

STATEMENT OF JUSTIFICATION OF NON-ROUTINE GRANT

Port Jervis, New York

BPED-910104MA

Sound of Life, Inc. ("SOL") is currently the licensee of WFGB(FM), Kingston, New York and the applicant for a new noncommercial station in Port Jervis, New York. The applicant seeks a waiver of 47 C.F.R. § 73.1125(a) (4) to duplicate the programming of WFGB(FM) on its proposed Port Jervis facility.

In order to ensure that local issues in Port Jervis will be met, SOL will undertake the following:

1. In the first year of operation, it will conduct semi-annual ascertainment surveys of community needs and interests by soliciting the opinions of at least 200 citizens.
2. After that, it will establish a mailing list of station supporters and solicit their opinions on community needs through periodic questionnaires.
3. Maintain a toll-free number between Port Jervis and Kingston, New York.
4. Make every effort to place a citizen of Port Jervis, who is both active in local affairs and a strong supporter of the station, on the Board of Directors of SOL.

A "satellite" station has been defined by the Commission as one "operating on a channel specified in the ... Table of Assignments and meeting all of the technical requirements of our rules, but one which usually originates no local programming ... It rebroadcasts the programming of the parent station." Multiple Ownership Rules, 3 RR 2d 1554, 1562 (1964). Satellite stations involve deviations from such Commission regulations as station main studio locations (Section 73.1125).

The Commission has stated that "we have recognized the benefits of centralized operations for noncommercial educational stations, given the limited funding available to these stations, and we have granted waivers to state and regional public television and radio networks to operate 'satellite' stations that do not necessarily meet the requirements of a main studio. These stations, however, have not been permitted to ignore local service obligations, and waivers generally have been granted only upon a showing that the local community would be served." Memorandum Opinion and Order in MM Docket No. 86-406, 3 FCC Rcd 5024 (1988). Thus, local needs should be met by this applicant.

We have determined that SOL has established that its centrally programmed simultaneous schedule will serve the problems, needs and interests of Port Jervis, New York. Accordingly, we will waive the applicable rule section and grant the construction permit application.

Analyst Allen J. Oryen

Supervisor Rosa Scanlan

Branch Chief Dennis Williams

22 MAY 1992