

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DEC 10 2002

IN REPLY REFER TO:
1800B3-RAB

Jeffrey D. Southmayd, Esq.
Southmayd & Miller
1220 19th Street, N. W.
Suite 400
Washington, D. C. 20036

In Re: WVML(FM), Millersburg, OH
The Moody Bible Institute of Chicago
Facility ID No. 85908
BMPED-200200314ABK

Request for Waiver of 47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Mr. Southmayd:

The staff has under consideration the captioned application of The Moody Bible Institute of Chicago (“Moody Bible”) for minor modification of the construction permit for station WVML(FM), Millersburg, Ohio and its request for a waiver of the Commission’s Main Studio Rule, Section 73.1125,¹ in order to operate station WVML(FM) as a “satellite” of commonly owned noncommercial educational (“NCE”) station WCRF-FM, Cleveland, Ohio.² For the reasons set forth below, we will waive Section 73.1125 and grant Moody Bible’s application.

Main Studio Waiver. Pursuant to Section 73.1125(a), a broadcast station’s main studio must be located either (1) within a station’s community of license, (2) within the principal community contour of any other broadcast station licensed to its community, or

¹ Moody Bible supplemented the waiver request on October 29, 2002.

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).

(3) within 25 miles of the center of its community of license.³ 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

Moody Bible’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. Section 73.1125(a)(4) under these circumstances.

Moody Bible proposes to operate WVML(FM), Millersburg, Ohio as a satellite station of WCRF-FM, Cleveland, Ohio, approximately 80.27 miles from Millersburg. Where there is a great distance between the parent and satellite station, as here, 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, Moody Bible has pledged to: (1) establish a citizen’s advisory board made up of residents of the community of Millersburg, who will meet periodically via conference calls with a management employee of WCRF-FM to discuss local issues of public concern facing the community; (2) engage in quarterly ascertainment of problems, needs and interests of the local community through the citizens advisory board; (3) periodically broadcast public affairs programming responsive to the local issues of public concern to Millersburg residents; (4) maintain a public inspection file for WVML(FM) at the WCRF-FM studios; and (5) maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules.

In these circumstances, we are persuaded that Moody Bible will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind Moody Bible, however, of the requirement that it maintain a public file for the Millersburg, Ohio station at the main studio of the “parent” station, WCRF-FM, Cleveland, Ohio. It must also make reasonable accommodation for listeners wishing to examine the file’s contents.⁶ We further remind Moody Bible that, notwithstanding the grant of the waiver requested here, the public file for WVML(FM) must contain the quarterly issues and programs list for Millersburg, Ohio 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 at 11129, Paragraph 45.

Modification of Construction Permit. We have examined the application (BMPED-20020314ABK) to modify the construction permit for WVML(FM). We find that the application complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience and necessity would be furthered by its grant.

Accordingly, The Moody Bible Institute of Chicago's request for waiver of 47 C.F.R. Section 73.1125 and its application BMPED-20020314ABK, ARE HEREBY GRANTED. The authorization is enclosed.

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

Enclosure