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JUL 15 2005

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JUL 19 2005
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In Re: WRUN(AM), Utica, New York
WAMC
Facility ID No. 73969

Application to Convert to Noncommercial
Educational Status
File No. BML-20050113AED

Request for Waiver of 47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Counsel:

The staff has under consideration the referenced application that you filed on behalf of WAMC to modify WRUN(AM)'s license by converting it from commercial to noncommercial educational status ("NCE")¹ and its request for a waiver of the Commission's Main Studio Rule, Section 73.1125, in order to operate station WRUN (AM), Utica, New York, as a "satellite" of commonly owned noncommercial educational ("NCE") station WAMC-FM, Albany, New York.² For the reasons set forth below, we will grant the modification of license application and WAMC's request to waive Section 73.1125 of the Commission's rules. The modification application will become effective upon notification of consummation of the assignment of license of WRUN(AM) from Regent Licensee of Utica/Rome, Inc. to WAMC (BAL-20050105AAU).

Modification of License. Pursuant to *Amendment of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities without a Construction Permit*,³ WAMC may apply to convert WRUN(FM), from commercial

¹ WAMC is proposing to reclassify WRUN(AM) from commercial to noncommercial educational status pursuant to 73.1690(c)(9).

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).

³ 12 FCC Red 1237 (1997).

authorization to noncommercial educational status. It may do so by filing a license application and demonstrating that it is a qualified educational organization pursuant to 47 C.F.R. Section 73.503(a) and that the station will be used to advance WAMC's educational program.⁴ We will accept the instant showing. An examination of WAMC's proposal reveals that WAMC is qualified to operate WRUN(AM) as a noncommercial educational facility and that grant of its application would serve the public interest, convenience and necessity. We will convert WRUN(AM) to noncommercial educational status with the effective date of the grant being the date that WAMC notifies the Commission of the consummation of the assignment of license proposed in BAL-20050105AAU.

Main Studio Waiver. 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 other broadcast station licensed to its community, or (3) within 25 miles of the center of its community of license.⁵ 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.⁶ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁷

WAMC's request is based on the economies of scale, which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. Section 73.1125(a)(4) under these circumstances.

WAMC proposes to operate WRUN(AM), Utica, New York, as a satellite station of WAMC-FM, Albany, New York, approximately 78 miles from Utica, New York. Where there is a great distance between the parent and satellite station, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, WAMC has stated that it will meet its local service obligations to the community by: (1) providing a website which will enable listeners to contact WAMC; (2) maintaining a Community Advisory Board (board will have a member for the Utica area), which will provide recommendations about community needs and programming to WAMC's Board of Trustees; (3) activating three Utica toll-free telephone numbers which will permit Utica

⁴ See 47 C.F.R. § 73.1690(c)(9).

⁵ See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Red 15691 (1998), *recon.granted in part*, 14 FCC Red 11113(1999) ("**Reconsideration Order**").

⁶ *Id*

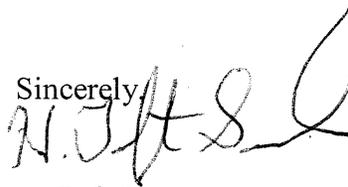
⁷ *Id*

residents to contact WAMC directly, participate on call-in talk show programs and provide general listener comment.

In these circumstances, we are persuaded that WAMC will meet its local service obligation and, thus, that grant of the requested waiver is consistent with the public interest. We remind WAMC, however, of the requirement that it maintain a public file for the Utica station at the main studio of the "parent" station, WAMC-FM, Albany, New York. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁸ We further remind WAMC that, notwithstanding the grant of the waiver requested here, the public file for WRUN must contain the quarterly issues and programs list for Albany, New York, required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, in light of the above discussion the application (File No. BML-20050113AED) to convert WRUN(AM)'s station license from commercial to noncommercial educational status, IS GRANTED. The effective date of this action will be the date on which the Commission is notified of the consummation of the WRUN assignment of license application (BAL-20050105AAU). Additionally, WAMC's request for waiver of 47 C.F.R. Section 73.1125 IS GRANTED.⁹ The authorization to operate the station as a noncommercial educational facility is enclosed.

Sincerely,



H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau

Enclosure

⁸ See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

⁹ *Id.*