

JUSTIFICATION FOR NON-ROUTINE GRANT

Main Studio. New Jersey Public Broadcasting Authority ("NJPBA") operates a statewide public television network and is the noncommercial educational licensee of television stations WNJT, Channel 52, Trenton; WNJB, Channel 58, New Brunswick; WNJM, Channel 50, Montclair; and WNJS, Channel 23, Camden, all in the state of New Jersey. Now before the FM Branch for consideration is NJPBA's application for a new noncommercial radio station in Berlin, New Jersey. The applicant seeks a waiver of the 47 C.F.R. § 73.1125 (a) (4) requirement that it maintain a main studio location in Berlin, so that it may instead operate as a "satellite" station of, and from the main studio of, a proposed new noncommercial FM educational broadcast station to be located in Trenton, New Jersey.¹

In support of its waiver request, NJPBA states:

1. The proposed FM facility at Berlin reflects a natural extension of NJPBA's service to the citizens of New Jersey.
2. Southern New Jersey today receives limited public radio service which addresses the needs and interests of its citizens.
3. NJPBA plans to rely heavily upon the involvement of the Berlin area residents in developing a program service which is truly responsive and dynamic.
4. NJPBA will ascertain community needs and interests on a regular basis and local residents will be encouraged to provide input which will animate the implementation of station policies and programming.
5. NJPBA plans to establish regular contact with the local community and civic leaders and other members of the public in order to assure that its proposed facility is fully responsive to the needs of this underserved region.
6. Berlin residents will be afforded toll-free access to NJPBA's proposed Trenton operation.
7. The Trenton radio studio will be colocated with NJPBA's flagship television studio facilities to enhance, through efficiencies

¹ NJPBA simultaneously filed an application for a new noncommercial educational FM station at Trenton, NJ (File No. BPED-891122MC). This application was granted on 2/26/91.

of operation, NJPBA's ability to provide its planned public FM service.

8. Centralized operation will insure effective and efficient provision of noncommercial educational programming services to NJPBA's constituents.

A "satellite" station has been defined by the Commission as one "operating on channel specified in the ...Table of Assignments and meeting all of the technical requirements of our rules, but one which usually originates no local programming....It rebroadcasts the programming of the parent station." Multiple Ownership Rules, 3 RR 2d 1554, 1562 (1964). Satellite stations may involve relaxation of the Commission's main studio location rule, 47 C.F.R. § 73.1125.

The Commission has stated that "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. 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." Memorandum Opinion and Order in MM Docket No. 86-406, 3 FCC Rcd 5024, 5027 (1988). Thus, even without a main studio in the community of license, the Commission expects applicants to meet local needs. NJPBA's proposal fully satisfies these concerns.

We have determined that NJPBA has established that its centrally programmed simultaneous schedule will serve the problems, needs and interests of Berlin, New Jersey. Accordingly, 47 C.F.R. § 73.1125 (a) (4) IS HEREBY waived.