

Request for Main Studio Rule Waiver
Upon Approval of Assignment of the License of Station WHIL-FM, Mobile, Alabama (FIN: 61999)

The Board of Trustees of the University of Alabama (the "Board"), the proposed assignee of the license for Station WHIL-FM, Mobile, Alabama (the "Station"), hereby requests a waiver of Section 73.1125(a) of the Commission's rules (main studio rule) pursuant to the "good cause" exception contained in Section 73.1125(b)(2) of that rule.

The Board is a public corporation and constitutional instrumentality of the State of Alabama, existing under provisions of the Constitution of Alabama of 1901, as amended, and Chapter 47 of Title 16 of the Code of Alabama of 1975, as amended. The Board is the licensee of multiple noncommercial educational ("NCE") stations, which are listed in Exhibit 15 of this assignment application. The Board seeks a waiver of the main studio rule in order to operate the Station, as a satellite of another co-owned NCE radio station, WUAL-FM, Tuscaloosa, Alabama (FIN: 69168).

In view of the past experience of WHIL-FM, the Board's investigation of potential contributions, and the Board's own knowledge gained from its extensive experience in operating the Board's NCE radio stations in Alabama, the Board has concluded that at the present time there is insufficient support in Mobile for an NCE station of the type planned to enable the Station's operations to be funded from local contributions. Furthermore, the Board's own resources are limited and the economy of scale and substantial cost savings provided by a waiver are of critical importance in enabling Board to continue service through noncommercial radio programming on the Station. The economies of scale which would be realized by grant of the waiver are considerable and in a nutshell include, for example, saving the cost of equipping, staffing with necessary employees, leasing or acquisition of space for and otherwise operating a studio in Mobile. The Board respectfully submits that due to the limited financial resources available to support the Station, a waiver of the main studio rule will best serve the public interest in this instance.

In the past, the Commission has allowed NCE broadcast stations to operate as satellite stations. See generally Nebraska Educational Television Commission, 4 RR 2d 771 (1965). In doing so, the Commission has recognized that the substantial cost savings realized from not being required to construct an additional main studio often are used by stations to provide an expanded amount of public affairs programming, which serves the public interest. See Amendment of Section 73.1125 and 73.1130 of the Commission's Rules, 3 FCC Rcd 5024, 5027 (1988). Accordingly, waivers have been granted where the licensee has demonstrated that the local community will be adequately served, and the satellite station has satisfied the local/toll-free telephone requirement. Amendment of Section 73.1125, 3 FCC Rcd at 5027.

In this case, the Board will fulfill its local service obligations and maintain awareness of the Mobile community's needs and interests. In brief: (a) An Advisory Board of local leaders and residents in Mobile area will be established to keep the Board abreast of the needs and interests of Mobile and the surrounding communities and gather input on programming needed to address those needs and interests; (b) Interviews will be conducted on a regular basis with Mobile area leaders and residents to obtain and assess community needs, interests and concerns and the need for responsive programming; (c) The Station will maintain a website which will permit listeners throughout the Mobile area to provide personal input as to needs and interests, and enable listeners to become more aware of the Station and its programming; (d) A toll-free telephone number will be established and made available to allow Mobile area residents to have ready access to management personnel and main studio personnel at co-owned primary station WUAL-FM located on the campus of the University of Alabama in Tuscaloosa, to provide input as to needs and interests, as well as to communicate news and information of interest; and (e) In order to provide additional information to the community and respond to needs and interests, the Board will maintain a duplicate copy of the Station's local

public inspection file in Mobile. That file will duplicate the Station's main studio public inspection file located at co-owned Station WUAL-FM.

In conclusion, the Board believes that the operation of Station WHIL-FM as a satellite of the Board's co-owned Station WUAL-FM is critical to enabling high-quality noncommercial programming to be presented on Station WHIL-FM and noncommercial radio service to be provided to the Mobile area residents. Grant of a waiver in this instance is fully consistent with the Commission's prior actions. As set forth above, there is insufficient funding available, essential cost savings will be realized to enable operations, and the Board has made a commitment to address the needs and interests of Mobile and the surrounding area by the various steps outlined above. The Board respectfully submits that a waiver of the main studio rule is warranted.