

Request for Waiver of Main Studio Rule

Family Stations, Inc. (“FSI”), proposed assignee of Station WDVY-FM, Facility Id. No. 70274, Mount Kisco, New York, respectfully requests a waiver of the Commission’s main studio rule, 47 C.F.R. § 73.1125, to permit operation of WDVY as a satellite of Noncommercial Educational (“NCE”) Station KEAR (AM), Facility Id. No. 1082, San Francisco, California, the main studio of which is located at the FSI corporate headquarters in Oakland, California.

The Commission repeatedly has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus has found that good cause exists to waive the main studio rule where NCE satellite operations are proposed. *See, e.g., Letter from H. Taft Snowdon to Alan C. Campbell*, 1800B3-MH (2002) (granting waiver of the main studio rule to permit WEFR(AM), Erie, PA, to operate as a satellite of co-owned WJCH(FM), Joliet, Illinois) (“*WEFR Waiver*”); *Delmarva Educational Association*, 19 FCC Rcd 6793 (2004); *Amendment of Section 73.1125 and 73.1130 of the Commission’s Rules*, 3 FCC Rcd 5024, 5027 (1988). In each such case, the Commission staff determined that the waivers were justified on the basis of the limited funding available to the stations, the increased efficiencies resulting from co-location of studios, and the public interest benefits that will result from such satellite operation.

FSI is a non-profit corporation that produces and delivers, via satellite or Internet delivery, Family Radio Network noncommercial educational programming to more than 60 NCE radio broadcast stations across the United States. The majority of the FSI stations currently operate pursuant to main studio waivers. *See, e.g., WEFR Waiver, supra*. As a listener-supported NCE station, WDVY will face severe financial constraints if it is required to establish a main studio and staffing presence in the market, which will divert FSI’s limited resources from Family Radio’s programming efforts.

In consideration of the public interest obligations incumbent on broadcast licensees, FSI proposes the following to ensure that WDVY fulfills its local service obligations to the residents of Mount Kisco, New York: (i) on at least on a quarterly basis, an employee representative of FSI will conduct interviews and surveys of local community leaders and residents to ascertain the interests, concerns, and needs of Mount Kisco, New York listeners, which feedback will be used to develop responsive local public affairs programming; (ii) FSI will establish and advertise a toll-free telephone number to for use by residents of Mount Kisco, New York to contact FSI personnel about the station; and (iii) FSI will make the contents of the WDVY public inspection file, which will be maintained at the KEAR studio, available on the Internet and/or provide accommodations for listeners wishing to review the contents the public file.

In light of the foregoing, FSI requests that the Commission find, pursuant to Section 73.1125(b)(2) of the Commission's rules, that the public interest will be served by the co-location of the WDVY main studio with the KEAR main studio in Oakland, California, and therefore that good cause exists to grant waiver of the main studio rule in this instance.