

EXHIBIT 6

MAIN STUDIO RULE WAIVER

At the time Keweenaw Bay Broadcasting, Inc. ("Keweenaw"), the licensee of WVCN(FM), Baraga, Michigan, was acquired by VCY/America, Inc., the Commission granted a waiver of Section 73.1125 of the Commission's rules. *See* attached Letter of Linda Blair, Chief, Audio Services Division, Mass Media Bureau to E. Joseph Knoll, III (former counsel to Keweenaw) July 8, 1999 (the "July 8 Letter"). Upon issuance of the July 8 Letter, Keweenaw sought clarification of the Commission's grant. Keweenaw required this clarification because it had been advised that it faced prohibitive tax liabilities upon changing status from for-profit to non-profit. Keweenaw has now resolved its tax issues, is adopting non-profit educational status, and files this application to change the license status of WVCN(FM) from commercial to noncommercial. Keweenaw submits that operation of the station in the manner contemplated by the Commission in its prior grant will serve the public interest by allowing WVCN to obtain the benefits envisioned by the Commission.

RIC

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

July 8, 1999

IN REPLY REFER TO: 1800B3-JR

E. Joseph Knoll III
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

In re: WBUM(FM), Baraga, MI
Facility ID #81363
Transfer of Control
File No. BTCH-990512E5

Dear Mr. Knoll:

This letter concerns the captioned application to transfer control of Keweenaw Bay Broadcasting, Inc., licensee of Station WBUM(FM), Baraga, Michigan, from Joyce D. Savolainen and David J. Savolainen, Jr. to VCY/America, Inc. ("VCY") (File No. BTCH-990512E5) and the associated request for a waiver of the Commission's main studio location rule, 47 C.F.R. § 73.1125 to operate WBUM(FM) as a "satellite" of Station WVCY-FM, Milwaukee, Wisconsin.¹ For the reasons set forth below, we grant the waiver request and grant the application.

Waiver Request. VCY, the proposed transferee, describes itself as a not-for-profit corporation seeking to provide "educational, religious, and family programming" to Wisconsin, Kansas, South Dakota, Illinois, Michigan, and other areas. According to VCY, its educational objectives include religious instruction and moral teaching, solutions to community problems, and helping troubled youths. VCY adds that it teaches citizenship, patriotism, conflict resolution, and religious principles. VCY proposes to achieve economies of operation and provide quality noncommercial educational ("NCE") service by adding WBUM(FM) as a satellite to its existing network, which it says is designed to advance its educational objectives. According to VCY, it will ascertain and meet local service obligations of its satellite facilities.

Discussion. Section 73.1125(a) requires that each broadcast station maintain a main studio within its principal community contour to ensure that it serves the needs and interests of those residing in its community of license. *Memorandum Opinion and Order In re: Amendment of Sections 73.1125 and 73.1130*, 3 FCC Rcd 5024, 5027 (1988). Pursuant to § 73.1125(a)(4), however, the Commission will waive this requirement upon a "good cause" showing and

¹ VCY asserts (Transferee's Exhibit 4 to the application) that it seeks to reclassify WBUM(FM) as a noncommercial educational station. Such a proposal, however, is not considered here.

where the proposed studio location "would be consistent with the operation of the station in the public interest." Waiver requests by NCE stations seeking to operate as a satellites of other NCE facilities are considered on a case-by-case basis. The Commission recognizes that NCE stations have limited funding and, thus, has found "good cause" to waive its main studio location requirement where satellite operations are proposed. *Id.* An applicant proposing a satellite station must, however, demonstrate that it will meet its local service obligation in order to satisfy the "public interest" standard of the rule. *Id.*

VCY bases its waiver request on potential economies of scale. We agree that, given the circumstances, there is good cause to waive § 73.1125(a)(4). VCY proposes, for the most part, to distribute the signal of commercial Station WVCY-FM, its flagship facility operating on an NCE basis. Where, as here, there is a significant distance between parent and proposed satellite stations and where they are situated in different states,² we are particularly concerned that the licensee adequately act to maintain its awareness of the needs and interests of the satellite community. To that end, VCY pledges to meet the needs and interests of the Baraga community by: maintaining a toll-free telephone number to allow residents to contact management; maintaining a web page for listener programming input; utilizing its "regional advisory council" which will include at least one resident of each community of license to gather input on programming issues from residents; ascertaining community needs through an "issue-oriented" and "interactive" programming format relying on on-air listener calls; providing a local "Bulletin Board" for community events information; and utilizing annual fundraisers, prior to which listeners will receive letters soliciting program input. These representations are satisfactorily demonstrate that, even without a local studio, VCY will be able to discern and serve the needs and interests of Baraga area residents.

Additionally, VCY has demonstrated its eligibility as an NCE FM licensee. Specifically, VCY has shown that: (1) it is a qualified nonprofit educational organization, currently being the licensee/permittee of several NCE facilities; and (2) WBUM(FM) will be used to advance its educational program. See 47 C.F.R. §73.503(a). Accordingly, we will approve VCY's request to operate WBUM(FM) as a satellite of its parent station WVCY-FM, and we will reclassify WBUM(FM) as an NCE station upon notice of consummation.

Conclusion/Actions. In sum, inasmuch as VCY will meet its local service requirements, grant of the requested waiver is in the public interest. Further, an examination of the transfer of control application reveals that VCY is qualified to be an NCE licensee and that a grant of the application will serve the public interest, convenience, and necessity. We remind VCY, however, of the requirement to maintain a public file for WBUM(FM) at the main studio of the parent station, WVCY-FM. See *Memorandum Opinion and Order In re: Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, FCC 99-118 (released May 28, 1999), at ¶45 .

² Milwaukee, Wisconsin and Baraga, Michigan are approximately 270 miles apart.

In light of the above, and pursuant to 47 C.F.R. § 0.283: the request of VCY/America, Inc. for a waiver of 47 C.F.R. § 73.1125 IS GRANTED, and the application to transfer control of Keweenaw Bay Broadcasting, Inc., licensee of Station WBUM(FM), Baraga, Michigan, from Joyce D. Savolainen and David J. Savolainen, Jr. to VCY/America, Inc. (File No. BTCH-990512E5) IS GRANTED.

Sincerely,


Linda Blair, Chief
Audio Services Division
Mass Media Bureau

cc: Stockholders of Keweenaw Bay Broadcasting, Inc.
VCY/America, Inc.