

DATA BASE

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

JAN 29 2001

IN REPLY REFER TO:
1800B3

John Crigler, Esq.
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Washington, D.C. 20007

In re: **WNAN(FM), Nantucket, MA**
Facility ID # 8600
WGBH Educational Foundation

File No. BLED-20000302AAD
Request for Waiver of 47 C.F.R. §73.1125

Dear Mr. Helmick:

The staff has under consideration the application, as amended, filed on behalf of the WGBH Educational Foundation ("WGBHEF"), for license to cover the existing authorization of noncommercial educational FM station WNAN(FM). The application includes a request for waiver of the Commission's main studio rule, 47 C.F.R. §73.1125, in order to operate station WNAN(FM) as a separately programmed station from a studio site in Woods Hole, Massachusetts shared by co-owned station WCAI(FM), Woods Hole, Massachusetts, some 30 miles from Nantucket. For the reasons set forth below, we will grant WGBHEF's request for waiver and its modification application.

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 a noncommercial educational ("NCE") station seeking is considered on a case-by-case basis.

University'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 Nantucket. The waiver request indicates that WGBHEF "does not believe that the island of


Nantucket (population 6,100) can currently support the cost of a fully equipped main studio and two full-time staff"; this sentiment is echoed in a November 9, 2000 amendment, in which WGBHEF indicates that "it is not economically feasible" to maintain and staff a studio on the island." Thus, WGBHEF states that will realize substantial and continuing cost savings from combining operations at the Woods Hole studio facility.

Moreover, on the basis of the commitments WGBHEF has made in its waiver request and in November 9, 2000 and January 5, 2001 amendments, we are persuaded that the station will meet its service obligations to the residents of Nantucket. To this end, WGBHEF states that: (1) it has created the Nantucket Founders Council, composed exclusively of Nantucket residents, who will advise WGBH on the programming interests and needs of Nantucket; (2) it retains a Nantucket program producer who generates local features on a contract basis; (3) it has hired a part-time Nantucket Project director to serve as conduit for ideas about programs of local interest; (4) WNAN(FM) currently and regularly airs news and feature stories related to Nantucket, and regularly dispatches reporters to cover local events; and (5) WNAN(FM) incorporates news reports from Nantucket into morning and afternoon news programs. WGBHEF also indicates that it will maintain a toll-free telephone line from Nantucket to the studio in Woods Hole.

In these circumstances, we are persuaded that WGBHEF will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest. *See, e.g., Letter to Amelia L. Brown, Esq. (WMKV(FM), Reading, Ohio)*, Reference 1800B3-PHD (Chief, Mass Media Bureau February 9, 1996). We remind WGBHEF, however, of the requirement that it maintain a public file for its Nantucket, Massachusetts station at its "main studio" in Woods Hole. 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 WGBHEF that, notwithstanding the grant of the waiver requested here, the public file for WNAN(FM) must contain the quarterly issues and programs list for Nantucket, Massachusetts, required by 47 C.F.R. § 73.3527(e)(8).

We have also examined WGBHEF's license 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. In accordance with these findings, and in reliance upon the representations listed above, the license application (File No. BLED-20000302AAD) of WGBH Educational Foundation for station WNAN(FM), Nantucket, Massachusetts, and its request for waiver of 47 C.F.R. § 73.1125, ARE GRANTED. The authorization is enclosed.

Sincerely,


Linda Blair, Chief
Audio Services Division
Mass Media Bureau