

EXHIBIT 12
REQUEST FOR WAIVER OF 47 C.F.R. § 73.1125

New York Public Radio (“NYPR”), the proposed assignee of stations WNJT-FM, Trenton, New Jersey (Facility ID No. 48488), WNJO(FM), Toms River, New Jersey (Facility ID No. 123020), WNJY(FM), Netcong, New Jersey, (Facility ID No. 93964), and WNJP(FM), Sussex, New Jersey (Facility ID No. 48471) (collectively, the “Stations”), hereby requests continued waiver of Section 73.1125 of the Commission’s rules so that, upon consummation of the proposed assignment, NYPR may continue to operate WNJO(FM), WNJY(FM), and WNJP(FM) without main studios and as satellites of station WNJT-FM.¹

The Commission previously has recognized the advantages accruing to non-commercial broadcasters from consolidated operations:

“In the past, we have recognized the benefits of centralized operations for noncommercial educational stations, given the limited funding available to these stations, and we have granted waivers to state and regional public television and radio networks to operate “satellite” stations that do not necessarily meet the requirements of a main studio.”

Main Studio and Program Origination Rules, 3 FCC Rcd 5024, 5027 (1988). Further, the Commission has recognized that waivers of the main studio rule are often necessary so that “the savings realized by [granting a waiver of the main studio rule] can be better utilized to assist [the station] with providing quality programming and educational opportunities.” *WPSX-TV, WPSX-DT, Clearfield, Pennsylvania*, 20 FCC Rcd 10903 (2005). NYPR respectfully submits that a similar result is warranted here.

NYPR is a New York non-profit corporation organized for the purpose of operating noncommercial educational broadcast stations that serve audiences in Southern New York and New Jersey, and its educational objectives include providing New York and New Jersey residents with news, current affairs, music, and other cultural programming. In addition, NYPR creates high-quality educational, cultural, and informational programming for national distribution through NPR and Public Radio International.

WNJO(FM), WNJY(FM) and WNJP(FM) were each granted waivers of 47 C.F.R. § 73.1125 at the time of their initial authorization.² In granting these existing waivers, the Commission recognized the efficiencies created by originating programming from a single station, WNJT-FM. By extending the existing waivers of Section 73.1125, the

¹ Assignor currently operates WNJP(FM), WNJO(FM), and WNJY(FM) as satellites of WNJT-FM, pursuant to main studio waivers. See FCC File Nos. BLED-19980729KC (WNJP(FM)); BLED-20080821ADE (WNJO(FM)); and BLED-20080707AEO (WNJY(FM)).

² See *id.*

Commission will allow NYPR to recognize similar efficiencies, which will enable it to devote additional resources to programming. In this regard, NYPR intends to create a New Jersey News Unit, located within the state, whose broadcast journalists will be devoted to covering news and issues of public concern that are relevant to New Jersey audiences, including residents of Netcong, Toms River and Sussex. Because of the comparatively small populations of the communities that will support WNJO(FM), WNJY(FM), and WNJP(FM),³ and given NYPR's intent to establish a strong regional news presence, NYPR cannot economically support main studios in Toms River, Netcong, and Sussex under the standards articulated by the Commission.

Upon grant of this request, NYPR will satisfy the public needs and interests of residents of Toms River, Netcong, and Sussex by the following means:

First, NYPR will maintain a toll-free telephone number by which the residents of Toms River, Netcong, and Sussex can reach NYPR management to express concerns about station operation. This action is taken consistent with Section 73.1125(c) of the Commission's rules.

Second, NYPR will establish an advisory board to gather input on programming issues of interest to residents of the communities served by the Stations and to communicate that information to management. To ensure that the views of the Stations' audiences are represented, the advisory board will include at least one member that resides within the predicted 60 dB μ contour of each of WNJO(FM), WNJY(FM), and WNJP(FM).

Third, NYPR will maintain the public inspection files of WNJO(FM) in Toms River, of WNJY(FM) in Netcong, and of WNJP(FM) in Sussex.

NYPR submits that: (1) under these circumstances, good cause exists to continue to waive the main studio requirements for WNJO(FM), WNJY(FM), and WNJP(FM); (2) NYPR will be able to ascertain and satisfy the interests and need of the residents of Toms River, Netcong, and Sussex; and (3) a waiver of the main studio requirements is in the public interest. Moreover, granting continued waivers of the main studio rule in this case is consistent with both the Commission's grant of Assignor's prior waiver requests as well as its treatment of other regional noncommercial entities.⁴ Accordingly, NYPR respectfully requests that the Commission grant its request for continued waiver of

³ According to the 2000 Census, Toms River has a population of 91,239; Netcong has a population of 2,580; and Sussex has a population of 2,130.

⁴ See, e.g., Letter of Dennis Williams, Chief, FM Branch, Audio Services Division, Mass Media Bureau to Mars Hill Broadcasting Co., Inc., August 18, 1992 (granting a waiver of the main studio rule covering two of the radio stations held by a regional non-commercial entity); Letter of Larry D. Eads, Chief, Audio Services Division, Mass Media Bureau to Minnesota Public Radio, January 2, 1992 (granting a waiver of the main studio rule covering seven of the radio stations held by a regional non-commercial entity).

47 C.F.R. § 73.1125 to permit the operation of noncommercial educational stations WNJO(FM), WNJY(FM), and WNJP(FM) as satellites of WNJT-FM.