

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

MAR 04 1997

IN REPLY REFER TO:
1800B3-ALM

Margaret L. Miller, Esq.
Dow, Lohnes and Albertson
1255 Twenty-Third Street, N.W.
Washington, D. C. 20036

Re: New FM Service in Marion, Ohio, BPED-940920MD

Dear Ms. Miller:

The staff has under consideration the application of The Ohio State University ("University") for a construction permit for a new noncommercial educational ("NCE") FM station in Marion, Ohio (File No. BPED-940920MD). University has requested a waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the Marion station as a satellite of its NCE station WOSU-FM, Columbus, Ohio.¹ For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant University's application for a construction permit.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of its community of license. Amendment of Sections 73.1125 and 73.1130, 3 FCC Rcd 5024, 5027 (1988). 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 found "good cause" exists to waive the main studio location requirement where satellite operations are proposed. Id. A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. Id.

University'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. § 73.1125(a)(4) in these circumstances. University proposes to operate the Marion station as a satellite of WOSU-FM, Columbus, Ohio approximately 40 miles from Marion. The Commission expects the licensees of a satellite station to take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, University has

¹A "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).

pledged to: (1) determine the local needs of Marion through contact with local community leaders and other ascertainment mechanisms; (2) attempt to cover the entire region, including Marion, in its news and public affairs programming; (3) attempt to cover significant events in Marion and its environs, including cultural events, such as concerts, and political campaigns and election results; and (4) establish a toll-free telephone number between Marion and the station's main studio in Columbus. We also remind University that it must maintain a public file for the new station in Marion, as required by 47 C.F.R. § 73.3527(d). In these circumstances, we are persuaded that University will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of The Ohio State University for a construction permit, BPED-940920MD, and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization will be forwarded under separate cover.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Blair", with a small flourish or mark below the name.

Linda Blair, Chief
Audio Services Division
Mass Media Bureau