

REQUEST FOR WAIVER OF MAIN STUDIO RULE

Nature of the Proposal

Horizon of Indianapolis, Inc. ("Horizon"), the permittee of WHZN (NCE-FM), New Whiteland, Indiana, hereby requests a waiver of Section 73.1125(a) of the FCC's rules to permit it to locate WHZN's studio in Indianapolis, Indiana. As shown below, there is good cause for such a waiver under Section 73.1125(b)(2) of the rules as applied to similarly-situated noncommercial educational FM stations.

Horizon will not, at least in the near term, be operating WHZN as a satellite of another NCE station. Horizon has no other stations at this time. Instead, the proposal is to place the main studio in Indianapolis, where Horizon is headquartered and where it will, in any event, establish the new station's principal program production facilities. This headquarters facility is approximately 27 air miles from New Whiteland and outside the authorized 70 dBu contour of BMPED-20070906AEL. As shown below, because Horizon will operate broadcast production facilities at its Indianapolis headquarters in any event, establishing an additional fully-staffed studio at New Whiteland not only would be redundant, it would be a drain on precious resources and thus be counterproductive in terms of the station's efforts to meet its public service obligations.

Horizon also will operate WWDL, Plainfield, Indiana, from studio facilities in its headquarters location in Indianapolis. That location is within 25 miles of Plainfield. However, WHZN is fully constructed and a license application for the facility is on file, whereas WWDL will not be operational until mid-2009 at the earliest. See Form 314, Exhibit 11. A "non-satellite" waiver is needed in order to accommodate the immediate needs of the new station, which has just been granted program test authority.

Cost Savings

Horizon will produce radio programs for WHZN, and eventually WWDL, from an existing studio facility at its headquarters in Indianapolis. Additionally, and in any event, Horizon will be establishing a new fully-equipped broadcast production facility for WHZN and WWDL in Indianapolis from which most of both stations' programming will be originated. The new Indianapolis radio facility, which will be located on the

same campus which accommodates Horizon's church and current media operations, is easily accessible to senior Horizon management and decision-makers. The facility has ample building space to accommodate an FM studio and it already employs a professional staff. This headquarters production facility will be interconnected to WHZN through a T-1 data line or microwave STL.

Even though a fully-equipped and staffed production studio will be available for use by WHZN, and eventually WWDL, in Indianapolis, Horizon would have to incur the following additional expenses if it were to establish redundant facilities at New Whiteland:

Equipment and Installation Costs. The costs for establishing a studio in New Whiteland have been estimated by Horizon's engineering consultant to be \$43,000.00. This includes an eight-channel broadcast console, other control room equipment, a Ku-band digital satellite receiver, a 1X6 phone hybrid, an automation system, control room furniture, shipping and handling, studio construction and installation, consulting fees, and related costs. These costs do not include EAS or STL equipment, which will be purchased in any event.

Staffing. Estimated annual costs for a least one full-time employee and two part-time employees at a New Whiteland studio are approximately as follows:

Station manager/announcer (including benefits)	\$52,000.00
Clerical/receptionist/acknowledgement sales	10,000.00
Contract engineer	<u>4,000.00</u>
Total	\$66,000.00

Operating Costs. The annual costs of operation of a separate New Whiteland studio facility are estimated as follows:

Rent (annually for 750 square feet of office space)	\$18,000.00
Utilities	5,000.00
Maintenance, janitorial and miscellaneous	<u>4,000.00</u>
Total:	\$27,000.00

Total Extra Costs. Using these figures, the total cost for construction of a New Whiteland studio and operating it for one year will be approximately \$136,000.00.

Impact of These Extra Costs. Most, if not all of these costs can be saved if the requested waiver is approved. As stated above, Horizon's headquarters and

program production facilities will remain in Indianapolis in any event, where they will constitute a main studio facility for WWDL and the principal program production facility for WHZN. The New Whiteland studio would at best be a lightly-manned outpost of this headquarters facility. There is little benefit to be gained from this arrangement, and much to be lost. Horizon, itself a charitable organization, will be operating the New Whiteland FM station as a non-commercial facility dependent on voluntary contributions. The additional cost for a redundant studio facility in New Whiteland will represent a significant drain on Horizon's already small budget for staffing and programming. Indeed, Horizon views expenditures for a second studio facility as poor stewardship of donor dollars. These resources would be better put to use in acquiring high-quality programming and maintaining experienced staff at the headquarters facility, where the combined WHZN and WWDL operation will be based. From that location, Horizon can produce local news, and educational and informational programs for broadcast on both WHZN and WWDL.

Other Financial Issues

While Horizon can budget for a "sales" person who would sell acknowledgment announcements and solicit contributions in the New Whiteland area, this effort would not come close to meeting the local operating costs outlined above. According to U.S. census data, New Whiteland had a 2000 population of 4,579 people in 1,556 households, with 1,311 families residing within the town. This small population is not sufficient to support a local studio operation, much less the larger overall costs of operating the station. For this reason, too, establishing a fully-staffed studio facility at New Whiteland would be counterproductive and threaten the long-term viability of the station.

Continuing Contacts with the Community

In order to assure the new FM station serves local needs and interests in New Whiteland and surrounding areas of Johnson County, the following will be done:

- Horizon will conduct quarterly surveys of community leaders to stay abreast of the problems and needs of New Whiteland and surrounding communities.

Management-level personnel from Indianapolis will visit the community at least quarterly to consult with community leaders and ascertain community issues, and the station's programming staff will develop responsive programming.

- Horizon will subscribe to newspapers published in Johnson County.
- A community bulletin board program will be broadcast at least once weekly, and will include information and announcements concerning news and events in New Whiteland and the surrounding area.
- Based on the contacts outlined above, a more substantive public affairs program of 15-30 minutes in length and covering local issues will be broadcast weekly or monthly as needs dictate.
- A toll-free telephone line from New Whiteland to the Indianapolis studio will be established and publicized over the air.
- A duplicate public file will be maintained in Johnson County and updated when new material is added to the public file in Indianapolis.

Factual Summary

While the proposed Indianapolis main studio will not be a part of a network of "satellite" noncommercial educational FM stations, at least initially--as is the case with many other models where main studio waivers have been routinely approved--the public interest benefits of a waiver in this instance are even more compelling than in the standard waiver case. Over \$136,000.00 would be saved during the first year of operations alone, and that money would be available to increase staffing levels and produce better quality programming, including programs directed to the New Whiteland area. New Whiteland is a small community which cannot adequately support a stand-alone noncommercial radio station. Moreover, Horizon's program production facilities, which will be expanded to accommodate WHZN and

sister station WWDL when it goes on the air, will remain in Indianapolis in any event.

Thus, a second studio facility in New Whiteland is unnecessary and will cause significant hardships in terms of draining away resources that could be used to develop better programming. Moreover, Horizon will meet its public service responsibilities to New Whiteland, less than 30 minutes away by car, through regular surveys and visits to the community and implementation of the other initiatives listed above. The cost savings which will be realized will permit the station to be responsive to the community's needs and to broadcast news and other information about the community in its bulletin board and other public affairs programs mentioned above. The toll-free telephone line from the community will make the main studio immediately available, at no cost, to New Whiteland-area residents. And a complete public file will be placed in Johnson County. This is much more than could be provided if the station were the satellite of a distant, out-of-state station.

Case Precedent for Waiver Approval

The Commission previously has granted waivers where, as here, significant cost savings were shown and the licensee demonstrated how, with a stand-alone station, it would still meet its public service obligations with a distant studio. See, e.g., BAPED-20080605AAZ (WEQP, Pamplin City, Virginia, Facility ID 176875, granted August 20, 2008); *Letter to Harry C. Martin, Esquire* (re WWTE, Wellfleet, Massachusetts, Facility ID 122299), March 21, 2006 (copy attached); *Letter to Living Proof, Inc.* (re WTSE, Cypress Quarters, Florida, Facility ID 93012, File No. BMPED-20030206ACR), June 11, 2003 (unpublished); *Letter to Ernest T. Sanchez* (re KTBR AM/FM, Roseburg, Oregon, File Nos. BML-20020328AAB and BMLED-20020410AAO), released April 19, 2002 (unpublished); *Letter to Amelia L. Brown, Esquire* (re WMKV(FM), Reading, Ohio, File No. BMPED-19930616IA), released February 9, 1996 (unpublished). On the basis of these decisions, and the representations made above, the instant request also should be approved.

Respectfully submitted,

**HORIZON CHRISTIAN FELLOWSHIP
OF INDIANAPOLIS, INC.**

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

MAR 21 2006

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

Harry C. Martin, Esquire
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209

**In re: WWTE(FM), Wellfleet, MA
Facility ID No. 122299
Horizon Christian Fellowship, Inc.
Request For Waiver of Section 73.1125
(Main Studio Rule)**

Dear Mr. Martin:

This letter is in response to the January 31, 2006,¹ request for a waiver of Section 73.1125² of the Commission's rules submitted by Horizon Christian Fellowship, Inc. ("HCF"). HCF proposes to locate the WWTE(FM) main studio at its corporate headquarters in Fitchburg, Massachusetts. HCF states that the proposed location is located approximately 100 miles from Wellfleet.

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.³ 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 is considered on a case-by-case basis.

HCF has demonstrated that uniquely compelling circumstances support a waiver in this case. HCF has shown that it can achieve significant and continuing cost savings by locating its main studio in Fitchburg instead of Wellfleet. Specifically, HCF will save \$132,279.00 annually by utilizing equipment and staff already available at its Fitchburg headquarters. HCF states that

¹ A supplement to the request was made on March 16, 2006.

² 47 C.F.R. § 73.1125.

³ 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").

this sum will exceed the financial support available in Wellfleet, a community with a 2000 Census population of 2,749 residents. The Commission has previously recognized limited funding as a basis for permitting centralized operation for noncommercial educational stations and networks.⁴

Moreover, on the basis of commitments HCF has made, we are persuaded that WWTE(FM) will meet its public service obligations to the residents Wellfleet, Massachusetts. To that end HCF has pledged to (1) establish an advisory board comprised of community leaders to keep HCF abreast of the problems and needs of Wellfleet and surrounding communities; (2) hold, at least quarterly, meetings between HCF management personnel and the advisory board to ascertain community issues; (3) develop, on a weekly basis, programming that responds to the ascertained issues; (4) subscribe to newspapers published in Barnstable County; (5) broadcast, on a daily or weekly basis, a community bulletin board program that includes information and announcements concerning news and events in Wellfleet and the surrounding area; (6) air a 15-30 minute public affairs programming, on a weekly or monthly basis – as needs dictate, covering local issues; (7) establish a duplicate public inspection file for WWTE(FM) in Wellfleet and update it when new material is added to the official file in Fitchburg; and (8) maintain toll-free telephone number between Wellfleet and the WWTE(FM) main studio. In these circumstances, we are persuaded that HCF will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Finally, although HCF has pledged to maintain a duplicate copy of the WWTE(FM) public file in Wellfleet, we remind it, however, of the requirement that it maintain a public file for WWTE(FM) at its corporate headquarters in Fitchburg, Massachusetts. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind HCF that, notwithstanding the grant of the waiver requested here, the public file for WWTE(FM) must contain the quarterly issues and programs list for Wellfleet, Massachusetts as required by Section 73.3527(e)(8) of the Commission's rules.

In light of the above, the request for a waiver of the Commission's main studio rule, Section 73.1125 of the Commission's rules, submitted by Horizon Christian Fellowship, Inc., IS GRANTED.

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

⁴ See Amendment of Section 73.1125, 3 FCC Rcd 5027, 5027 (1988). See also letter from Chief, Audio Division, dated June 11, 2003, in re WTSE(FM), (reference 1800B3-JR).

⁵ See Reconsideration Order, 14 FCC Rcd 11113, 11129 at ¶45.