

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

JUL 31 2003

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**IN REPLY REFER TO:
1800B3-EB FCC-MAILROOM**

Robert Koob, President
University of Northern Iowa
324 Communications Arts Center
Cedar Falls, IA 50614

In Re: NEW(FM), Dubuque, Iowa
Facility No. 85606
University of Northern Iowa
File No. BPED-19970226MA
Application for Construction Permit

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

Dear Mr. Koob:

This staff has under consideration the above-referenced application for a new noncommercial educational ("NCE") FM station in Dubuque, Iowa, filed by the University of Northern Iowa ("UNI"). In the application, UNI also seeks a waiver of 47 C.F.R. Section 73.1125 in order to operate the Dubuque facility as a satellite of its commonly owned NCE FM station KUNI(FM), Cedar Falls, Iowa.¹ For the reasons set forth below, we will waive Section 73.1125.

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 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

¹ A "satellite" 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 RR 2d, 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.*

UNI'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 Dubuque area. We agree and conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. As noted above, UNI proposes to operate the Dubuque, Iowa station as a satellite station of KUNI(FM), Cedar Falls, Iowa, approximately 99 miles from Dubuque, Iowa. Where there is considerable distance between the parent and the satellite station, 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, UNI has pledged to meet its local service obligations by: (1) conducting on a quarterly basis, through interviews, surveys and other samplings of public opinion, an ascertainment of the interests and needs of the proposed service area; (2) designing programs specifically to meet those ascertained needs; (3) developing advisory input from the Dubuque residents and originating some programming from the Dubuque area using remote origination equipment; (4) establishing a toll-free telephone line from Dubuque to the KUNI(FM) main studio; and (5) establishing and maintaining a public inspection file in Dubuque.

Under these circumstances, we are persuaded that UNI will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind UNI, that, notwithstanding its commitment to maintain a public inspection file in Dubuque, it must also maintain a public file for the Dubuque, Iowa station at the main studio of the parent station, KUNI(FM), Cedar Falls, Iowa. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind UNI that, notwithstanding the grant of the waiver requested here, the public file for the station must contain the quarterly issues and programs list as required by 47 C.F.R. Section 73.3527(e)(8).

We have reviewed UNI's application and find that it complies with all pertinent statutory and regulatory requirements. Additionally, our evaluation reveals that grant of the application will further the public interest, convenience and necessity. Accordingly, the application (File No. BPED-19970226MA) of University of Northern Iowa for a new noncommercial educational FM station in Dubuque, Iowa, as well as its request for waiver of 47 C.F.R. § 73.1125, IS GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", with a stylized flourish at the end.

Peter H. Doyle, Chief
Audio Division
Media Bureau

⁵ See *Reconsideration Order*, 14 FCC RCD at 11129.