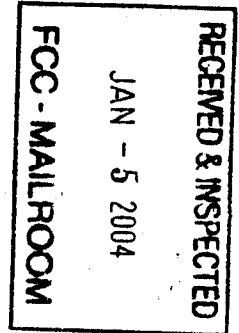


**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

**FEB 03 2004**

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



Amy L. Van de Kerckhove, Esquire  
ShawPittman LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

In Re: KSJY(FM), Lafayette, Louisiana  
Facility ID No. 36225  
Educational Media Foundation

Request for Waiver of 47 C.F.R. § 73.1125

Dear Ms. Van de Kerckhove:

The staff has under consideration the above-referenced November 12, 2003, request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by Educational Media Foundation ("EMF").<sup>1</sup> EMF seeks a waiver of Section 73.1125 in order to operate KSJY(FM), Lafayette, Louisiana, as a "satellite" of its noncommercial educational ("NCE") FM station, KLVR(FM), Santa Rosa, California.<sup>2</sup> For the reasons set forth below, we will grant EMF'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 principal community contour of any other broadcast station licensed to its community, or (3) with 25 miles of the center of its community of license.<sup>3</sup> 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.<sup>4</sup> A satellite station must, however,

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EMF has applied to acquire station KSJY(FM) from American Family Association (BALED-20031029ACN).

<sup>2</sup> 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).

<sup>3</sup> *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").

<sup>4</sup> *Id.*

demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.<sup>5</sup>

EMF'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. EMF proposes to operate KSJY(FM) as a satellite station of KLVR(FM), Santa Rosa, California, approximately 1,417 miles from Lafayette, Louisiana. Where there is great distance between the parent and the satellite station, as here, and where the parent and satellite stations are in different states, 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, EMF: (1) will maintain an auxiliary studio within the geographic parameters described by the rules that will be capable of originating local programming responsive to the needs of Lafayette residents; (2) will engage the services of a local Lafayette public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems, and needs of Lafayette listeners, which will be covered in EMF's news and public affairs programming; (3) will have a local representative, who may be a volunteer, who will work with EMF's Regional Manager and will, at least on a quarterly basis, conduct ascertainment surveys of local community leaders to determine the concerns, problems, and needs of Lafayette listeners; (4) will ensure this local representative will further serve as liaison between residents of Lafayette and EMF's programming personnel; and (5) will maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and maintain a public inspection file for the station as required by Section 73.3527 of the rules.

In these circumstances, we are persuaded that EMF will meet its local service obligation and thus that grant of the requested waiver is consistent with the public interest. We remind EMF, however, of the requirement that it maintain the KSJY(FM) public inspection file, station at the main studio of the "parent" station, KLVR(FM), Santa Rosa, California. It must also make reasonable accommodation to listeners wishing to examine the file's contents.<sup>6</sup> We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for KSJY(FM) must contain the quarterly issues and programs list for Lafayette, Louisiana as required by 47 C.F.R. § 73.3527 (e)(8).

Accordingly, in reliance upon the representations listed above the request made by Educational Media Foundation for a waiver of 47 C.F.R. § 73.1125 IS GRANTED.

<sup>6</sup> See *Reconsideration Order*, 13 FCC Rcd at 11129., Paragraph 45.

In addition upon finding that it complies with all pertinent statutory and regulatory provisions and that its approval will further the public interest, convenience and necessity, the application (File no. BALED-20031029ACN) to assign the license from American Family Association, Inc. to Educational Media Foundation IS GRANTED. The effective date of the main studio rule waiver grant will be the date on which the Commission is notified that Educational Media Foundation has consummated its acquisition of the station.

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