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## VIA FEDERAL EXPRESS - STANDARD

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

**Re: Request for Waiver of the Main Studio Rule - Section 73.1125  
980512MH, Grand Island, NE (FIN: 90676)**

Dear Ms. Dortch:

Edgewater Broadcasting, Inc. ("EB"), the assignee of noncommercial educational FM broadcast station 980512MH, Grand Island, Nebraska (FIN: 90676) (the "Station"), by its undersigned counsel, hereby respectfully requests a waiver of the Main Studio Rule, 47 C.F.R. § 73.1125, with respect to its proposed operation of the Station.<sup>1</sup> EB respectfully requests Commission authorization to operate the Station as a satellite of co-owned noncommercial educational FM broadcast station WLOG(FM), Markleysburg, Pennsylvania (FIN: 91030) and to co-locate the Station's Main Studio at WLOG(FM)'s Main Studio.

Commission precedent and good cause support the requested waiver and it would be in the public interest for the Commission to grant this request. EB intends to deliver its signal from WLOG(FM) to the Station facility in Grand Island, NE. Grand Island, NE is approximately

<sup>1</sup> An application for the assignment of the permit from Stockton Christian Life College, Inc. to Edgewater Broadcasting, Inc. was accepted for filing on April 11, 2007 (FCC File No. BAPED-20070410AAQ). The instant request is contingent upon grant and consummation of this assignment.

997.0 miles from Markleysburg, Pennsylvania.<sup>2</sup> EB anticipates linking the Station to WLOG(FM) through a combination of microwave links and data lines.

Under Section 73.1125 of the Commission's rules, a broadcast station must maintain its main studio: (a) within the station's community of license; (b) at a location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (c) within 25 miles from the reference coordinates of the center of the station's community of license, except when "good cause" exists for locating the main studio at an alternate location. The Commission traditionally considers waiver requests by noncommercial educational broadcast stations on a case-by-case basis.<sup>3</sup> In the context of waiver requests for noncommercial educational broadcast stations, the Commission has expressly and implicitly found "good cause" to exist in numerous instances based solely upon a showing that centralized operations will provide an economic benefit to noncommercial educational broadcast stations, which have limited funding, provided that local service obligations are met.<sup>4</sup>

Limited funding and economies of scale exist in this case and thus warrant a grant of the requested waiver. EB is an Idaho not-for-profit corporation. As the Commission is aware, there

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<sup>2</sup> As calculated by [www.ask.com](http://www.ask.com).

<sup>3</sup> See *Main Studio and Program Origination Rules*, 3 FCC Rcd 5024 (1988); see also *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, 15695 n.18 (1998).

<sup>4</sup> See e.g., *Letter to Jeffrey D. Southmayd, Esq.*, dated December 10, 2002; *Letter to Roy R. Russo, Esq.*, dated January 24, 1994; *Letter to Richard J. Bodorff*, dated January 2, 1992; *The President and Board of Trustees of the Miami University*, 7 FCC Rcd 2902 (1992); *The Cedarville College*, 6 FCC Rcd 538 (1991); *Letter to Gerald Stevens-Kittner, Esq.*, dated July 15, 1991; *Sound of Life, Inc.*, 4 FCC Rcd 8273 (1989); *Lift Him Up Outreach Ministries, Inc.*, 3 FCC Rcd 5571 (1988); *Georgia State Board of Education*, 70 F.C.C.2d 948 (1979), recon. denied, 71 F.C.C.2d 227 (1979); *Nebraska Educational Television Comm'n*, 4 R.R.2d 771 (1965).

are substantial costs associated with the construction, operation and maintenance of a main studio, including those attributable to equipment purchases, personnel wages, and facility rent and utilities. Because EB intends to originate the vast majority of the Station's programming from WLOG(FM), virtually all of these costs can be saved if EB's requested waiver is granted. EB proposes to use these cost savings to more fully equip and staff its WLOG(FM) studio and its Twin Falls, Idaho broadcast production facility, where senior EB management and experienced staff personnel will be available. Co-locating the main studio for the Station at the WLOG(FM) main studio in Markleysburg, Pennsylvania will enable EB to attain the economies of scale and costs savings necessary to maintain the high quality of its proposed noncommercial educational programming.

Additionally, the City of Grand Island, while moderately sized in population, is unlikely to be able to support the Station.<sup>5</sup> As of 1999, 9.9% of the families living in Grand Island are below the poverty line, as compared to the U.S. average of 9.2%, and the median household income is \$36,044, as compared to the national median household income of \$41,994.<sup>6</sup> These figures indicate that there are limited local resources to provide the type of financial assistance crucial to a noncommercial educational broadcast station dependent on contributions.

EB is aware of the Station's local service obligations. EB has developed a plan to allow it to determine the local needs of the Grand Island community and to respond to those needs.

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<sup>5</sup> The 2000 U.S. Census data reports a population of 42,940 persons. *See* [http://factfinder.census.gov/servlet/SAFFacts?\\_event=Search&geo\\_id=&\\_geoContext=&\\_street=&\\_county=grand+island&\\_cityTown=grand+island&\\_state=04000US31&\\_zip=&\\_lang=en&\\_sse=on&pctxt=fph&pgsl=010&show\\_2003\\_tab=&redirect=Y](http://factfinder.census.gov/servlet/SAFFacts?_event=Search&geo_id=&_geoContext=&_street=&_county=grand+island&_cityTown=grand+island&_state=04000US31&_zip=&_lang=en&_sse=on&pctxt=fph&pgsl=010&show_2003_tab=&redirect=Y)

<sup>6</sup>*id.*



Specifically, EB proposes to take the following steps in order to ensure that it ascertains and responds to the problems, needs and interests of the local community:

- solicit local volunteers to assist EB in ascertaining issues of local importance and providing programming that addresses the needs and interests of the Grand Island community;
- monitor local events by communicating with the local volunteers and periodically reviewing the official website of the City of Grand Island (<http://www.grand-island.com>) as well as by regularly reviewing the *Grand Island Independent*, the city's local daily newspaper;
- provide programming targeted to Grand Island, including coverage of significant local news or cultural events;
- ascertain the needs and interests of the Grand Island community on an on-going informal basis using local volunteers and will conduct formal ascertainment at least once annually to ensure that the station is providing adequate coverage of issues of local importance and is providing programming that addresses the needs and interests of the Grand Island community;
- broadcast public service announcements of local interest provided by national, state and local organizations;
- announce on-air a website which will allow for the placement of comments from its listeners concerning community Grand Island a toll-free telephone number in compliance with Section 73.1125(e) of the Commission's Rules; and
- in accordance with Commission requirements, establish and maintain a duplicate public file in Grand Island, which will be updated when new material is added to the public file in Markleysburg, Pennsylvania.

As shown herein, EB is committed to ascertaining the local problems, needs and interests of Grand Island, NE and has demonstrated that it will satisfy its local service obligations. EB's commitment and this demonstration, in conjunction with the limited funding and economies of scale present in this case, support a finding by the Commission that good cause exists for the requested waiver and that a grant of the waiver would be in the public interest.

Respectfully submitted,



Dawn M. Sciarrino  
Counsel to Edgewater Broadcasting, Inc.

cc: Penelope Dade (via e-mail)