

Marietta College
Attributable Interests: Cross Ownership

Proposed: Low Power FM station on Ch. 248, 97.5 MHZ., at Marietta, Ohio.

Cross-Ownership. The Cross Ownership Rule, 47 CFR Section 73.860 (a), does not permit a low power applicant to hold an attributable interest in any other broadcast station.

Marietta College is presently licensed for WCMO, a Class D station, and WMRT, a Class B-1 reserved band station.

47 CFR Section 73.860 (d) provides that “a party with an attributable interest in a broadcast radio station must divest such interest prior to the commencement of operations of an LPFM station in which the party also holds an interest.” This proposed low power station will replace Class D WCMO, then the license for that Class D station will be either divested, or returned. This leaves the College with an attributable interest in the Class B-1 Reserved Band station, WMRT.

However, subsection (d) continues to state that “a party need not divest such an attributable interest if the party is a college or university that can certify that the existing broadcast radio station is not student run. This exception applies only to parties that:

- (1) Are accredited educational institutions;
- (2) Own an attributable interest in non-student run broadcast stations; and
- (3) Apply for an authorization for an LPFM station that will be managed and operated on a day-to-day basis by students of the accredited educational institution. “

As we note in our exhibit on eligibility, Marietta College, chartered in 1835, is a four-year private non-profit college accredited by the North Central Association of Colleges. Hence Marietta College meets the first requirement of this subsection.

WCMO. WCMO was first licensed in 1960. The Class D WCMO signal is interference limited to 4 watts ERP at 30 meters AHAAT on its present frequency of 98.5. Since its

inception, this station has been managed and run by students of the college. The proposed LPFM station is intended to replace this Class D station, and will continue to be student programmed and operated. This meets the requirements of paragraph (3) of Subsection (d).

WMRT. That leaves the Class B-1 reserved band station, WMRT. On the surface, the cross ownership rule would appear to require divestiture of this station as well. However, Marietta College need not divest itself of this station if it can certify that the attributable broadcast interest is in a *non-student run broadcast station*. (Emphasis added).

This Class B-1 station was built by the College in 1975, and programs jazz and classical music. It is an affiliate of the WFMT radio network, and the Metropolitan Opera Radio Network. While students prepare some of the local programming for the station, the station is managed and programmed by the Communications Department faculty at the College.

Further, day-to-day operational support for the station is provided under contract with a local commercial radio group owner, Seven Ranges Radio Co. The staff at Seven Ranges station WVVV, Williamstown, WV, generate and load the daily music programming logs for WMRT. They download long form programs from the WFMT network and PRX, inserting them into the WMRT automation system for later airing on the station. Seven Ranges also provides engineering services for this station, the current WMRT studios were installed by Seven Ranges.

Hence the College can certify that it meets the three conditions of Subsection (d), allowing it to retain this attributable interest in WMRT. It is an accredited educational institution. The attributable interest in WMRT is in a station that is professionally managed and run, not student run. Finally, the LPFM station will be managed and operated on a day-to-day basis by students at the College, as is now the case with station WCMO that the LPFM will replace.