

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554

August 27, 1999

IN REPLY REFER TO:  
1800B3

John Crigler, Esq.  
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In re: **WRVT(FM), Rutland, VT**  
**Facility ID # 69953**  
Vermont Public Radio, Inc.  
File No. BLED-970106KE  
Request for Waiver of 47 C.F.R. §73.1125

Dear Mr. Crigler:

The staff has under consideration the captioned application (File No. BMLED-970106KE) of Vermont Public Radio ("VPR") requesting waiver of the Commission's main studio rule, 47 C.F.R. §73.1125 in order to operate WRVT(FM) as a "satellite" of VPR's parent station, WVPS(FM), Burlington, Vermont.<sup>1</sup> For the reasons set forth below, we will grant VPR's request for waiver.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of its community of license. Amendment of Sections 73.1125 and 73.1130, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), the Commission will waive this requirement 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 has found that "good cause" exists to waive the main studio location requirement where satellite operations are proposed. Id. In order to receive a satellite main studio waiver, an applicant must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. Id.

VPR's request is based on the economies of scale which would be realized by grant of its waiver, i.e., avoiding the cost of equipping, operating, and staffing a main studio in the

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<sup>1</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 RR 2d 1554, 1562 (1964).

Rutland area. We conclude that VPR has demonstrated "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. As noted above, VPR proposes to operate WRVT(FM) as a satellite of WVPS(FM), Burlington, Vermont, primarily using that station's production facilities in Colchester, Vermont, approximately 65 miles from Rutland. Where there is a considerable distance between parent and satellite stations, 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, VPR has stated that: (1) VPR will use its production facility in Norwich, Vermont to produce programming responsive to the needs and interests of the WRVT(FM) area, including commentaries by area residents, locally produced call-in shows, and public service announcements for local organizations; (2) VPR will recruit members of its Board of Directors and Community Advisory Board from Rutland;<sup>2</sup> (3) both the VPR Board of Directors and its Community Advisory Board will continue rotate their regular meetings among all communities VPR is licensed to serve, and VPR will continue to hold periodic meetings in Rutland and open these meetings to the public; and (4) VPR will continue to cover news events in Rutland, relying on a freelance reporter from the area to submit regular stories as well as host a weekly call-in program. Additionally, VPR pledges to maintain a toll-free telephone line from Rutland to the VPR main studios, and it states that it will maintain a public inspection file for WRVT(FM) in Rutland.<sup>3</sup> In these circumstances, we are persuaded that VPR will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest.

Accordingly, in reliance upon the representations listed above, the request of Vermont Public Radio for waiver of 47 C.F.R. §73.1125 IS GRANTED.

Sincerely,  
  
Linda Blair, Chief  
Audio Services Division  
Mass Media Bureau

cc: Vermont Public Radio

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<sup>2</sup> VPR notes that three of its 17 current members "reside within the WRVT(FM) service area." We remind VPR that WRVT's primary obligation is to serve the needs and interests of Rutland residents, and that it should take steps to insure that Rutland, as opposed to the "WRVT service area," is fully represented on its boards.

<sup>3</sup> Notwithstanding this representation, the Commission has recently revised its main studio and public file rules to require that all stations, including noncommercial educational stations operating as "satellites," to maintain their public files at the specified main studio location. Accordingly, WRVT(FM) must keep its public file at the WVPS(FM) studio facility at 20 Troy Avenue, Colchester, Vermont. It must also make reasonable accommodation for listeners wishing to examine the file's contents. Memorandum Opinion and Order in MM Docket No. 97-138, 14 FCC Rcd \_\_\_\_ (released May 28, 1999), 64 Fed. Reg. 35,941 (July 2, 1999).