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

March 28, 2003

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

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

In Re: KIAN(FM), Byrne, Texas
Facility ID No. 69953
Educational Media Foundation

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

Dear Ms. Van de Kerckhove:

This is in reference to the February 20, 2003 request of Educational Media Foundation ("EMF"),¹ approved assignee of station KIAN(FM), Byrne, Texas for a waiver of the Commission's Main Studio Rule, 47 C.F.R. Section 73.1125. EMF seeks to operate station KIAN(FM) as a "satellite" of commonly owned noncommercial educational ("NCE") station KLVR(FM), Santa Rosa, California.² For the reasons set forth below, we shall grant the waiver request effective upon notification of consummation of the assignment application.

Pursuant to Section 73.1125(a), a broadcast station's 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.³ 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 needing to operate as the satellite of another NCE station is considered on a

¹ The staff approved EMF's acquisition of station KIAN(FM) from Southpoint Educational Radio, Inc. (File No. BAPED-20030220AAK) on March 25, 2003.

² 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).

³ *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").

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.⁴ A satellite station must, however demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 “public interest” standard.⁵

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 a “good cause” to waive 47 C.C.R. Section 73.1125(a)(4) under these circumstances.

EMF proposes to operate KIAN(FM), Byrne, Texas as a satellite station of KLVR(FM), Santa Rosa, California, approximately 1,341 miles from Byrne. Where there is a great distance between the parent and satellite station, as here, we are particularly concerned that the licensee take adequate measures to maintain the awareness of the satellite community’s needs and interests. To that end, EMF has stated that it will: (1) maintain an auxiliary studio at a location that complies with Section 73.1125 and that is capable of originating local programming that is responsive to local community needs; (2) engage the services of a local Byrne affairs representative to conduct quarterly ascertainment surveys of local leaders and other residents to determine the concerns, problems and needs of Byrne listeners, which will be covered in EMF’s news and public affairs programming and broadcast by KIAN(FM); (3) maintain local representation in the Byrne area, whereby EMF’s local representative will further serve as a liason between the residents of Byrne and EMF’s programming personnel; (4) maintain its public inspection file within the Byrne community; (5) maintain a toll-free telephone number, as required by Section 73.1125(d) 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 a public file for the Byrne, Texas, station at the main studio of the “parent” station KLVR(FM), Santa Rosa. It must also make reasonable accommodation for listeners wishing to examine the file’s contents.⁶ We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for KIAN(FM) must contain the quarterly issues and programs list for Byrne, Texas required by 47 C.F. R. Section 73.3527(e)(8).


⁴ *Id.*

⁵ *Id.*

⁶ See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

Accordingly, the request the request made by Educational Media Foundation for waiver of 47.C.F.R. Section 73.1125 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.⁷

Sincerely,


for Peter H. Doyle, Chief
Audio Services Division
Mass Media Bureau

cc: Southpoint Educational Radio, Inc.
Educational Media Foundation
Marsha Shrader, Esq.

⁷ See 47 C.F.R. Section 1.102.