

Exhibit 13

REQUEST FOR WAIVER OF

47 C.F.R. §73.1125

Pensacola Christian College, Inc. (“PCC”), hereby respectfully requests waiver of the requirements of Section 73.1125 of the Commission’s Rules to allow for the operation of its proposed, new, non-commercial FM Station at Gore, Virginia, (i) as a satellite station of radio station WPCS (NCE-FM) Pensacola, Florida, and (ii) with its main studio located outside of the principal community contour for the Gore, Virginia, station. In support thereof, the following is respectfully submitted.

I. PCC IS DEVELOPING A NATION-WIDE BROADCASTING NETWORK.

PCC is a nonprofit, educational institution located in Pensacola, Florida. It is also the licensee of the radio station WPCS (NCE-FM), Pensacola, Florida. WPCS operates with an authorized power of 100 kilowatts and primarily serves the city of Pensacola, Florida. PCC is developing a network of FM translator stations throughout the United States to deliver the programming rendered by WPCS. Presently, two full power stations and forty-four FM translator stations have been authorized for operation by PCC and seventy-one translator and NCE full power station applications are pending before the Commission.¹

Operation of the Gore, Virginia station as a satellite will benefit and facilitate the nation-wide network being developed by PCC. Moreover, in operating the proposed Gore station as a satellite, PCC hereby commits to faithfully ascertain the problems, needs and interests of the local community and address those problems, needs and interests through its programming.

II. PCC WILL ASCERTAIN THE PROBLEMS AND NEEDS OF GORE, VIRGINIA.

¹ See, Exhibit 4, hereto, for a listing of translator and full power facilities which have been authorized and which are being sought by PCC to implement its planned network.

A variety of ascertainment procedures will be utilized by PCC for Gore, Virginia. For example, WPCS personnel will conduct an annual telephone survey of randomly selected residents of Gore to determine the principle issues of concern. Further, PCC personnel will, from time to time, provide direct mailing to listeners in Gore soliciting their comments and suggestions regarding our programming and the needs of the community. Additionally, PCC will maintain a toll-free telephone number for the Gore area to permit residents to telephone the studio in Pensacola pursuant to Sections 73.1125 and 73.3527(d) of the Commission's Rules. PCC also will maintain a Local Public File for the station at a location in Gore.

A. Establishment of Citizens Dialog with WPCS.

At least once yearly, at a public meeting to be held in Gore, a PCC representative will meet with Gore area citizens to discuss local issues of public concern facing the community. The meeting will be an open session and organized so members of the public may attend and participate in the discussions. This meeting will be the subject of numerous announcements on the new Gore station, prior to the meeting. The announcements will disclose the time and place of the meeting.

B. Scheduling of Public Affairs Programming.

The new Gore station will periodically broadcast public affairs programming responsive to public concern ascertained by PCC in connection with its local information gathering efforts.

III. SATELLITE OPERATIONS AND MAIN STUDIO WAIVERS HAVE BEEN PREVIOUSLY AUTHORIZED.

The Commission has identified a satellite FM station as one that operates on a standard FM broadcast channel and that meets all of the technical requirements of the Commission's rules, but one which usually originates no local programming. Rather, the satellite station traditionally rebroadcasts the programming of a parent station.² Satellite stations involve operating deviation from Commission regulations, including the Main Studio Rule. The Commission in the past, however, has recognized the

² See, Multiple Ownership Rules, 3 RR 2d 1562 (1964)

benefits, and, at time, the outright necessity, of centralized operation for non-commercial and educational stations, based on the limited funding available to these stations. Accordingly, in the past, the Commission has granted waivers to state and regional networks, such as Moody Bible Institute, to operate stations that do not necessarily meet the requirements of the Commission's main Studio Rule.

A. Good Cause Showing.

Non-commercial stations may be granted a waiver of the Main Studio Rule based upon the showing of "good cause" and that the "local community would be served." *In the Matter of Amendment of Sections 73.1125 and 73.1130 of the Commission's Rule, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, 3 FCC Rcd. 5024, 5-27 (1988) (hereinafter "Main Studio Reconsideration Order"). The Commission has repeatedly noted:

[T]he realities of public broadcasting funding and the ongoing problems of educational licensees raising the necessary funds to expand and provide non-commercial educational programming to all our citizens....[S]avings realized from not having to construct a main studio can be utilized to assist... in expanding quality programming to a greater number of viewers.

Lift Him Up Ministries, Inc., 3 FCC Rcd. 5571, 5572 (MMB1988).

As the Commission stated in the Main Studio Reconsideration Order:

[W]e have recognized the benefits of centralized operations for non-commercial 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. These stations, however, have not been permitted to ignore local service obligations, and waivers generally have been granted only upon a showing that the local community would be served.

On numerous occasions the Commission has granted waivers of the Main Studio Rule to applicants that have not even endeavored to show that there is no suitable location within the city grade contour for a studio. In the case of satellite facilities, main studio waiver requests are routinely granted.

B. Precedent for Main Studio Waivers.

In permitting a Main Studio Waiver for the University Oklahoma, an applicant for a construction permit to operate a new FM station at Spencer, Oklahoma, the Chief of the Audio Services Division stated that:

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[T]he Commission recognized the realities of public broadcasting funding and the ongoing problems of educational licensees in raising the necessary funds to expand and provide non-commercial educational programming to all our citizens. The licensees of non-commercial stations must necessarily find ways to get cost-efficient programming to as many viewers as possible.

Lift Him Up Ministries, Inc., 3 FCC Rcd. at 5572. The Bureau found that University had demonstrated good cause for not locating the studio in Spencer, and that the “savings realized from not having to construct a main studio can be utilized to assist the University in expanding quality programming to a greater number of viewers.” *Id.*

The University had requested the waiver in order to operate its proposed non-commercial educational FM station at Spencer as a satellite station for the educational programming originated by KGOU-FM in Norman, Oklahoma, approximately 15 miles away from Spencer. Operative in the Spencer case is the Commission’s traditional view of the outstanding needs of public and educational stations.

In another action involving a satellite station, the Commission granted a waiver to 73.1125 to the Moody Bible Institute of Chicago, licensee of WVMS-NCE-FM, Sandusky, Illinois. That action allow for the operation of the non-commercial station as a satellite WCRF (NCE-FM), Cleveland, Illinois, approximately 50 miles away, and with its main studio located outside of the principal community contour for the station. Moody’s waiver request included a promise to undertake and ascertain the needs of the Sandusky community through local visits. The request contains no information regarding lack of suitable space within the contour. The waiver request was granted and a construction permit issued. See FCC File BPED-920331MB.

There are numerous other examples of the Commission granting the requests of non-commercial stations intending to operate as satellites, with no main studio within the city grade contour. See FCC Files Nos. BAPH-910828HY and BMPED-921016IH.

IV. PCC SIMILARLY SITUATED – A MAIN STUDIO WAIVER AND SATELLITE AUTHORIZATION IS WARRANTED.

The operation of PCC’ proposed new station at Gore, Virginia, as a satellite of WPCS with a waiver of the Main Studio Rule will afford PCC the economic benefits of scale that are derived for a non-

commercial organization from a network of broadcast facilities. PCC respectfully submits that good cause exists for a waiver of the Main Studio Rule relative to its proposed station at Gore, Virginia. The new station will rebroadcast the programming broadcast on radio station WPCS (NCE-FM), Pensacola, Florida. The station will, however, also ascertain and present programming to address the local problems, needs and interests of the Gore community on the station, as previously noted. Based upon such a commitment to address local needs, the Commission has historically granted waivers of the Main Studio Rule to allow for the satellite operation of a non-commercial FM station operated by a non-commercial network licensee. *See, Memorandum Opinion and Order*, in MM Docket No. 86-406, 3 FCC Rcd. 5024 (1988).

Inasmuch as the Commission as decided to allow waivers of the rule, as it does for non-commercial network satellite stations and for other commercial stations, the Commission is obligated to similarly treat other similarly-situated applicants. “Once an agency agrees to allow exceptions to a rule, it must provide a rational explanation if it later refuses to allow exceptions in cases that appear similar.” *Green County Mobilephone, Inc. v. FCC*, 765 F. 2d 235, 237 (D.C. Cir. 1985)

The premises considered, PCC respectfully request waiver of Section 73.1125 of the Commission’s rules to allow for the satellite operation of its station proposed for Gore, Virginia.