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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

#777A1

FEB 03 1999

IN REPLY REFER TO:
1800B3-ALM

Christine J. Newcomb, Esquire
Dow, Lohnes & Albertson
1200 New Hampshire Avenue
Suite 300
Washington, D. C. 20036-6802

In Re: KASV(FM), Borger, Texas Request for Main Studio Waiver

Dear Ms. Newcomb:

On November 15, 1996, a construction permit was issued to Top O' Texas Educational Broadcasting Foundation ("TOT") for KASV(FM) in Borger, Texas. This authorization waived 47 C.F.R. § 73.1125 to permit KASV(FM) to operate as a satellite station¹ of KPDR(FM), Wheeler, Texas. On December 10, 1998, TOT filed a request to modify the previously granted waiver to permit KASV(FM) to operate as a satellite station of KJRT(FM), Amarillo, Texas.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of its community of license. *Amendment of Sections 73.1125 and 73.1130*, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), the Commission will waive this requirement 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. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

TOT'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. § 73.1125(a)(4) in these circumstances. TOT proposes to operate KASV(FM), Borger, Texas as a satellite of KJRT(FM), Amarillo, Texas, approximately 50 miles from Borger. Where there is a great distance between parent and satellite stations, as here, we are particularly

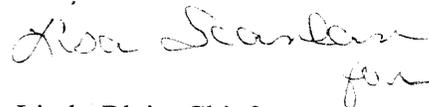
¹ A "satellite" station meets all of the Commission's technical rules; however, it originates no programming and instead rebroadcasts the parent station's programming. *See Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR2d 1554, 1562 (1964).

concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, TOT has pledged to: (1) seek the participation of Borger community, civic, religious and political leaders, as well as Borger residents, in programming efforts and in identifying community concerns; (2) hold regular community meetings to gain programming input; (3) subscribe to the Borger newspaper; (4) increase the amount of Borger-oriented programming from its current 4-5 hours each week and increase the amount of locally originated programming to 10-20 hours each week; and (5) maintain a toll-free telephone number between Borger and the KJRT(FM) main studio in Amarillo, Texas. In these circumstances, we are persuaded that TOT will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

In granting a waiver of 47 C.F.R. § 73.1125(a), the Commission has required the licensee of a satellite station to maintain the satellite station's public inspection file in the community of license and in adopting modifications to its main studio and public inspection file rules, the Commission stated that it was not altering its standards or practices with respect to noncommercial educational stations proposing satellite operations. *See Report and Order* in MM Docket No. 97-131, 13 FCC Rcd 15691, 15695, n. 18 (1998). Accordingly, TOT must maintain the public inspection file of KASV(FM) in Borger.

Accordingly, the request by Top O' Texas Educational Broadcasting Foundation to modify the previously granted waiver of 47 C.F.R. § 73.1125, for satellite station operation of KASV(FM), Borger, Texas, IS HEREBY GRANTED.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Blair", with a small flourish underneath.

Linda Blair, Chief
Audio Services Division
Mass Media Bureau