

2-13450
M. Wayne

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

MAR 28 2002

IN REPLY REFER TO:
1800B3-ALM

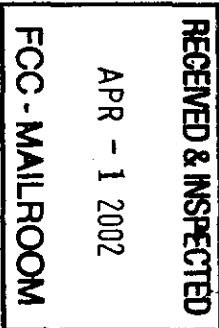
Wayne D. Johnsen, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D. C. 20006

Confirmed

APR 02 2002

Distribution Center

In re: WVCX(FM), Tomah, WI
VCY America, Inc.
Facility ID No. 73061
File No. BMLH-20020128ABE



Dear Mr. Johnsen:

The staff has under consideration the subject application of VCY America, Inc. ("VCY") to modify the license of WVCX(FM), Tomah, Wisconsin from commercial to noncommercial educational. The application also requests a waiver¹ of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the station as a satellite of its commonly owned NCE station WVCY-FM, Milwaukee, Wisconsin.² For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant the VCY application.

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. 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. *Id.* A satellite station must, however, demonstrate that it will

¹ A supplement to the waiver request was filed on March 27, 2002.

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).

meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

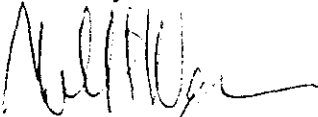
VCY's request is based on the economies of scale that would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a) in these circumstances.

VCY proposes to operate WVCX(FM), Tomah, Wisconsin as a satellite station of WVCY-FM, Milwaukee, Wisconsin which is approximately 130 miles from Tomah. Where there is a great distance between parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite station's community needs and interests. To that end, VCY has pledged to: (1) ascertain the needs of Tomah through an issue-oriented and truly interactive programming format which relies upon direct community involvement in the form of on-air listener calls; (2) establish a regional advisory council, comprised of at least one resident from Tomah which will provide input to management on programming issues of interest to residents throughout VCY's service areas; (3) air local programming, including the weekly "Bulletin Board" program which provides information about community events in Tomah; (4) actively use the Internet and other media sources when developing its quarterly issues list for Tomah; (5) conduct "share-a-thon" fundraisers, soliciting input on programming; (6) maintain a web page which permits listeners throughout the VCY network and beyond to have input regarding the programming broadcast on VCY stations; and (7) maintain a toll free telephone number between Tomah and the WVCY-FM main studio in Milwaukee, Wisconsin.

In these circumstances, we are persuaded that VCY will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind VCY, however, of the requirement that it maintain a public file for WVCX(FM) at the main studio of the "parent" station, WVCY(FM), Milwaukee, Wisconsin. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45. We further remind VCY that, notwithstanding the grant of the waiver requested here, the public file for the WVCX(FM) must contain the quarterly issues and programs list for Tomah, Wisconsin required by 47 C.F.R. § 73.3527(e)(8). Furthermore, VCY has adequately demonstrated to the Commission its qualifications to be the licensee of a noncommercial, educational broadcasting station.

Accordingly, the application of VCY America, Inc. to modify the license of WVCX(FM), (BMLH-20020128ABE) and the request for waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter H. Doyle', with a long horizontal flourish extending to the right.

for

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