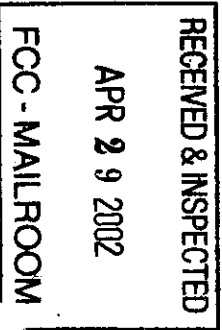


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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

APR 24 2002

IN REPLY REFER TO:
1800B3-EB



Jeffrey D. Southmayd, Esquire
Southmayd & Miller
1220 Nineteenth Street, N.W.
Suite 400
Washington, D.C. 20036

In Re: WHST(FM), Tawas City, Michigan
Northern Christian Radio
Facility ID No. 29285
Request for Waiver of 47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Mr. Southmayd:

This staff has under consideration the above referenced June 6, 2001 request for a waiver of the Commission's main studio requirement, 47 C.F.R. §73.1125, made by Northern Christian Radio, Inc. ("NCR"), licensee of the noncommercial educational FM station WHST(FM), Tawas City, Michigan. NCR seeks a waiver of Section 73.1125 in order to operate WHST(FM), Tawas City, Michigan as a "satellite" of its noncommercial educational FM station WPHN(FM), Gaylord, Michigan.¹ For the reasons set forth below, we will waive Section 73.1125 and grant NCR's request.

Main Studio Waiver. Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community contour, (2) within the contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community. *See Report and Order. Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations*, 13 FCC Rcd 15.691 (1998); *recon. granted in part*, 14 FCC Rcd 11, 113 (1999) ("Reconsideration Order"). 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 operation for NCE stations, given their limited funding, and thus found "good cause" exists to waive the main studio location

¹ A "satellite" 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).

requirement where satellite operations are proposed. *Id.* A satellite station must, however, demonstrate that it will meet its local obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

NCR'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) under these circumstances. NCR proposes to operate WHST(FM), Tawas City, Michigan as a satellite station of WPHN(FM), Gaylord, Michigan, approximately 140 kilometers from Tawas City, Michigan. Where there is significant distance between the parent and the satellite station, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, NCR has pledged that: (1) it will ascertain the problems, needs and interests of the local community through a local citizens advisory board consisting of residents of Tawas City and will address these issues through its programming on WPHN(FM); (2) the advisory board will meet at least quarterly on conference calls with a management employee of WPHN to discuss the local issues of public concern facing the community; (3) the board will hold at least one in-person meeting each year, which will be publicized and open for public attendance and participation; (4) it will include news insertions on WPHN to include segments regarding events in Tawas City, as well as broadcasting periodic public affairs programming responsive to issues of local concern ascertained by NCR in connection with its local information gathering efforts. NCR also states that it will establish a toll-free telephone line from Tawas City to the WPHN(FM) main studio and will establish and maintain a public inspection file for the station in Tawas City, Michigan.

In these circumstances, we are persuaded that NCR will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind NCR, however, of the requirement that it maintain a public file for the Tawas City, Michigan station at the main studio of the "parent" station, WPHN(FM), Gaylord, Michigan. It must also make reasonable accommodation for listeners wishing to examine the file contents. *See Reconsideration Order*, 14 FCC Rcd at 11, 129, ¶45. We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for WHST(FM) must contain the quarterly issue and programs list for Tawas City, Michigan required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request made by Northern Christian Radio, Inc. for waiver of 47 C.F.R. § 73.1125, IS GRANTED.

Sincerely,



for

Peter H. Doyle, Chief
Audio Division
Office of Broadcast License Policy
Media Bureau