

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

APR 21 2005

IN REPLY REFER TO:
1800B3-ALM

Russell C. Powell, Esquire
Taylor & Powell, LLC
908 King Street, Suite 300
Alexandria, Virginia 22314

In re: KLOX(FM), Creston, Iowa
Facility ID No. 91587
Florida Public Radio, Inc.
Request For Waiver of The
Commission's Main Studio
Rule (Section 73.1125)

Dear Mr. Powell:

The staff has under consideration a request for a waiver of the Commission's main studio requirement, *see* 47 C.F.R. Section 73.1125, filed by Florida Public Radio, Inc. ("FPRI") in order to operate WKFA(FM) as a satellite of its noncommercial, educational FM station, KSKB(FM), Brooklyn, Iowa.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

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 Report and Order, Review 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 11113 (1999) ("Reconsideration Order").

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

FPRI's request is based on the economies of scale that 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) in these circumstances.

FPRI proposes to operate KLOX(FM), Creston, Iowa, as a satellite of KSKB(FM), Brooklyn, Iowa, approximately 90 miles from Creston. Where there is a great distance between the parent and satellite stations, 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, FPRI has pledged to: (1) ascertain the community needs of Creston by the creation of a community advisory board comprised of three or more Creston residents and by quarterly in-person or telephone conferences between a FPRI employee and the advisory board to receive information and suggestions concerning the needs and interests of the community; (2) develop responsive programming to the ascertained needs; (3) construct an auxiliary facility in Creston with the capability of pre-empting the programming of KSKB(FM) and originating programming specifically for Creston; (4) solicit e-mail addresses from supporters and listeners that will be used to send out an electronic newsletter, at least twice a year, which will be used to gather listener opinions regarding the needs and interests of Creston; (5) subscribe to the local newspaper serving Creston and review it to determine needs and interests of the community; (6) maintain a web page, announced on KLOX(FM), that will solicit listener opinions regarding the needs and interests of Creston; and (7) maintain a toll free telephone number between Creston and the KSKB(FM) main studio.

In these circumstances, we are persuaded that FPRI will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind FPRI, however, of the requirement that it maintain a public file for KLOX(FM), Creston, Iowa, at the main studio of the "parent" station, KSKB(FM), Brooklyn, Iowa. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind FPRI that, notwithstanding the grant of the waiver requested here, the public file for KLOX(FM) must contain the quarterly issues and programs list for Creston, Iowa, as required by 47 C.F.R. Section 73.3527(e)(8).

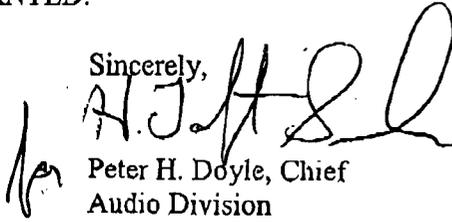
³ *Id.*

⁴ *Id.*

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

Accordingly, the request for a waiver of 47C.F.R. Section 73.1125, filed by Florida Public Radio, Inc. IS HEREBY GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "P. H. Doyle", is written over the typed name. The signature is fluid and cursive.

Peter H. Doyle, Chief
Audio Division
Media Bureau