

Request for Waiver of Main Studio Rule

The Power Foundation ("TPF") in accordance with the provisions of *Section 73.1125* of the Commission's Rules has requested authority to *waive* the Main Studio Location requirements for Radio Station WBNB (AM), Equality, Alabama (Facility ID 173302) ("WBNB") in order to operate WBNB as a "satellite" station of its non-commercial educational ("NCE") station, WWQY (FM), Yadkin, North Carolina (Facility ID 173812).

Specifically, TPF is operating the above-referenced station as part of The Power Foundation's "Life FM" radio network originating in Yadkin, North Carolina¹. TPF is a *Section 501(c)(3)* non-profit corporation and operates non-commercial programming on the network. Program material is being fed to the station from the parent station WBNB (FM). As a listener supported network, the requirement to staff each station places a severe financial constraint on the operation of the facility. This constraint reduces the funding available for the network programming efforts. TPF therefore desires to eliminate the local main studio.

For purposes of clarity, the "control point" shall be the main studios of WWQY (FM), in Yadkin, North Carolina (*i.e.* the "Network").

I. Compliance with Community Service Obligations.

With respect to the community of Elberton, TPF proposes a two point approach.

1. TPF will visit numerous organizations and community groups to ascertain the needs of each listening audience. One person has been appointed to serve in this capacity. He is Les Sellers. Mr. Sellers's address is 555 Hook Road, Alexander City, AL 35010.

2. TPF also has "local call-in/in person program listener program" has been established. TPF has established a "toll-free" phone number to be used by the community.

II. Compliance with Broadcast Operations.

In addition to community service obligation, TPF recognizes that it must conduct its broadcast operations in full compliance with the Rules. In order to do so as a satellite station, TPF shall:

1. TPF shall comply with the EAS Rules. TPF will have the capability from the control point to command the local EAS unit to perform the required weekly/monthly tests. The local unit will have the capability of monitoring the local primary/secondary stations as well as NOAA for local alerts. Local alerts will initiate

¹ It must be noted that TPF has been routinely granted waivers in the past proposing the same operations (See WEGN (FM), Kankakee, IL and WSWs (FM), Smithboro, Illinois).

an alarm function back to the control point for logging purposes. Additionally, the local unit will store a printout which can then be verified on the routine monthly maintenance visits.

2. TPF shall have an automatic system is in place to monitor the parameters of the transmitters and, in the event of an out of tolerance condition, notify the control point and other designated personnel (multiple notifications) of such condition. The control point or other designated personnel will have full capability to turn off the transmitter immediately until corrections can be made. Tower lighting status is included in this monitoring.

3. Monitoring procedures will be in place to maintain compliance with this Section 73.7350(c)(1).

4. TPF shall also establish a schedule to maintain the required calibrations. A maintenance visit will be performed approximately monthly to verify proper operations and to check the local readings against the reported "remote" readings.

5. TPF shall have a local EAS decoder and is monitoring the required local stations for relay of emergency messages.

6. TPF will have its public file in the community area. A copy of such information will be maintained at 555 Hook Road Alexander City, AL 35010.

7. TPF has a contract engineer and other personnel as necessary to be "on call" and to receive telephone alerts that the transmitter requires attention. Additionally, TPF's community liaison will monitor WBNB on a daily basis and will report any abnormal condition to the control point.

8. TPF certifies that a "toll-free" number is in existence to meet the requirements of Section 73.1125(e). This number is: 1-877-700-8047.

In addressing non-commercial waiver requests, the Commission has on many occasions found "good cause" to grant such waivers where the requestor has shown centralized operations are an economic factor in the operation of non-commercial entities, providing the requestor has met the obligations required by the Commission's Rules. See *Lift Him Up Outreach Ministries, Inc.*, 3 FCC Rcd 5571 (HDO, 1988); *Sound of Life, Inc.*, 4 FCC 8273 (HDO, 1989); *Board of Visitors of James Madison University*, 8 FCC Rcd 1751 (HDO, 1993); and *Letter to Roy R. Russo, Esq.*, dated January 24, 1994, as well as numerous others.

As TPF is concerned that quality programming is available to a wide audience within the financial operational constraints of the network and it feels that the "public good" is being addressed, it is therefore respectfully requested that the Commission Grant this request for Waiver of the Main Studio Rules.