

Application establishing Assignee's qualifications as NCE:

While the assignee has been a qualified NCE licensee for several decades, the lack of access to applications filed in and authorizations granted in CDBS renders it difficult to definitively establish an appropriate application for reliance.

The following application was for a NEW FM application in a window and the attached letter order make it clear that the application was filed for an NCE facility and clearly found qualified.

BPED-19980707MH

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

MAR 29 2002

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

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In Re: **NEW(FM), Sault Ste Marie, MI**
Northern Christian Radio, Inc.
File No. BPED-19980707MH
Facility ID No. 91115

NEW(FM), Sault Ste Marie, MI
Broadcasting For The Challenged, Inc.
File No. BPED-19981230MD
Facility ID No. 92515

Joint Request for Approval of Settlement
MX Group 980706

Dear Counsel:

This is in reference to the above-captioned mutually exclusive construction permit applications for a new noncommercial FM station in Sault Ste Marie, Michigan and the Joint Request for Approval of Settlement ("Joint Request") filed on July 17, 2001, and amended on July 19, 2001, by Northern Christian Radio, Inc. ("NCR") and Broadcasting for the Challenged, Inc. ("BFTC").

We have examined the Joint Request and the Settlement Agreement attached thereto. Based on this examination, we find that approval of the Joint Request would serve the public interest and that the BFTC application was 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. § 311(c)(3) and 47 C.F.R. § 73.3525. Since both of the applicants propose to serve the same community, no Section 307(b) questions have been presented and republication is not required under 47 C.F.R. § 73.3525(b). **Furthermore, we find**

that NCR is fully qualified and that a grant of the application would serve the public interest by expediting a new noncommercial FM service to Sault Ste Marie, Michigan.

Main Studio Waiver Request. NCR has requested a waiver of the Commission's main studio requirement, *see* 47 C.F.R. § 73.1125, in order to operate the Sault Ste Marie station as a satellite¹ of its commonly-owned NCE station WPHN(FM), Gaylord, Michigan. For the reasons set forth below, we will waive Section 73.1125.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of the community of license. *Amendment of Sections 73.1125 and 73.1130*, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(b)(2), the Commission will waive this requirement 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 a 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 meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

NCR's request is based on the economies of scale which would be realized by a 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. NCR proposes to operate the Sault Ste Marie station as a satellite of WPHN(FM), Gaylord, Michigan, approximately 114 miles from Sault Ste Marie, Michigan. Where there is a great distance between 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, NCR has pledged to ascertain the problems, needs and interests of the local community through a citizens advisory board consisting of residents of Sault Ste Marie and will address these issues through its programming on WPHN(FM). Moreover, the ascertainment by the local board will be supplemented by efforts undertaken by annual visits to the community by a management employee of WPHN. Finally, NCR will maintain a toll-free telephone number for the use of the residents of Sault Ste Marie and will maintain a public inspection file for the Sault Ste Marie station at the WPHN studios.

Under these circumstances, we are persuaded that NCR will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind NCR, however, of the requirement that it maintain a public file for the station at the main studio of the station at which its programming is originated, and it must provide the accommodation to listeners or residents as required under the amended rules. *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 14 FCC Rcd 11113,

¹A "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 RR 2d 1554, 1562 (1964).

11129, ¶45 (1999). Thus, in the instant case, NCR must maintain the public file at the main studio of parent station WPHN(FM), Gaylord, Michigan.

Accordingly, pursuant to 47 C.F.R. § 0.283, the Joint Request for Approval of Settlement and the request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The application filed by Broadcasting for the Challenged, Inc. (File No. BPED-19981230MD) IS HEREBY DISMISSED and the application filed by Northern Christian Radio, Inc. (File No. BPED-19980707MH) IS HEREBY GRANTED. The construction permit authorization will follow under separate cover.

Sincerely,

Risa Scanlan
for

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