

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

JUN 24 2005

IN REPLY REFER TO:
1800B3

John Crigler, Esq.
Garvey, Schubert & Barer
1000 Potomac Street, N.W.
5th Floor
Washington, D.C. 20007

In re: **WVPA(FM), St. Johnsbury, VT**
Facility ID # 85029
BLED-19990830KI
Request for Waiver of 47 C.F.R. § 73.1125

Dear Mr. Crigler:

The staff has under consideration the captioned application of Vermont Public Radio ("VPR") for covering license for station WVPA(FM), St. Johnsbury, Vermont, filed on August 3, 1999. The license application contains a request for waiver of the Commission's main studio rule, 47 C.F.R. Section 73.1125, in order to operate WVPA(FM) as a "satellite" of VPR's station WVPS(FM), Burlington, Vermont.¹ For the reasons set forth below, we will grant VPR's request for waiver and its license application.

Main Studio Rule Waiver Request. Pursuant to Section 73.1125(a) a broadcast station's main studio must be located either (1) within a station's community of license, (2) within the principal community contour of any station licensed to its community, or (3) within 25 miles of the center of its community of license.² However, under Section 73.1125(a)(4), 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 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 has found that "good cause" exists to waive the main studio location requirement where satellite operations are proposed.³ In

¹ 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 RR 2d 1554, 1562 (1964).

² See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998), recon. granted in part, 14 FCC Rcd 1113 (1999) ("Reconsideration Order").

³ *Id.*

order to receive a satellite main studio waiver, an applicant must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁴

VPR's request is based on the economies of scale which would be realized by grant of its waiver, *i.e.*, avoiding the cost of equipping, operating, and staffing a main studio in the St. Johnsbury, Vermont area; BPR states that it is "not economically feasible" to construct and staff a studio to provide NCE service to the small (population 6426) St. Johnsbury community.⁵ We conclude that VPR has demonstrated "good cause" to waive 47 C.F.R. Section 73.1125(a)(4) in these circumstances. As noted above, VPR proposes to operate WVPA(FM) as a satellite of co-owned station WVPS(FM), Burlington, Vermont. St. Johnsbury is approximately 60 miles from Burlington. Where there is a considerable distance between parent and satellite stations, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests and respond to them in its programming. To that end, VPR has stated that: (1) it will recruit and add to its Community Advisory Board members who reside in the protected service area of WVPA(FM), including to the extent possible members residing in St. Johnsbury, which representative will provide recommendations on community needs and programming directly to VPR management; (2) both VPR's governing Board of Directors and its Community Advisory Board will hold periodic meetings in St. Johnsbury, which meetings will be advertised and open to the public; and (3) it will provide periodic local programming for St. Johnsbury, including coverage of significant local news and cultural events. Additionally, VPR pledges to maintain a toll-free telephone line from St. Johnsbury to the VPR main studios in Burlington as well as an electronic mail address by which WVPA(FM) (and other VPR) listeners can contact the VPR studio facility. In these circumstances, we are persuaded that VPR will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest.

Accordingly, in reliance upon the representations listed above, we find that Vermont Public Radio will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind Vermont Public Radio, however, of the requirement that it maintain a public file for WVPA(FM) at the main studio of the "parent" station, WVPS(FM), Burlington, Vermont. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁶

License Application. We have examined the WVPA(FM) license application and find that the station was constructed in accordance with the terms and conditions of the permit and that grant of the application will further the public interest, convenience, and necessity.

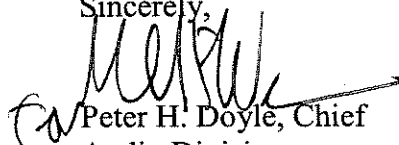
⁴ *Id.*

⁵ VPR also states that a request for waiver of Section 73.1125 was inadvertently omitted from the original application for construction permit for St. Johnsbury (File No. BPED-19970108MC) but "was restored" in the subject license application.

⁶ See *Reconsideration Order*, 14 FCC Rcd at 11129 ¶ 45.

Accordingly, the request of Vermont Public Radio for waiver of 47 C.F.R. Section 73.1125, and its application for covering license (File No. BLED-19990803KI), ARE HEREBY GRANTED. The authorization is enclosed.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau

Enclosure