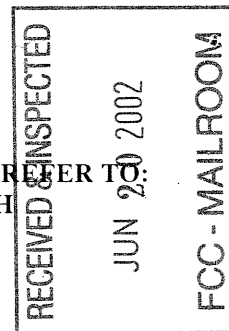


CN142  
2-B452

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

JUN 17 2002

IN REPLY REFER TO:  
1800B3-MH



Gary S. Smithwick, Esquire  
Smithwick & Belenduik, P.C.  
5028 Wisconsin Avenue, N.W.  
Suite 301  
Washington, D.C. 20016

In Re: WYFQ(AM), Charlotte, North Carolina  
Bible Broadcasting Network, Inc.  
Facility ID No. 5152

File No. BML-20020312AAV  
To Convert to Noncommercial Educational Status  
and Waiver of 47 C.F.R. § 73.1125

Dear Mr. Smithwick:

This letter refers to the caption application of Bible Broadcasting Network, Inc. ("BBN") licensee of WYFQ(AM), Charlotte, North Carolina, proposing to: (1) reclassify WYFQ(AM) from commercial to noncommercial educational status pursuant to 73.1690 (c) (9); and waive the Commission's Main Studio Rule, 47 C.F.R. § 73.1125, to permit WYFQ(AM) to operate as a "satellite" of station, WYFQ-FM, Wadesboro, North Carolina.<sup>1</sup> For the reasons set forth below, we will waive Section 73.1125 and grant BBN's request.

*Conversion to NCE-FM status. Pursuant to Amendments Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit*, 12 FCC Rcd 12, 371 (1997), BBN may apply to convert to WYFQ(AM) commercial authorization to noncommercial educational FM status. It may do so by filing license application and a demonstration that it is a qualified educational organization pursuant to 47 C.F.R. § 73.505 (a) and that the station will be used to advance BBN's educational program. See 47 C.F.R. § 73.1690(c)(9). We will accept this instant showing, notwithstanding the fact that it is filed as part of a technical modification application. An examination of the instant proposal reveals that BBN is qualified to operate WYFQ(AM) as a noncommercial educational facility and that grant thereof would serve the public interest, convenience, and necessity. We will therefore convert WYFQ(AM) to non educational AM status below.

<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 RR2d 1554, 1562 (1964).

Main Studio Waiver. 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 11,113 (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 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.*

BBN'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. BBN proposes to operate WYFQ(AM), Charlotte, North Carolina as a satellite station of WYFQ-FM, Wadesboro, North Carolina. Charlotte is approximately 50 miles from Wadesboro. Where there is great distance between the parent and the satellite station, as here, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, BBN has pledged: (1) to have a part-time staff member helping at WYFQ(AM), who will work under the supervision of a BBN general manager who will visit the station weekly; (2) that it will have a Community Advisory Board with at least one member from Charlotte who will, at least quarterly, ascertain the needs and interests of WYFQ's listening audience; (3) BBN will originate programming from WYFQ(AM) designed to meet these local needs and interests as well as local public service announcements; and (4) maintain a toll free telephone number for the use of the residents in the community and maintain a public inspection file for the station within the Charlotte community.

In these circumstances, we are persuaded that BBN will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind BBN, however, of the requirement that it maintain a public file for the Charlotte, North Carolina station at the main studio of the "parent" station, WYFQ-FM, Wadesboro, North Carolina. It must also make reasonable accommodation for listeners wishing to examine the file's contents. See *Reconsideration Order*, 14 FCC Rcd at 11,129, ¶45. We further remind BBN that, notwithstanding the grant of the waiver requested here, the public file for WYFQ(AM) station must contain the quarterly issues and programs list for Charlotte, North Carolina required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application (BML-20020312AAV) request to modify facilities of station WYFQ(AM) Charlotte, North Carolina to specify noncommercial educational operation, and its request for waiver of 47 C.F.R. § 73.1125, ARE HEREBY GRANTED,

and the station's authorization is HEREBY RELCASSIFIED as noncommercial educational AM station. The authorization is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", with a long horizontal flourish extending to the right.

*for* Peter H. Doyle, Chief  
Audio Division  
Office of Broadcast License Policy  
Mass Bureau