

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

IN REPLY REFER TO:
1800B3-EB

FEB - 4 2005

Donald E. Wildmon, Chairman
American Family Association
P.O. Drawer 3206
Tupelo, MS 38803

In Re: NEW(FM), Cheyenne, Wyoming
American Family Association
Facility ID No. 86624
Applications for Construction Permit

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

Dear Mr. Wildmon:

The staff has under consideration the referenced application for a new noncommercial educational ("NCE") FM station in Cheyenne, Wyoming, filed by American Family Association ("AFA"). In this application, AFA seeks a waiver of Section 73.1125 in order to operate the Cheyenne, Wyoming facility as a "satellite" station of its noncommercial educational FM station WAFR(FM) Tupelo, Mississippi.¹ For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a 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.² 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 operation 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.³ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.⁴

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 RR2d 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 11113 (1999) ("Reconsideration Order").

³ *Id.*

⁴ *Id.*

AFA'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) under these circumstances. AFA proposes to operate the Cheyenne, Wyoming, facility as a satellite station of WAFR(FM), Tupelo, Mississippi, approximately 1002 miles from Cheyenne. Where there is considerable distance between the parent and the satellite station, and where the parent and satellite station are in different states, 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, AFA has pledged to meet its local service obligations by: (1) adding to its Community Advisory Board at least one resident of Cheyenne who will provide recommendations on community needs and programming directly to the management of AFA during each regular "Shareathon" (pledge drives normally held every six months); (2) soliciting listeners' opinions regarding community issues that should be addressed during program planning. AFA will track the listener response by community and factor those responses in its planning of the program schedule; (3) providing periodic local programming for Cheyenne including coverage of significant local news or cultural events; (4) providing for the broadcast of local public service announcements; (5) maintaining its public file within the community of license and a toll-free number from Cheyenne to Tupelo.

In these circumstances, we are persuaded that AFA will meet its local service obligation and, thus, that grant of the requested waiver is consistent with the public interest. We remind AFA, however, of the requirement that it maintain a public file for the Cheyenne, Wyoming facility at the main studio of the "parent" station, WAFR(FM), Tupelo, Mississippi. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind AFA that, notwithstanding the grant of waiver requested here, the public file for the Cheyenne, Wyoming facility must contain the quarterly issues and programs list, as required by C.F.R. Section 73.3527(e)(8).

We have reviewed AFA's application and find that it complies with all pertinent statutory and regulatory requirements. Additionally, our evaluation reveals that grant of the application will further the public interest, convenience and necessity. Accordingly, the application (File No. BPED-19970507MA) of American Family Association for a new noncommercial educational FM station in Cheyenne, Wyoming, as well as its request waiver of 47 C.F.R. Section 73.1125, IS GRANTED.

Sincerely,

Lisa Scanlan
for

Peter H. Doyle, Chief
Audio Division
Media Bureau

⁵ See *Reconsideration Order*, 14 FCC Rcd at 11129.