

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

DEC 12 1996

In reply refer to:
1800B3-JWR

Mr. Lawrence Roberts, Esquire
Roberts & Eckard, P.C.
1150 Connecticut Ave. NW
Suite 1100
Washington, DC 20036

Re: WVTW(FM), Charlottesville, VA

File No. BAPED-961004GH
Application for Assignment of
Construction Permit

Application for Waiver of Main
Studio Rule

Dear Mr. Roberts:

The staff has under consideration the above-referenced application of STU-COMM, Inc. to assign its construction permit (File No. BPED-940103MA) for new noncommercial educational ("NCE") FM station WVTW in Charlottesville, Virginia, to Virginia Tech Foundation, Inc. ("VTF"). VTF requests waiver of the Commission's main studio requirements, see 47 C.F.R. §§ 73.1125, in order to operate the Charlottesville station as a satellite of its NCE station WVTF-FM, Roanoke, Virginia.¹ For the reasons set forth below, we waive 47 C.F.R. § 73.1125.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure the station will serve the needs and interests of the residents of the 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 a satellite of another NCE station is

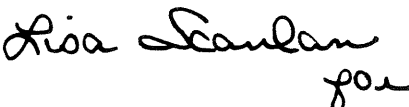
¹ In relevant part, Section 73.1125 requires each broadcast station to maintain a main studio within the station's principal community contour. A satellite station meets all of the Commission's technical rules; however, it originates no programming and instead rebroadcasts the parent station's programming. See Amendment of Multiple Ownership Rules, Memorandum, Opinion and Order, 3 RR 2d 1554, 1562 (1964).

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.

VTF'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. VTF proposes to operate the Charlottesville main studio as a satellite of WVTF, Roanoke, Virginia, approximately 95 miles from Charlottesville. Where there is great distance between parent and satellite stations, as here, 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, VTF has pledged to: (1) continue to determine and respond to the needs and interests of the Charlottesville community; (2) cultivate and expand its existing relationship with community leaders in the Charlottesville area, which will include state and local elected officials, administrative leaders of the local colleges, public school officials, and business and civic leaders; (3) maintain a news stringer in Charlottesville; and (4) the station will provide free public service air time to qualified organizations to promote community events and projects. VTF also indicates that it will maintain a public file for the station in Charlottesville and a toll free telephone number for the residents, as required by 47 C.F.R. §§ 73.3527(d) and 73.1125(c), respectively. In these circumstances, we are persuaded that VTF will meet its local service obligation and thus, that grant of the requested rule waiver is consistent with the public interest.

Accordingly, we GRANT VTF's request for waiver of 47 C.F.R. § 73.1125, and, as the assignment application is otherwise in full compliance with the Commission's Rules, we GRANT the assignment application, File No. BAPED-961004GH. The authorization will be forwarded under separate cover.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Blair", followed by a small, stylized flourish or mark.

Linda Blair, Chief
Audio Services Division
Mass Media Bureau