

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

June 7, 2000

IN REPLY REFER TO:
1800B3

John Crigler, Esq.
Garvey, Schubert & Barer
1000 Potomac Street, N.W.
5th Floor
Washington, D.C. 20007

In re: **WBTN-FM, Bennington, VT**
Facility ID # 9310
Request for Waiver of 47 C.F.R. §73.1125

Dear Mr. Crigler:

The staff has under consideration the captioned request, filed on December 2, 1999 on behalf Vermont Public Radio ("VPR"), approved assignee¹ of station WBTN-FM, Bennington, Vermont, for waiver of the Commission's main studio rule, 47 C.F.R. §73.1125 in order to operate WBTN-FM as a "satellite" of VPR's station WVPS(FM), Burlington, Vermont.² For the reasons set forth below, we will grant VPR's request for waiver and its license application.

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 has found that "good cause" exists to waive the main studio location requirement where satellite operations are proposed. *Id.* In order to receive a satellite main studio waiver, an applicant must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

¹ See Application No. BALH-19991008AAC, granted on November 24, 1999.

² 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 RR 2d 1554, 1562 (1964).

VPR's request is based on the economies of scale which would be realized by grant of its waiver, i.e., avoiding the cost of equipping, operating, and staffing a main studio in the Bennington, Vermont area. We conclude that VPR has demonstrated "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. As noted above, VPR proposes to operate WBTN-FM as a satellite of co-owned station WVPS(FM), Burlington, Vermont. Bennington is approximately 124 miles from Burlington. Where there is a considerable distance between parent and satellite stations, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests and respond to them in its programming. To that end, VPR has stated that: (1) it will recruit and add to its Community Advisory Board at least one person who resides in Bennington County and within the protected service area of WBTN-FM, which representative will provide recommendations on community needs and programming directly to VPR management; (2) both VPR's governing Board of Directors and its Community Advisory Board will hold periodic meetings in Bennington, which meetings will be advertised and open to the public; and (3) it will provide periodic local programming for Bennington, including coverage of significant local news and cultural events. Additionally, VPR pledges to maintain a toll-free telephone line from Bennington to the VPR main studios in Burlington as well as an electronic mail address by which WBTN-FM (and other VPR) listeners can contact the VPR studio facility. In these circumstances, we are persuaded that VPR will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest.

Accordingly, in reliance upon the representations listed above, the request of Vermont Public Radio for waiver of 47 C.F.R. §73.1125 IS GRANTED.³

Sincerely,



Linda Blair, Chief
Audio Services Division
Mass Media Bureau

³ We remind VPR that the Commission has recently revised its main studio and public file rules to require that all stations, including noncommercial educational stations operating as "satellites," to maintain their public files at the specified main studio location. Accordingly, WBTN-FM must keep its public file at the WVPS(FM) studio facility. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *Memorandum Opinion and Order* in MM Docket No. 97-138, 14 FCC Rcd 11,113 (released May 28, 1999), 64 Fed. Reg. 35,941 (July 2, 1999).