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

**AUG 10 2005**

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

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**In re: MX Group 96036**

**NEW(Ed. FM), Sebring, FL**  
Facility ID No. 81147  
Radio Training Network, Inc.  
File No. BPED-19960307ME

**NEW(Ed. FM), Clewiston, FL**  
Facility ID No. 83097  
American Educational  
Broadcasting, Inc.  
File No. BPED-19960822MA

**NEW(Ed. FM), Sebring, FL**  
Facility ID No. 83089  
The Moody Bible Institute of  
Chicago  
File No. BPED-19960820MB

Dear Counsel:

Currently before the Commission are (1) the captioned mutually exclusive applications for new noncommercial educational ("NCE") FM stations filed by Radio Training Network, Inc. ("RTN"), American Educational Broadcasting, Inc. ("AEB"), and The Moody Bible Institute of Chicago ("Moody"), (2) an August 13, 2004 Joint Petition For Approval Of Settlement Agreement ("Joint Request") filed by RTN, AEB, and Moody; and (3) a request by RTN for a waiver of 47 C.F.R. Section 73.1125, the Commission's main studio rule.

**Joint Request:** Pursuant to the terms of the Joint Request, Moody will dismiss its application in exchange for \$25,000.00 from RTN. This payment is authorized pursuant to the *Public Notice*, DA-04-1692, "Window Announced For Noncommercial Educational FM Settlements and Technical Amendments," 19 FCC Rcd 10498 (2004). Additionally, RTN would amend its application to resolve the mutual exclusivity between it and AEB. The amendment contemplated by the Joint Request was filed on October 15, 2004.

We have examined the Joint Request and the attached declarations. Based on this examination, we find that approval of the Joint Request would serve the public interest and that the applications were not filed for the purpose of reaching or carrying out the agreement. Accordingly, the applicants have complied with the provisions of 47 U.S.C. Section 311(c)(3) and 47 C.F.R. Section 73.3525. Furthermore, approval of the Joint Request would serve the public interest by providing Sebring, Florida, with its first NCE radio station, and Clewiston, Florida, a second NCE station.

**Section 307(b).** Since the Joint Request contemplates the granting of applications for both Sebring and Clewiston, no Section 307(b) questions have been presented, and no publication is required under 47 C.F.R. Section 73.3525(b).

**Main Studio Waiver:** RTN has requested a waiver of the Commission's main studio requirement, see 47 C.F.R. Section 73.1125, in order to operate the proposed Sebring, Florida station as a satellite of its commonly owned NCE station, WJIS(FM), Bradenton, Florida.<sup>1</sup>

Pursuant to section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (2) within the contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community.<sup>2</sup>

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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).

<sup>2</sup>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 11113 (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 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>

RTN's request is based on the economies of scale that 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) in these circumstances.

RTN proposes to operate its proposed Sebring, Florida, facility, as a satellite of commonly owned NCE station, WJIS(FM), Bradenton, Florida, approximately 75 miles from Sebring. Where there is a great distance between the parent and satellite stations, 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, RTN has pledged to: (1) ascertain community needs, at least bi-annually; (2) establish a community advisory board, to provide input and recommendations on community needs and programming, consisting of at least one resident of Sebring; (3) provide periodic local programming for Sebring residents, including coverage of significant local news or cultural events; (4) maintain a duplicate copy of the proposed station's public file in Sebring in addition to the main studio of WJIS(FM), Bradenton; and (5) maintain a toll free telephone number between Sebring and the WJIS(FM) main studio.

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

**Conclusion.** Accordingly, the Joint Request For Approval of Settlement Agreement IS GRANTED; the application of The Moody Bible Institute of Chicago (BPED-19960820MB) IS DISMISSED; and the applications of Radio Training Network, Inc. (BPED-19960307ME) and American Educational Broadcasting, Inc. (BPED-19960822MA), being in full compliance with the Commission's rules, ARE HEREBY

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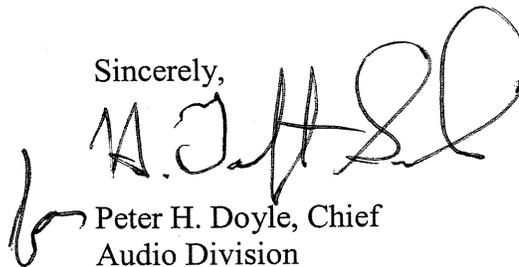
<sup>3</sup>*Id.*

<sup>4</sup>*Id.*

<sup>5</sup> See *Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45.

GRANTED. Lastly, RTN's request for a waiver of 47 C.F.R. Section 73.1125 IS GRANTED.

Sincerely,

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

Peter H. Doyle, Chief  
Audio Division  
Media Bureau