999) ("*Reconsideration Order*"). 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. *Id.* A satellite station must, however, demonstrate that it will meet its local obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

¹ A "satellite" 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).

Faith's request is based on the economies of scale which would be realized by grant of its waiver.²² We agree and conclude that there is good cause to waive 47 C.F.R. §73.1125(a)(4) under these circumstances. Faith proposed to operate the Hamilton station as a satellite station of KILA(FM), Las Vegas, Nevada, approximately 1122 kilometers from Hamilton, Montana. Where there is a significant distance between the parent and the satellite station, and where the parent and satellite station are in different states, as here, 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, Faith has pledged to: (1) subscribe to news and publications such as the *Ravalli Republic* a daily (Monday-Friday) newspaper, and maintain programming that is responsive to local community needs; (2) conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of the Odessa listeners, which will be covered in Faith's news and public affairs programming and broadcast over the new Hamilton station; and (3) maintain a toll free telephone number for the use of the residents in the community and maintain a public inspection file for the station within the Hamilton, Montana community.

In these circumstances, we are persuaded that Faith will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind Faith, however, of the requirement that it maintain a public file for the Hamilton, Montana station at the main studio of the "parent" station, KILA(FM), Las Vegas, Nevada. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd at 11, 129, ¶45. We further remind Faith that, notwithstanding the grant of the waiver requested here, the public file for KILA(FM) must contain the quarterly issue and programs list for the Hamilton, Montana NCE FM as required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request made by Faith Communications Corporation for waiver of 47 C.F.R. § 73.1125 IS GRANTED.

Sincerely,


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

²² In an amendment filed on May 8, 2002, Faith indicated that it originally intended to operate the Hamilton facility as a stand-alone NCE-FM station. However, subsequent to grant of the construction permit, Faith determined that a stand-alone operation was not economically feasible. It therefore filed the instant waiver request.