

Federal Communications Commission
Washington, D.C. 20554

March 31, 2005

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Re: Application for Transfer of Control of Living Faith Ministries, Inc.
WAGV (TV), Harlan, KY BTCCT-20041129AOP Fac. ID 37809
WLFB (TV), Bluefield, WV BTCCT-20041129AOQ Fac. ID 37806
WLFG (TV), Grundy, VA BTCCT-20041129AOR Fac. ID 37808

Dear Counsel:

This letter concerns the above-referenced applications to transfer control of Living Faith Ministries, Inc. ("LFM" or "Licensee"), licensee of the three above-captioned television stations, from Tookland Pentecostal Church, Buford Smith, Proxy Holder to Living Faith Broadcasting, Inc. ("Living Faith"). Living Faith requests continuing satellite authority for two of the stations licensed to LFM, WAGV(TV), Harlan, Kentucky and WLFB(TV), Bluefield, West Virginia. However, in light of the fact that all three stations are located in separate DMAs, the Commission's television ownership rule is not invoked.¹ Consequently, Living Faith essentially requests a waiver of the Commission's main studio rule with respect to stations WAGV(TV) and WLFB(TV).

¹ On August 5, 1999, the Commission narrowed the geographic scope of the duopoly rule from the traditional Grade B contour approach to a DMA test to permit common ownership of two television stations without regard to contour overlap if the stations are in separate DMAs. *See Report and Order* in MM Docket Nos. 91-221 & 87-8, 14 FCC Rcd 12903 (1999). WAGV(TV), Harlan, Kentucky, is located in the Knoxville, Tennessee DMA; WLFG(TV), Grundy, Virginia, is located in the Tri-Cities, TN-VA DMA ("Tri-Cities DMA"); and WLFB(TV), Bluefield, West Virginia, is located in the Bluefield-Beckley-Oak Hill DMA ("Bluefield DMA").

Background. Pursuant to satellite waiver requests submitted by LFM in 1987 and 1992, respectively, the Commission authorized the operation of WAGV(TV) and WLFG(TV) as satellites of WLFB(TV). *See Living Faith Ministries, Inc.*, 2 FCC Rcd 7503 (1987); *Living Faith Ministries, Inc.*, 7 FCC Rcd 4245 (1992). The licensee asserts that due to various construction problems and delays, it constructed and commenced operations on WLFG(TV) in 1995 prior to the other two stations. As a result, the licensee contends that when stations WAGV(TV) and WLFB(TV) went on the air, in 1999 and 2000, respectively, the stations began broadcasting the programming originating from WLFG(TV)'s main studio facility as a matter of convenience and cost-efficiency. However, we note that the licensee was not required to obtain satellite status for station WLFB(TV) when it commenced operation in 2000, because the Commission had already revised its duopoly rule to permit common ownership of two television stations without regard to contour overlap so long as the stations are in separate DMAs.

Discussion. Section 73.1125(a) of the Commission's rules requires that a commercial television station maintain a main studio within the station's community of license; at any location within the principal community contour of another station licensed to the subject community of license; or within 25 miles from the reference coordinates of the center of its community of license. 47 C.F.R. § 73.1125(a). Moreover, the main studio must be staffed by at least one management-level employee and one staff-level employee at all times during regular business hours. *See Jones Eastern of the Outer Banks, Inc.*, 6 FCC Rcd 3615 (1991), *clarified*, 7 FCC Rcd 6800 (1992), *aff'd*, 10 FCC Rcd 3759 (1995). Furthermore, a complete public inspection file must be maintained at the main studio and readily available to visitors during regular business hours, 47 C.F.R. § 73.3526, and a station must maintain a toll-free number in its community of license.

With respect to station WLFG(TV), Living Faith has certified that the station complies with the Commission's main studio rule and staffing requirements. In this regard, Living Faith has filed an amended application stating that WLFG(TV)'s main studio is located within the station's principal community contour. Living Faith has also certified that the station maintains a public inspection file at its main studio in accordance with the Commission's rules. Living Faith has not, however, provided any information in support of a main studio waiver for stations WAGV(TV), Harlan, Kentucky and WLFB(TV), Bluefield, West Virginia.

Conclusion. Having determined that the applicants are qualified in all respects, we conclude that grant of the three above-referenced applications would serve the public interest, convenience and necessity. Accordingly, the above-captioned applications for transfer of control of Living Faith Ministries, Inc. to Living Faith Broadcasting, Inc. are **GRANTED**, subject to the requirement that stations WAGV(TV) and WLFB(TV) construct main studios within twelve (12) months from the date of this letter or until such time when Living Faith provides additional information justifying a waiver of the main studio requirements for these stations.

Sincerely,

Clay C. Pendarvis
Associate Chief, Video Division
Media Bureau