

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554 FEB 16 21 P 3:34

February 16, 2001

**IN REPLY REFER TO:
1800B3-MH**

Jeffrey D. Southmayd, Esquire
Southmayd & Miller
1220 19th Street, NW
Suite 400
Washington, D.C. 20036

In Re: WMBU(FM), Forest, Mississippi
The Moody Bible Institute of Chicago
Facility ID No. 9926
Request for Waiver of 47 C.F.R. §73.1125
(Main Studio Rule)

Dear Mr. Southmayd:

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 The Moody Bible Institute of Chicago ("Moody"). Moody seeks a waiver of Section 73.1125 in order to operate WMBU(FM), Forest, Mississippi as a satellite of its noncommercial educational ("NCE") station, WMBV(FM), Dixon's Mills, Alabama.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 11113 (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 "good cause" exists to waive the main studio location requirement where satellite

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).*

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.*

Moody's request is based on the economies of scale, which would be realized by grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a)(4) under these circumstances. Moody proposes to operate WMBU(FM), Forest, Mississippi as a satellite station of WMBU(FM), Dixon's Mills, Alabama, approximately 60 miles from Forest, Mississippi. To that end, Moody has pledged that: (1) it will establish a citizen advisory board consisting of the residents of the Forest community; (2) the board will meet periodically on conference calls with a management employee of WMBU(FM) to discuss local issues of public concern facing the community; (3) an annual meeting will be held each year and will be open to members of the public to attend and participate in the discussions; (4) Moody will include news insertions in its local broadcasts on WMBU(FM) to include segment regarding events in Forest; (5) it will periodically broadcast public affairs programming responsive to the local issues of public concern ascertained by Moody in connection with its local information gathering efforts; and (6) maintain a toll-free telephone number for the use of residents in Forest, Mississippi to reach the WMBV(FM) studios and will maintain a public inspection file for WMBU(FM) at the WMBV(FM) studios in Dixon's Mills.

In 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 the Forest, Mississippi station at the main studio of the "parent" station, WMBV(FM), Dixon's Mills, Alabama. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45. We further remind Moody that, notwithstanding the grant of the waiver requested here, the public file for WMBU(FM) station must contain the quarterly issues and programs list for Forest, Mississippi required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request made by the Moody Bible Institute of Chicago for a waiver of 47 C.F.R. § 73.1125 IS GRANTED.

Sincerely,

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

Linda Blair, Chief
Audio Services Division
Mass Media Bureau