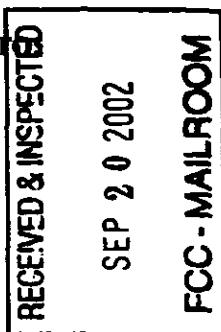


**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554**

SEP 19 2002

IN REPLY REFER TO  
1800B3-ALM



Alan C. Campbell, Esquire  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D. C. 20036

**In re: WFRS(FM), Smithtown, NY**  
Facility ID No. 20927  
Family Stations, Inc.  
Request For Waiver of The  
Commission's Main Studio  
Rule (Section 73.1125)

Dear Mr. Campbell:

The staff has under consideration the Family Stations, Inc. ("Family") request for a waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125<sup>1</sup>, in order to operate WFRS(FM), Smithtown, New York as a satellite of its commonly owned noncommercial educational ("NCE") station, WFME(FM), Newark, New Jersey.<sup>2</sup>

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 15691 (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

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<sup>1</sup> The waiver request was filed on February 2, 1999. Supplements to the request were submitted on June 16, 1999, June 27, 2002, August 6, 2002 and August 20, 2002.

<sup>2</sup> 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.*

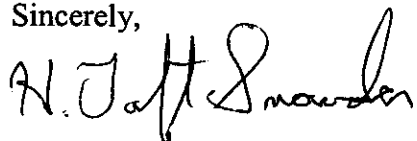
Family states that as a noncommercial educational licensee, it has encountered difficulty in providing financial support for the main studios required by the Commission. Therefore, Family now seeks a waiver of 47 C.F.R. Section 73.1125 in order to arrange its stations into a regional originating and satellite structure. Family's request is based on the economies of scale that would be realized by grant of its waiver.

Family proposes to operate WFRS(FM), Smithtown, New York as a satellite station of WFME(FM), Newark, New Jersey, approximately 50 miles from Smithtown. Where there is a great distance between parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, the staff of Family has pledged to engage in a quarterly ascertainment of the community needs and interests of Smithtown by: (1) maintaining regular contact with part time employees of WFRS(FM) as well as volunteers and community leaders in Smithtown; (2) traveling to Smithtown on a regular basis to strengthen community contacts; (3) subscribing to the local newspaper, *The Smithtown News*; (4) airing a minimum of 45 minutes per week of local Public Affairs programming as determined by its ascertainment efforts; (5) maintaining a duplicate public inspection file for WFRS(FM) in Smithtown; and (6) maintaining a toll-free telephone number between Smithtown, New York and the WFME(FM) main studio.

In these circumstances, we are persuaded that Family will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind Family, however, of the requirement that it maintain a public file for WFRS(FM) at the main studio of the "parent" station, WFME(FM). It must also make reasonable accommodation for listeners wishing to examine the file's contents. See *Reconsideration Order*, 14 FCC Rcd 11113, 11129 at Paragraph 45. We further remind Family that, notwithstanding the grant of the waiver requested here, the public file for WFRS(FM) must contain the quarterly issues and programs list for Smithtown, New York required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, the request for a waiver of 47 C.F.R. Section 73.1125 filed by Family Stations, Inc. IS HEREBY GRANTED.

Sincerely,



H. Taft Snowden  
Supervisory Attorney  
Audio Division  
Media Bureau