

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

FEB 3 2004

**IN REPLY REFER TO:
1800B3-RAB**

Edward Czelada, Trustee
Superior Communications.
3302 N. Van Dyke
Imlay City, Michigan 48444

In Re: WTLI(FM), Bear Creek Twp, MI
Facility ID No. 84479
WEJC(FM), White Star, MI
Facility ID No. 64021
WTAC(FM), Burton, MI
Facility ID No. 88040
WAIR(FM), Lake City, MI
Facility ID No. 92345

Application for Minor Modification of
Construction Permit (**WTLI(FM)**)
BPED-19991025ACA

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

Dear Mr. Czelada:

The staff has under consideration: (1) the captioned application of Superior Communications ("Superior") to modify the construction permit of station WTLI(FM), Bear Creek Twp, Michigan; and (2) the request for waivers of the Commission's Main Studio Rule, Section 73.1125, in order to operate stations WTLI(FM), Bear Creek Twp., Michigan; WEJC(FM), White Star, Michigan; WTAC(FM), Burton, Michigan; and WAIR(FM), Lake City, Michigan, as a "satellite" of commonly owned noncommercial educational ("NCE") station WWKM(FM), Goodland Twp., Michigan.¹ For the reasons set forth below, we will waive Section 73.1125 and grant Superior's application and the requested waivers.

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).

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.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 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.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

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

Superior proposes to operate stations WTLI(FM), Bear Creek Twp., Michigan; WEJC(FM), White Star, Michigan; WTAC(FM), Burton, Michigan; and WAIR(FM), Lake City, Michigan, as satellite stations of WWKM(FM), Goodland Twp, Michigan. 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, Superior has pledged to: (1) continue its existing policy that residents of each community of license involved here participate on a regional advisory council which provides input to management on programming issues of interest to residents throughout Superior Communications' service areas; (2) solicit comments from listeners concerning programming and station operation; (3) maintain local newscasts, weather forecasts and broadcast local inserts of interest to the communities of license ; (4) subscribe to local and area publications; (5) communicate with community residents and leaders on a quarterly basis, in person, by e-mail, by telephone, or by fax, regarding local events and developments to ascertain the needs of the communities of license; (6) operate a site on the world wide web which enables local residents to receive extensive information and comment on Superior's programming; (7) maintain public files for residents of the communities of license to inspect in accordance with public inspection file rules; and (8) maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules.

In these circumstances, we are persuaded that Superior will meet its local service obligation and thus, that grant of the requested waivers are consistent with the public interest. We remind Superior, however, of the requirement that it maintain public files for the Bear Creek Twp, Michigan, White Star, Michigan, Burton, Michigan, and Lake City, Michigan stations at

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.*

the main studio of the “parent” station, WWKM(FM), Goodland Twp, Michigan. It must also make reasonable accommodation for listeners wishing to examine the file’s contents.⁵ We further remind Superior that, notwithstanding the grant of the waivers requested here, the public file for WTLI(FM), WEJC(FM), WTAC(FM) and WAIR(FM) must contain the quarterly issues and programs list for Bear Creek Twp, Michigan, White Star, Michigan, Burton, Michigan and Lake City, Michigan respectively, as required by 47 C.F.R. Section 73.3527(e)(8).

Minor modification application. We have examined the application (BPED-19991025ACA) for minor modification of the construction permit for WTLI(FM), Bear Creek, Twp, Michigan. We find that the application complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience, and necessity would be furthered by its grant.

Accordingly, Superior’s request for waivers of 47 C.F.R. Section 73.1125 and its application BPED-19991025ACA, ARE HEREBY GRANTED. The authorization is enclosed.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

Enclosure

⁵ See Reconsideration Order, 14 FCC Rcd at 11129, Paragraph 45.