

FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.
WASHINGTON, DC 20554
APR 05 2001

Eric S. Kravetz, Esq.
3511 Porter Street, N.W.
Washington, D.C. 20016

In Reply Refer to:
1800B3-MFW

In re: WBDS(FM), Norlina, NC
Facility ID No. 1208
CSN International, Inc.

File No. BMPED-20010201AEW
Application to Modify Technical Facilities,
Convert to Noncommercial Educational
Status, and Waive 47 C.F.R. §73.1125

Dear Mr. Kravetz:

This letter refers to the captioned application of CSN International, Inc. ("CSN"), permittee of station WBDS(FM), Norlina, North Carolina, proposing to: (1) modify the technical facilities of WBDS(FM) by specifying operation from a new transmitter site; (2) reclassify WBDS(FM) from commercial to noncommercial educational status pursuant to 47 C.F.R. § 73.1690(c)(9); and (3) waive the Commission's Main Studio Rule, 47 C.F.R. § 73.1125, to permit WBDS(FM) to operate as a "satellite" of station WPGT(FM), Roanoke Rapids, North Carolina.¹

Modification application. We have also examined CSN's modification application and find that it complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience, and necessity would be furthered by its grant. Accordingly, we will grant the application below.

Conversion to NCE-FM status. Pursuant to *Amendments of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit*, 12 FCC Rcd 12,371 (1997), CSN may apply to convert the WBDS(FM) commercial authorization to noncommercial educational FM status. It may do so by filing a license application and a demonstration that it is a qualified educational organization pursuant to 47 C.F.R. § 73.503(a) and that the station will be used to advance CSN's educational program. See 47 C.F.R. §73.1690(c)(9). We will accept the instant showing, notwithstanding the fact that

¹ 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*, 3 RR 2d 1554, 1562 (1964).

it is filed as part of a technical modification application. An examination of the instant proposal reveals that CSN is qualified to operate WBDS(FM) as a noncommercial educational facility and that grant thereof would serve the public interest, convenience, and necessity. We will therefor convert WBDS(FM) to noncommercial educational FM status below.

Main studio waiver. Pursuant to Section 73.1125, a station's main studio must be located either (1) within a station's principal community contour; (2) within the principal community 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 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 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.*

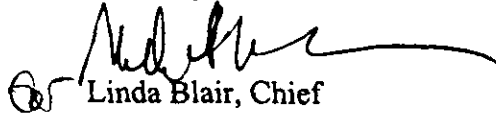
CSN's request is based on the economies of scale which would be realized by grant of its waiver, *i.e.*, avoiding the cost of equipping, operating, and staffing a main studio in the Norlina, North Carolina area. We conclude that CSN has demonstrated "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. As noted above, CSN proposes to operate WBDS(FM) as a satellite of co-owned station WPGT(FM), Roanoke Rapids, North Carolina. Norlina is approximately 30 miles from Roanoke Rapids. Where there is a considerable distance between parent and satellite, 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, CSN has stated that: (1) it will appoint a local representative in Norlina who will keep WPGT(FM)'s management abreast of local issues of interest and concern to Norlina residents; (2) CSN's management employees will themselves periodically visit Norlina to ascertain community issues, publicizing these visits in advance, over the air, and identifying a time and place where local residents may meet with CSN management; and (3) it will provide for the broadcast of news and public service announcements pertinent to Norlina residents addressing the issues ascertained by WPGT(FM) and CSN management. Additionally, CSN pledges to maintain its public file in Norlina and to maintain a toll-free telephone line from Norlina to the WPGT(FM) studio.

In these circumstances, we are persuaded that CSN will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest. We remind CSN, however, of the requirement that it maintain a public file for WBDS(FM) at the main studio of the "parent" station, WPGT(FM), Roanoke Rapids, North Carolina. It must also make reasonable accommodation for listeners wishing to examine the file's contents. See *Reconsideration Order*, 14 FCC Rcd at 11,129 ¶ 45. We further remind CSN that, notwithstanding the grant of the waiver requested here, the public file for WBDS(FM) must

contain the quarterly issues and programs list for Norlina, North Carolina, required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application (File No. BMPED-20010201AEW) to modify the facilities of station WBDS(AM), Norlina, North Carolina and to specify noncommercial educational operation, as well as its request for waiver of 47 C.F.R. § 73.1125, ARE HEREBY GRANTED, and the station's authorization IS HEREBY RECLASSIFIED as a noncommercial educational FM construction permit.. The authorization is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Blair", with a long horizontal flourish extending to the right.

Linda Blair, Chief
Audio Services Division
Mass Media Bureau

cc: CSN International, Inc.