

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

**IN REPLY REFER TO:
1800B3-ALM**

April 1, 2004

Patrick J. Vaughn, Esquire
American Family Association
Post Office Drawer 3206
107 Parkgate
Tupelo, Mississippi 38803

In re: KAPK(FM), Grants Pass, OR
Facility ID No. 1698

WAI(FM), Hattiesburg, MS
Facility ID No. 78264

WBHZ(FM), Elkins, WV
Facility ID No. 90121

WBIA(FM), Shelbyville, TN
Facility ID No. 81729

KBCM(FM), Blytheville, AR
Facility ID No. 84785

KAYB(FM), Sunnyside, WA
Facility ID No. 78191

KARG(FM), Poteau, OK
Facility ID No. 77159

KARF(FM), Independence, KS
Facility Id No. 78930

WARN(FM), Culpeper, VA
Facility ID No. 79157

American Family Association
Request For Waiver of 47
C.F.R. Section 73.1125
(Main Studio Rule)

Dear Mr. Vaughn:

The staff has under consideration the captioned October 29, 2002 requests for waiver filed by American Family Association ("AFA"). AFA states that it has previously operated these stations with the assistance of other organizations in order to have main studios. AFA further indicates that these organizations are no longer able to provide this assistance. AFA requests waivers of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, in order to operate the captioned stations as satellites of its commonly owned noncommercial educational ("NCE") station, WAFR(FM), Tupelo, Mississippi.¹

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.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 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.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

AFA proposes to operate the captioned stations as satellite stations of WAFR(FM), Tupelo, Mississippi. Where there are great distances between parent and satellite stations, as here, and where the parent and satellite stations are in different states, 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, AFA has pledged to: (1) add to its Community Advisory Board at least one resident of each captioned community, who will be asked to provide recommendations on community needs and programming directly to AFA management; (2) solicit listeners' opinions regarding community issues during semi-annual "Shareathon" pledge drive and track programming responses to the input received; (3) provide periodic local programming for

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")

³ *Id.*

⁴ *Id.*

each captioned community including coverage of significant local news and cultural events; (4) broadcast local public service announcements; and (5) maintain a toll-free telephone number between each captioned community and the WAFR(FM) main studio.

In these circumstances, we are persuaded that AFA will meet its local service obligations and thus, that grant of the requested waivers are consistent with the public interest. However, we remind AFA of the requirement that it maintain a public file for each satellite station at the main studio of the “parent” station, WAFR(FM). It must also make reasonable accommodation for listeners wishing to examine the file’s contents.⁵ We further remind AFA that, notwithstanding the grant of the waiver requested here, the public file for each satellite station must contain the quarterly issues and programs list for its community of license, required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, the requests for waivers of 47 C.F.R. Section 73.1125 for filed by America Family Association ARE HEREBY GRANTED.

Sincerely,

Peter H. Doyle, Chief
Audio Division
Media Bureau

⁵ See *Reconsideration Order*, 14 FCC Rcd 11113, 11129 at Paragraph 45.