

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

NOV 07 2008

IN REPLY REFER TO:
1800B3-DW

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In Re: WROG(FM) , Chambersburg, PA
Facility ID No. 49384
WITF, Inc.

Application for Assignment of
License
File No. BALH-20080911ACO

Application to Convert to
Noncommercial Educational Status
File No. BMLH-20081014ACJ

Request for Waiver of 47 C.F.R. §
73.1125 (Main Studio Rule)

Dear Counsel:

The staff has under consideration the referenced applications to: (1) assign the license for FM station, WROG, Chambersburg, Pennsylvania, from Broadcast Communications, Inc. ("PCT") to WITF, Inc. ("WITF"); and (2) to modify WROG(FM)'s license by converting it from commercial to noncommercial educational status ("NCE").¹ In the modifications application, seeks a waiver of Section 73.1125 in order to operate WROG(FM), as a "satellite" of its NCE station WITF-FM, Harrisburg, Pennsylvania.² For the reasons set forth below, we shall grant both the assignment of license application and the modification of license application. The latter grant will become effective upon notification of consummation of its acquisition of the station.

We have reviewed the application to assign the license of station WROG(FM) from Broadcast Communications, Inc. to WITF, Inc. We find that PCT and WITF are fully qualified to sell and acquire, respectively, the license for WROG(FM). We also find that WITF is fully qualified to be the licensee of WROG(FM) and that the grant of

¹ EMF is proposing to reclassify WSCP-FM from commercial to noncommercial educational status pursuant to 73.1690(c)(9).

² 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).

the application would further the public interest, convenience and necessity. We will, therefore, grant the application below.

Pursuant to *Amendment of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities without a Construction Permit*,³ WITF may apply to convert WROG(FM), from commercial authorization to noncommercial educational status. It may do so by filing a license application and a demonstration that it is a qualified educational organization pursuant to 47 C.F.R. Section 73.503(a) and that the station will be used to advance WITF's educational program.⁴ We will accept the instant showing. An examination of WITF's proposal reveals that WITF is qualified to operate WROG(FM) as noncommercial educational facility and that grant of its application would serve the public interest, convenience and necessity. We will convert WROG(FM) to noncommercial educational status with the effective date of the grant being the date that WITF notifies the Commission of the consummation of the acquisition of the station.⁵

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license, (2) within the principal community contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community of license.⁶ 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 operation 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.⁷ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.⁸

WITF's request is based on the economies of scale which would be realized by grant of its waiver, *e.g.*, avoiding the cost of equipping, staffing, and operating a studio in the Chambersburg, Pennsylvania, area. We conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. As noted above, HCB proposes to operate WROG(FM) as a satellite of WITF-FM, Harrisburg, Pennsylvania, approximately

³ 12 FCC Rcd 1237 (1997).

⁴ See 47 C.F.R. § 73.1690(c)(9).

⁵ See 47 C.F.R. § 1.102.

⁶ See *Review of the Commission's Rules Regarding the 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) ("Reconsideration Order").

⁷ *Id.*

⁸ *Id.*

55 miles from Chambersburg, Pennsylvania. Where there is considerable distance between the parent and the satellite station, and where the parent and satellite station are in different states, as here, we are particularly concerned that the permittee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, WITF has pledged to meet its local service obligations by: (1) maintaining an auxiliary studio at a location that complies with Section 73.1125 and that is capable of originating programming to meet local community needs; (2) engaging the services of a local Chambersburg public affairs representative, who may be a volunteer, to conduct, at least on a quarterly basis, ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of Chambersburg listeners, which will then be covered in WITF's news and public affairs programming; (3) ensuring that the local representative will further serve as a liaison between the residents of Chambersburg and WITF's programming personnel; (4) maintaining a toll-free number from Chambersburg, Pennsylvania, to the WROG(FM) studio in Harrisburg, Pennsylvania.

In these circumstances, we are persuaded that WITF will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind WITF, however, of the requirement that it maintain a public file for the Chambersburg station at the main studio of the "parent" station WITF-FM, Harrisburg, Pennsylvania. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁹ We further remind WITF that, notwithstanding the grant of the waiver requested here, the public file for WROG(FM) must contain the quarterly issues and programs list for Chambersburg, Pennsylvania, as required by 47 C.F.R. Section 73.3527(e)(8).

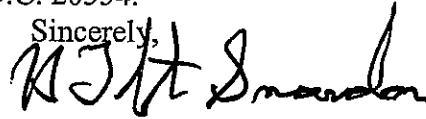
Accordingly, in light of the above discussion, the application (File No. BALH-200820080911ACO) to assign the license from Broadcast Communications, Inc., IS HEREBY GRANTED. Additionally, the application (File No. BMLH-20081014ACJ) to convert WROG(FM)'s station license from commercial to noncommercial educational status and the concomitant request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The effective date of the latter action will be the date on which the Commission is notified that WITF has consummated its acquisition of the station.¹⁰ The authorization to operate the station as a noncommercial educational facility will be sent at that time. In order to facilitate the transmission of the authorization, WITF and counsel

⁹ See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

¹⁰ *Id.*

are requested to send a copy of the consummation notification to both Denise Williams, Room 2-A114, and Konrad Herling, Room 2-A460, at the Federal Communications Commission, 445 12th Street, S.W. Washington, D.C. 20554.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Taft Snowdon". The signature is written in a cursive, somewhat stylized script.

H. Taft Snowdon
Supervisory Attorney
Audio Division