

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

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

July 20, 2004

Cary S. Tepper, Esquire  
Booth, Freret, Imlay & Tepper, P.C.  
7900 Wisconsin Avenue, Suite 304  
Bethesda, Maryland 20814-3628

**In re: KBXO(FM), Coachella, California**  
Facility ID No. 85911  
Creative Educational Media  
Corporation, Inc.  
Request For Waiver of 47 C.F.R.  
Section 73.1125 (Main Studio Rule)

Dear Mr. Tepper:

The staff has under consideration the April 13, 2004, request for a waiver of 47 C.F.R. Section 73.1125 filed by Creative Educational Media Corporation, Inc. ("Creative"), to operate KBXO(FM), Coachella, California, as satellite station of its commonly owned noncommercial educational ("NCE") station, KNYD(FM), Broken Arrow, Oklahoma.<sup>1</sup>

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.<sup>2</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>3</sup> A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.<sup>4</sup>

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<sup>1</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>2</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")

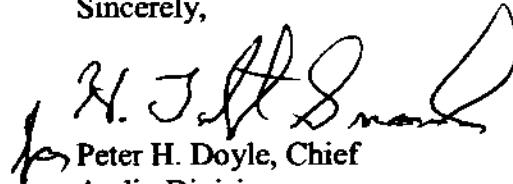
<sup>3</sup> *Id.*

Creative proposes to operate KBXO(FM), Coachella, California, as a satellite station of KNYD(FM), Broken Arrow, Oklahoma, which is located 1,300 miles from Coachella. Where there are great distances between parent and satellite stations, 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, Creative has pledged to: (1) appoint a local representative from the Coachella area who will report to Creative on a monthly basis with advice on the interests and concerns of the community; (2) publicize, in advance, and hold a quarterly meeting in Coachella between a management employee and community leaders and citizens to ascertain community needs; (3) subscribe to local Coachella newspapers to further Creative's ascertainment efforts; (4) produce programming addressing the ascertained community interests and needs; (5) broadcast, on a daily basis, news, weather, and public service announcements pertaining to Coachella; and (6) maintain a toll-free telephone number between Coachella and the KNYD(FM) main studio.

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

Accordingly, the requests for a waiver of 47 C.F.R. Section 73.1125 filed by Creative Educational Media Corporation, Inc. for KBXO(FM) IS HEREBY GRANTED.

Sincerely,

  
Peter H. Doyle, Chief  
Audio Division  
Media Bureau

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

<sup>5</sup> See *Reconsideration Order*, 14 FCC Rcd 11113, 11129 at Paragraph 45.