

FCC MAIL ROOM SECTION
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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IN REPLY REFER TO:
1800B3-ALM

Wayne D. Johnson, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D. C. 20006

In re: WMHN-FM, Webster, NY (BRED-920124UL)
WMHI-FM, Cape Vincent, NY (BMLE-911112KC)
Mars Hill Broadcasting Co., Inc.
Request for Waiver of 47 C.F.R.
§ 73.1124(a) (4) (Main Studio)

Dear Mr. Johnson:

On May 26, 1992, you requested a waiver of the Commission's Main Studio rule, 47 C.F.R. § 73.1124(a) (4), on behalf of WMHN-FM, Webster, New York and WMHI-FM, Cape Vincent, New York, which are licensed to Mars Hill Broadcasting Co., Inc. ("Mars Hill"). On July 7, 1992, you amended your waiver proposal, requesting that these stations be allowed to operate as "satellite" stations to duplicate the programming of commonly owned station, WMHR-FM, Syracuse, New York.

In support of your waiver request, you state that:

1. Mars Hill is aware of its obligation to serve the needs and interests of each of its communities of license.
2. A local station manager will be at each station.
3. Studios with full production and transmission capabilities will be at each station. The studios will be used for production of programs designed to meet the specific needs of the local community. Examples of these programs include "Community Bulletin Board", a daily program of community events; "Spotlight", an interview program; "Open Mike", a weekly listener call-in show addressing subjects of community interest; "Pastor for the Day", a daily program featuring pastors of various denominational churches; and "Sunday Church Services", a live or taped church service from a church in the service area of each station.
4. Each station will implement a community advisory committee comprised of a cross-section of the community, which will meet periodically to discuss the station and its relationship with the community.
5. Each station manager will contact and meet with other members of the community on a regular basis to ascertain their needs and interests.

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 station 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 Mars Hill.

We have determined that Mars Hill has established that its centrally programmed simultaneous schedule will serve the problems, needs and interests of Webster and Cape Vincent, New York. Accordingly, 47 C.F.R. § 73.1125 IS HEREBY WAIVED to permit operation of WMHN-FM and WMHI-FM as "satellite" stations of WMHR-FM, Syracuse, New York.

Sincerely,

Ed Jorgensen

for
Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

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