

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

July 17, 2001

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IN REPLY REFERENCED
1800B3-MH

Patrick J. Vaughn,
Assistant General Counsel
American Family Association, Inc.
P.O. Drawer 2440
Tupelo, Mississippi 38803

In Re: WBJY(FM), Americus, Georgia
American Family Association, Inc.
Facility ID No. 82835

BMPED-19990618ID
Request for Waiver of 47 C.F.R. §73.1125

Dear Mr. Vaughn:

The staff has under consideration the above-referenced request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by American Family Association, Inc. ("AFA"). AFA seeks a waiver of Section 73.1125 in order to operate WBJY(FM), Americus, Georgia, as a satellite of its noncommercial educational ("NCE") station, WASW(FM), Waycross, Georgia.¹ For the reasons set forth below, we will waive Section 73.1125 and grant AFA's request.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal 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 operations for NCE stations, given their limited funding, and thus found

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, Memorandum Opinion and Order*, 3 RR2d 1554, 1562(1964).

“good cause” exists to waive the main studio location requirement where satellite operations are proposed. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 “public interest” standard. *Id.*

AFA’s request is based on the economies of scale which would be realized by grant of its waiver.² We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a)(4) under these circumstances. AFA proposes to operate WBJY(FM), Americus, Georgia as a satellite station of WASW(FM), Waycross, Georgia, approximately 150 miles from Americus. To that end, AFA: (1) has pledged to add to its Community Advisory Board at least one resident of Americus who will be asked to provide recommendations on community needs and programming directly to the management of Family; (2) will, at least annually, conduct interviews with residents and community leaders to assess community needs and programming; (3) will provide periodic local programming for Americus, including coverage of significant local news or cultural events; and (4) will maintain its public file within the community of license and will maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and maintain a public inspection file for the station within the Americus community.

In these circumstances, we are persuaded that AFA will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind AFA, however, of the requirement that it maintain a public file for the Americus, Georgia station at the main studio of the “parent” station, WASW(FM), Waycross, Georgia. It must also make reasonable accommodation for listeners wishing to examine the file’s contents. *See Reconsideration Order*, 14 FCC Rcd 11,113, 11,129 at ¶45. We further remind AFA that, notwithstanding the grant of the waiver requested here, the public file for WBJY(FM) station must contain the quarterly issues and programs list for Americus, Georgia required by 47 C.F.R. § 73.3527(e)(8).

² In an amendment filed on May 29, 2001, AFA stated that it originally planned to locate the studio site in Leesburg, Georgia, and use an STL link between the studio and the tower. However, in November 1996, AFA was notified that other applications mutually exclusively (“mx”) with its Americus application had been filed. On April 28, 1998, the mx’d parties filed a universal settlement agreement. The Commission approved the settlement and granted the construction permit for WBJY(FM) on March 11, 1999. By that time, the studio site had been sold. Therefore, on June 17, 1999, AFA filed a request for waiver of the main studio location requirement. On December 14, 1999, AFA filed to amend its tower site to co-locate with WAEF(FM) tower in Ashburn, Georgia. The Ashburn tower site does not provide a clear STL shot to locate a studio located at the Cornerstone Church. Therefore, AFA continues to request a main studio waiver.

Accordingly, the request made by American Family Association, Inc. for a waiver of 47 C.F.R. § 73.1125 (File No. BMPED-990816ID) IS GRANTED.

Sincerely,

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

Peter H. Doyle, Chief
Audio Services Division
Mass Media Bureau