

Mike Wagner
Rm 2-B450

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
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Malcolm G. Stevenson, Esquire
Schwartz, Woods & Miller
Suite 300 – The Dupont Circle Building
1350 Connecticut Avenue, N. W.
Washington, D. C. 20036-1717

In Re: WRQM(FM), Rocky Mount, NC
Board of Trustees of the University
Of North Carolina at Chapel Hill
Facility ID No. 49158
Request for Waiver of 47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Mr. Stevenson:

The staff has under consideration the above-referenced request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by the Board of Trustees of the University of North Carolina at Chapel Hill ("the University").¹ The University seeks a waiver of Section 73.1125 in order to operate WRQM(FM), Rocky Mount, North Carolina as a satellite of commonly owned noncommercial educational ("NCE") station WUNC(FM), Chapel Hill, North Carolina.² For the reasons set forth below, we will waive Section 73.1125 and grant the University's request.

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

¹ The University acquired WRQM(FM) from Friends of Down East Public Radio, Inc. ("Friends") on March 24, 2000, pursuant to staff grant of application no. BALED-19991105AA1. Prior to selling to the University, Friends had lost its studio site but had made arrangements to lease space at another location. However, Friends later determined, and the University affirms, that the site is not technically viable because no STL could be established from that location.

The University also determined that state contracting restrictions would not permit it to lease space at this time. Accordingly, the University submits that satellite operation of WRQM(FM) is the most efficient and effective means to provide NCE-FM service to Rocky Mount.

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).

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.*


The University'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.

The University proposes to operate WRQM(FM), Rocky Mount, North Carolina as a satellite of station WUNC(FM), Chapel Hill, North Carolina, approximately 70 miles from Rocky Mount. Where there is a great distance between the parent and 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, the University has pledged to: (1) regularly ascertain community needs and interests through regular contact with Rocky Mount community leaders, as well as subscriptions to newspapers and other media sources; (2) encourage local residents to provide input that will animate implementation of station programming through the establishment of a toll-free telephone number from Rocky Mount to the main studio of WUNC(FM); and (3) broadcast community bulletin board and local public service announcements to residents of Rocky Mount on a regular basis, which programming is generated by the WUNC(FM) facilities and distributed *via* satellite to the WRQM(FM) transmitter.

In these circumstances, we are persuaded that the University will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind the University, however, of the requirement that it maintain a public file for the Rocky Mount station at the main studio of the "parent" station, WUNC(FM), Chapel Hill, North Carolina. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd 11,113, 11,129 at ¶45. We further remind the University that, notwithstanding the grant of the waiver requested here, the public file for WRQM(FM) must contain the quarterly issues and programs list for Rocky Mount, North Carolina required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request made by the Board of Trustees of the University of North Carolina at Chapel Hill for a waiver of 47 C.F.R. § 73.1125 IS GRANTED.

Sincerely,


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