

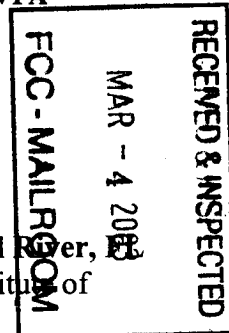
2-A523
mw

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554
February 27, 2003

IN REPLY REFER TO:
1800B3-VFA

The Moody Bible Institute of Chicago
Robert C. Neff, Vice President
820 North LaSalle Boulevard
Chicago, IL 60610

In re: **WHGN(FM), Crystal River, FL**
The Moody Bible Institute of
Chicago



Request for Waiver of § 73.1125
(Main Studio Rule)

Dear Mr. Neff:

This staff has under consideration the request of The Moody Bible Institute of Chicago ("Moody") for a waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, in order to operate WHGN(FM), Crystal River, Florida, as a satellite of its commonly owned, noncommercial, educational ("NCE") station WKES(FM), Lakeland, Florida.¹

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community of license 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 of license.² 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 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 "good cause" exists to waive the main studio location requirement where satellite operations are proposed.³ A satellite station must, however, demonstrate that it will meet

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).

² *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998); *recon. Granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").

³ *Id.*

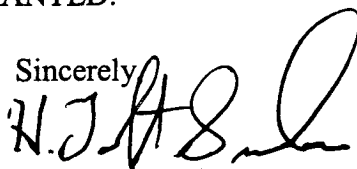
its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁴ Moody states that as a noncommercial educational licensee, it has encountered difficulty in providing financial support for the main studios required by the Commission. Therefore, Moody now seeks a waiver of C.F.R. Section 73.1125 in order to arrange its stations into a regional originating and satellite structure. Moody's request is based on the economies of scale that would be realized by grant of its waiver.

Moody proposes to operate WHGN(FM), Crystal River, Florida, as a satellite of station of WKES(FM), Lakeland, Florida, approximately 71 miles from Crystal River. Where there is a great distance between parent and satellite stations, as here, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of and address the satellite community's needs and interests. To that end, Moody has pledged to engage in a quarterly ascertainment of the community needs and interests of Crystal River by: (1) adding to its Community Advisory Board at least one resident of Crystal River who will be asked to provide recommendations on community needs and programming and directly to the management of Moody; (2) providing news insertions in its local broadcast on WKES(FM) to include segments regarding events in Crystal River; (3) airing in its news and public affairs public affairs programming information that is responsive to the local issues of public concern ascertained by Moody in connection with its local information gathering efforts; and (4) maintaining a toll-free telephone number between Crystal River, Florida, and the WKES(FM) main studio.

Under these circumstances, we are persuaded that Moody will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind Moody, however, of the requirement that it maintain a public file for WHGN(FM) at the main studio of the "parent" station WKES(FM). It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind Moody that, notwithstanding the grant of waiver requested here, the public file for WHGN(FM) must contain the quarterly issues and programs list, as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, the request for waiver of 47 C.F.R. Section 73.1125 filed by The Moody Bible Institute of Chicago IS HEREBY GRANTED.

Sincerely



H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau

⁴ *Id.*

⁵ *See Reconsideration Order*, 14 FCC Rcd at 11129.