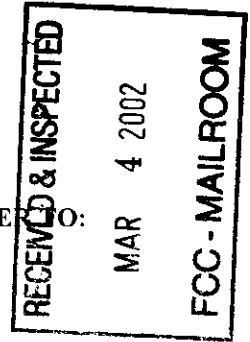


M. Wagner
2-1523

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

FEB 27 2002

IN REPLY REFERENCE TO:
1800B3-MH



Gary S. Smithwick, Esquire
Smithwick & Belendui, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036

In Re: WHPE-FM, High Point, North Carolina
Bible Broadcasting Network, Inc.
Facility ID No. 5164
Request for Waiver of 47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Mr. Smithwick:

The staff has under consideration the above-referenced February 8, 2000, request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by Bible Broadcasting Network, Inc. ("BBN"). BBN seeks a waiver of Section 73.1125 in order to operate WHPE-FM, High Point, North Carolina, as a "satellite" of its noncommercial educational FM station, WYFQ-FM, Wadesboro, North Carolina.¹ For the reasons set forth below, we will waive Section 73.1125 and grant BBN's request.

Main Studio Waiver. 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 station licensed to its community, or (3) within 25 miles of the center of its community. See *Report and Order, Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations*, 13 FCC Rcd 15,691 (1998); *recon. granted in part*, 14 FCC Rcd 11,113 (1999) ("Reconsideration Order"). 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. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*


¹ 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).

BBN's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a)(4) under these circumstances. BBN proposes to operate WHPE-FM, High Point, North Carolina as a satellite station of WYFQ-FM, Wadesboro, North Carolina. High Point is approximately 80 miles from Wadesboro. Where there is great distance between the parent and the satellite station, as here, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, BBN has pledged: (1) to have a part-time staff member helping at WHPE, who will work under the supervision of a BBN general manager who will visit the station weekly; (2) that it will have a Community Advisory Board with at least one member from High Point who will, at least annually, ascertain the needs and interests of WHPE's listening audience; (3) BBN will originate programming from WHPE designed to meet these local needs and interests as well as local public service announcements; and (4) maintain a toll free telephone number for the use of the residents in the community and maintain a public inspection file for the station within the High Point community.

In these circumstances, we are persuaded that BBN will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind BBN, however, of the requirement that it maintain a public file for the High Point, North Carolina station at the main studio of the "parent" station, WYFQ-FM, Wadesboro, North Carolina. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd at 11,129, ¶45. We further remind BBN that, notwithstanding the grant of the waiver requested here, the public file for WHPE-FM station must contain the quarterly issues and programs list for High Point, North Carolina required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request made by Bible Broadcasting Network, Inc. for a waiver of 47 C.F.R. § 73.1125, IS GRANTED.

Sincerely,


Peter H. Doyle, Chief
Audio Services Division
Mass Media Bureau