

### *Main Studio Waiver Request*

Contingent upon the grant of the assignment application, the application to convert the station to non-commercial status and the consummation of the proposed transaction, the proposed assignee, Family Life Ministries, Inc. (“FLM”), hereby requests a waiver of Section 73.1125 of the Commission’s rules (“the Main Studio Rule”). This request is submitted concurrently with FLM’s application to convert WMCR-FM from commercial to non-commercial educational status. The waiver is sought to permit FLM to locate the main studios for WMCR-FM approximately 100 miles away, at the main studio of another FLM station, WCIK(FM), Bath, New York.<sup>1</sup>

The instant waiver is sought to permit FLM to locate WMCR-FM’s main studio approximately 100 miles away from WMCR-FM’s current location in Oneida, New York to Bath, New York at the main studio for FLM other non-commercial educational station, WCIK(FM) (Fac. Id. 20631). FLM also intends to rebroadcast WCIK’s signal on WMCR-FM. In making this waiver request, FLM is providing the Commission with information necessary to make a finding of “good cause” and that the grant of the waiver in this circumstance will be, pursuant to Section 73.1125(b)(2), “...consistent with the operation of the station in the public interest.”

The Commission traditionally considers waiver requests by NCE stations on a case-by-case basis.<sup>2</sup> For non-commercial waiver requests, the Commission has expressly found “good cause” to exist in numerous instances based solely on a showing that centralized operations will provide economic benefit to non-commercial stations, provided that the local service obligations are met.<sup>3</sup> It is not unusual for NCE radio stations which have been granted main studio waivers to have main studios located more than 1,000 miles away.<sup>4</sup>

The proposed studio location is only 100 miles away from the designated reference coordinates for the WMCR-FM-licensed community of Oneida, New York. The co-location of the main studios will generate valuable economies of scale and cost savings allowing FLM to maintain high quality non-commercial educational programming in Oneida. The cost of maintaining a staff and studio location separate from WCIK would make the acquisition of WMCR-FM by FLM impossible, as it would divert limited resources away from FLM’s other non-commercial stations.

FLM will have frequent contact on at least a quarterly basis, and will work closely with an established network of individuals in the Oneida community who share FLM’s values. This ongoing and open channel of communication will act as a bridge between the Oneida community

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<sup>1</sup> Facility Id. No. 20631.

<sup>2</sup> See *Main Studio and Program Origination Rules*, 3 FCC Rcd 5024 (1988); *Review of the Commission’s Rules Regarding Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691, 15694 n.18 (1998).

<sup>3</sup> See *Letter to Roy R. Russo, Esq.*, dated January 24, 1994; *Letter to Richard J. Bordoff*, dated January 2, 1992; *The President of the Board of Trustees of Miami University*, 7 FCC Rcd 2902 (1992); *The Cedarville College*, 6 FCC Rcd 538 (1991).

<sup>4</sup> See FM radio stations WKVF, Byhalia, MS (formerly WYLT); KXLV, Amarillo, Texas (formerly KLMN); and KLRO, Hot Springs, AR (formerly KSBC).

and FLM's programming personnel. These individuals will be charged with assisting FLM personnel in determining the needs, problems and concerns of Oneida listeners. FLM will maintain a toll-free telephone number as required by Section 73.1125(e) of the Commission's rules. Although a public interest inspection file for WMCR-FM will be maintained at WCIK's main studio location in Bath, New York, FLM commits to make reasonable accommodation to listeners wishing to examine the public inspection file.

As set forth above, good cause exists for the waiver of the main studio rule here. Further, allowing the focusing of FLM's resources on one main studio will allow FLM to provide more and enhanced programming to better serve the public interest. This distance waiver is fully "consistent with the operation of the station in the public interest."<sup>5</sup>

FLM respectfully requests that the Commission find, pursuant to Section 73.1125(b)(2) of its rules that the public interest will be served by the operation of WMCR-FM as a satellite station of FLM's station WCIK, with a main studio in Bath, New York, and thereby authorized FLM to locate WMCR-FM's main studio outside the station's principal community contour, outside the contour of any other broadcast station licensed to Oneida, New York, and more than 25 miles from the reference coordinates of the center of Oneida, New York.

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<sup>5</sup> See *Report and Order, Review of the Commission's Rules Regarding 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).