

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

SEP 23 2004

IN REPLY REFER TO:
1800B3-ALM

David Oxenford, Esquire
ShawPittman
2300 N Street, N.W.
Washington, D. C. 20037-1128

In re: WZRI(FM), Spring Lake, NC
Educational Media Foundation
Facility ID No. 14227
File No. BMPED-20031222ABV

Dear Mr. Oxenford:

The staff has under consideration the referenced application filed by Educational Media Foundation ("EMF") that seeks to modify the facilities authorized in construction permit BPED-19950124MA for WZRI(FM), Spring Lake, North Carolina. The application, *inter alia*, requests a waiver of the Commission's main studio requirement, *see* 47 C.F.R. Section 73.1125, in order for EMF to operate the WZRI(FM) as a satellite of its noncommercial, educational FM station KLRD (FM), Yucaipa, California.¹ For the reasons set forth below, we will waive 47 C.F.R. Section 73.1125 and grant EMF's application.

Modification of Construction Permit. EMF's application seeks to modify the facilities of WZRI(FM), previously authorized in construction permit BPED-19950124MA and granted on May 23, 2002. Specifically, EMF seeks to increase the station's ERP from 1.1 kW to 2 kW, reduce HAAT from 73 to 55 meters, and to specify a new transmitter site. EMF's application demonstrates that it is in full technical compliance with the Commission's rules. Accordingly, it will be granted.

Main Studio Waiver. 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

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").

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

EMF'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.

EMF proposes to operate WZRI(FM), Spring Lake, North Carolina, as a satellite of KLRD(FM), Yucaipa, California, approximately 2,152 miles from Spring Lake, North Carolina. Where there is a great distance between the parent and satellite stations, as here, and where the parent and satellite 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 has pledged to: (1) engage the services of a local Spring Lake public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns and programming needs of Spring Lake listeners; (2) address these needs and concerns in EMF's news and public affairs programming; (3) have the EMF local representative serve as a liaison between the residents of Spring Lake and EMF's Regional Managers; (4) maintain an auxiliary studio for WZRI(FM) that is in compliance with the provisions of 47 C.F.R. Section 73.1125(a) and that is capable of originating local programming that is responsive to local Spring Lake needs; and (5) maintain a toll free telephone number between Spring Lake and the KLRD(FM) main studio.

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

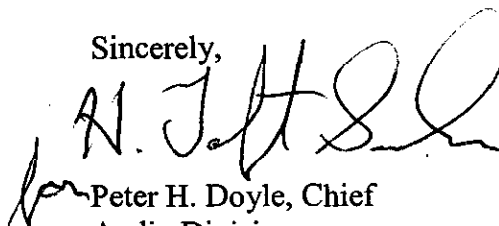
³ *Id.*

⁴ *Id.*

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

Conclusion. Accordingly, the application of Educational Media Foundation to modify the facilities of WZRI(FM), BMPED-20031222ABV, being in all respects acceptable, and its request for a waiver of 47 C.F.R. Section 73.1125, ARE HEREBY GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "N. J. H. S. L.", is written over the word "Sincerely,".

Peter H. Doyle, Chief
Audio Division
Media Bureau