

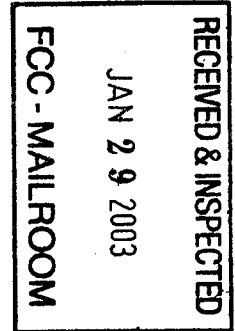
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M. Wagner

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

JAN 27 2003

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

Amy L. Van de Kerckhove, Esquire
Shaw Pittman, LLP
2300 N Street, N. W.
Washington, D. C. 20037-1128



In Re: KQKL(FM), Selma, CA
Educational Media Foundation
Facility ID No. 89071
BMPED-20020723AEF

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

Dear Ms. Van de Kerckhove:

The staff has under consideration the captioned application of Educational Media Foundation ("EMF") for minor modification of the construction permit for station KQKL(FM), Selma, California and its request for a waiver of the Commission's Main Studio Rule, Section 73.1125, in order to operate station KQKL(FM) as a "satellite" of commonly owned noncommercial educational ("NCE") station KLVR(FM), Santa Rosa, California.¹ For the reasons set forth below, we will waive Section 73.1125 and grant EMF's application.

Main Studio Waiver. 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.² However, under Section 73.1125(b)(2), the Commission will waive these requirements where "good cause" exists

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 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").

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, which 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)(4) under these circumstances.

EMF proposes to operate KQKL(FM), Selma, California as a satellite station of KLVR(FM), Santa Rosa, California, approximately 205.6 miles from Selma. 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 its awareness of the satellite community’s needs and interests. To that end, EMF has pledged to: (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 Selma public affairs representative to conduct quarterly ascertainment surveys of local leaders and other residents to determine the concerns, problems and needs of Selma listeners, which will be covered in EMF’s news and public affairs programming and broadcast by KQKL(FM); (3) maintain local representation in the Selma area, whereby EMF’s local representative will further serve as a liaison between the residents of Selma and EMF’s programming personnel; (4) maintain its public inspection file within the Selma community; and (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 Selma station at the main studio of the “parent” station, KLVR(FM), Santa Rosa, 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 KQKL(FM) must contain the quarterly issues and programs list for Selma, California required by 47 C.F.R. Section 73.3527(e)(8).

Modification of Construction Permit. We have examined the application (BMPED-20020723AEF) to modify the construction permit for station KQKL(FM). We find that the application complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience and necessity would be furthered by its

³ *Id*

⁴ *Id*


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

grant.

Accordingly, Educational Media Foundation's request for waiver of 47 C.F.R. Section 73.1125 and its application BMPED-20020723AEF, ARE HEREBY GRANTED. The authorization is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Doyle', with a long horizontal flourish extending to the right.

 Peter H. Doyle, Chief
Audio Division
Media Bureau

Enclosure