FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

May 16, 2007

IN REPLY REFER TO:
1800B3-EEB

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In Re: WDAH(FM), Shenandoah, Pennsylvania
Facility ID Nos. 90214
Family Life Ministries, Inc.

Application for Assignment of Construction Permit
File No. BAPED-20070321AAN

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

Dear Counsel:

The staff has under consideration the referenced application to assign the noncommercial educational ("NCE") FM construction permit for WDAH, Shenandoah, Pennsylvania, from Educational Media Foundation ("EMF") to Family Life Ministries, Inc.(FLM"). In the application, FLM seeks a waiver of Section 73.1125 in order to operate WDAH(FM), as a "satellite" of its NCE FM station WCIK, Bath, New York.[1] For the reasons set forth below, we shall grant the assignment of construction permit application.

Pursuant to Section 73.1125(a), a 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 (3) within 25 miles of the center of its community of license.[2] 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 operation for NCE stations, given their limited funding and, thus, found good cause exists to waive the main studio location requirement

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[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).

[2] *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*").

where satellite operations are proposed.[3] A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.[4]

FLM's request is based on the economies of scale which would be realized by grant of its waiver, *e.g.*, avoiding the cost of equipping, staffing, and operating a studio in the Shenandoah, Pennsylvania, area. We conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. As noted above, FLM proposes to operate WDAH(FM) as a satellite of WCIK(FM), Bath, New York, approximately 170 miles from Shenandoah, Pennsylvania. We are particularly concerned that the permittee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, FLM has pledged to meet its local service obligations by: (1) having at least one local representative join its advisory board to act as a liaison between the Shenandoah community and FLM's programming personnel. The advisory board is charged with assisting FLM's programming personnel in determining the needs, problems and concerns of FLM's listeners in their various communities; (2) maintaining a toll-free number from Shenandoah, Pennsylvania, to the WCIK(FM) studio in Bath.

In these circumstances, we are persuaded that FLM will meet its local service obligation and, thus, that grant of the requested waiver is consistent with the public interest. We remind FLM, however, of the requirement that it maintain a public file for WDAH(FM), Shenandoah, Pennsylvania, at the main studio of the "parent" station, WCIK(FM), Bath, New York. It must also make reasonable accommodation for listeners wishing to examine the file's contents.[5] We further remind FLM that, notwithstanding the grant of waiver requested here, the public file for WDAH(FM) must maintain the quarterly issues and programs list for Shenandoah, Pennsylvania, as required by C.F.R. Section 73.3527(e)(8).

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[3] *Id.*

[4] *Id.*

[5] *See Reconsideration Order,* 14 FCC Rcd at 11129, Paragraph 45.

Accordingly, finding the applicants qualified and that grant of the assignment application would serve the public interest, convenience and necessity, the application (File No. BAPED-20070321AAN) to assign the construction permit from Educational Media Foundation to Family Life Ministries, Inc. and the concomitant request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The authorization is enclosed.

Sincerely,

H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau

cc: Family Life Ministries, Inc.