

FEDERAL COMMUNICATIONS COMMISSION
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Alan C. Campbell, Esquire
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, N.W.
Suite 200
Washington, D. C. 20036

In re: **WFRP(FM), Americus, Georgia**
Facility ID No. 90111
Family Stations, Inc.
Request For Waiver of The
Commission's Main Studio
Rule (Section 73.1125)

Dear Mr. Campbell:

The staff has under consideration the Family Stations, Inc. ("Family") June 10, 2003 request¹ for a waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, in order to operate WFRP(FM), Americus, Georgia, as a satellite of its commonly owned noncommercial educational ("NCE") station, WBFR(FM), Birmingham, Alabama.² Family states that it originally proposed to construct a main studio in Americus, Georgia, in an application which was filed in February 1998. However, in February 1999, Family sought a waiver of the Commission's main studio rule, on a network-wide basis, for its existing stations. This request remained pending at the time the construction permit for WFRP(FM) was granted on July 30, 2002, and Family felt that it was appropriate to wait and see if the network-wide waiver request was granted and, if so, under what conditions before requesting a waiver for the WFRP(FM) main studio. The Commission granted the network-wide waiver in September 2002 and the current waiver request was filed on June 10, 2003.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (2) within the contour of any other broadcast

¹ Supplements to Family's request were filed on July 15, 2003, September 26, 2003, and November 12, 2003.

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).

station licensed to its community, or (3) within 25 miles of the center of its community³. 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 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.⁴ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁵

Family proposes to operate WFRP(FM), Americus, Georgia, as a satellite station of WBFR(FM), Birmingham, Alabama, approximately 180 miles from Americus. Where there is a great distance between parent and satellite stations, as here, and where the parent and satellite stations are in different states, 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, the staff of Family has pledged to engage in a quarterly ascertainment of the community needs and interests of Americus by: (1) maintaining regular contact with part time employees and volunteers who live in Americus; (2) traveling to Americus on a regular basis to strengthen community contacts; (3) subscribing to the local newspaper, *The Americus Time-Recorder*; (4) airing a minimum of 45 minutes per week of local Public Affairs programming as determined by its ascertainment efforts; (5) maintaining program origination capability at the WFRP(FM) transmitter in order to be able to directly originate and broadcast programming; (6) maintaining a duplicate public inspection file for WFRP(FM) in Americus; (7) responding to mail sent to WFRP(FM) at the parent station; (8) have a paid employee or contract engineer and various volunteers available, as needed, in Americus; and (9) maintain a toll-free telephone number between Americus and the main studio of WBFR(FM).

In these circumstances, we are persuaded that Family will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. However, we remind Family, of the requirement that it maintain a public file for WFRP(FM) at the main studio of the "parent" station, WBFR(FM). It must also make reasonable accommodation for listeners wishing to examine the file's contents⁶. We further remind Family that, notwithstanding the grant of the waiver requested here, the public file for WFRP(FM) must contain the quarterly issues and programs list for Americus, Georgia, required by 47 C.F.R. Section 73.3527(e)(8).

³ 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")

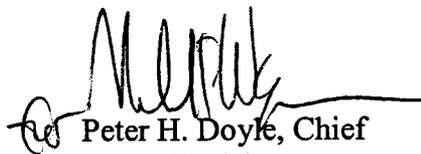
⁴ *Id.*

⁵ *Id.*

⁶ See *Reconsideration Order*, 14 FCC Rcd 11113, 11129 at Paragraph 45.

Accordingly, the request for a waiver of 47 C.F.R. Section 73.1125 for WFRP(FM) filed by Family Stations, Inc. IS HEREBY GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", with a long horizontal flourish extending to the right.

Peter H. Doyle, Chief
Audio Division
Media Bureau