

FEDERAL COMMUNICATIONS COMMISSION

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WASHINGTON, D. C. 20554

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IN REPLY REFER TO:
1800B3-ALM

JUL 03 1997

Russell C. Powell, Esq.
Taylor Thiemann & Aitken
908 King Street, Suite 300
Alexandria, Virginia 22314

Re: New FM Service in Liberty, New York, BPED-960117MC

Dear Mr. Powell:

The staff has under consideration the application of Sound of Life, Inc. ("SOL") for a construction permit for a new noncommercial educational ("NCE") FM station in Liberty, New York (File No. BPED-960117MC). SOL has requested a waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the Liberty station as a satellite of its NCE station WFGB(FM), Kingston, New York.¹ For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant SOL's application for a construction permit.

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 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.

SOL'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) in these circumstances. SOL proposes to operate the Liberty, New York station as a satellite of WFGB(FM), Kingston, New York, approximately 40 miles from Liberty. The Commission expects the licensee of a satellite station to take adequate measures

¹A "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).

to maintain its awareness of the satellite community's needs and interests. To that end, SOL has pledged to: (1) during the first year of operation, conduct semi-annual ascertainment surveys of the needs and interests of the community by soliciting the opinions of at least one hundred residents; (2) utilize the mailing list of its financial supporters to seek advice and comments from the citizens of Liberty through periodic questionnaires; (3) make an effort to place one or more persons who are citizens of Liberty and knowledgeable about local affairs on its listener advisory board; and (4) establish a toll-free telephone number between Liberty and the proposed station's main studio in Kingston, New York which will also be used to solicit the comments and concerns of all members of the community. We also remind SOL that it must maintain a public file for the new station in Liberty, as required by 47 C.F.R. § 73.3527(d). In these circumstances, we are persuaded that Liberty will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of Sound of Life, Inc. for a construction permit for a new noncommercial educational FM station in Liberty, New York (BPED-9606117MC), and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization will be forwarded under separate cover.

Sincerely,

Linda Scanlan

Linda Blair, Chief
Audio Services Division
Mass Media Bureau