

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

FEB 14 2005

**In Reply Refer To:
1800B3-MAT**

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

In Re: NEW(FM), Boise, ID
Calvary Chapel of Twin Falls
File No. BPED-19931207MD
Facility ID No. 8417

Dear Counsel:

The staff has under consideration the above-captioned application filed by Calvary Chapel of Twin Falls ("Calvary") for a construction permit for a new noncommercial educational ("NCE") FM station in Boise, Idaho. Calvary has requested a waiver of the main studio requirement, 47 C.F.R. § 73.1125, in order to operate the Boise, Idaho station as a satellite¹ of its commonly-owned NCE station KAWZ-FM, Twin Falls, Idaho. For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a 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 the community of license.² However, under Section 73.1125(b)(2), 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 a 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

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*, 3 RR 2d 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) ("Main Studio Reconsideration Order").

³ *Id.*

⁴ *Id.*

Calvary's request is based on the economies of scale which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. Calvary proposes to operate the Boise, Idaho station as a satellite of KAWZ-FM, Twin Falls, Idaho, approximately 191 miles from Boise, Idaho. Where there is a considerable distance between parent and satellite stations as here, 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, Calvary has pledged to meet its local service obligations by: (1) maintaining a public file at its main studio and a toll-free telephone number so that residents of the Boise area can call the studios in Twin Falls toll free in order to express concerns about station operations; (2) on a quarterly basis each year, publicizing advance notice of a meeting in the Boise community to meet with community leaders and citizens in order to ascertain the needs and interests of Boise and then broadcasting local programming that will address those needs; (3) ascertaining the needs and issues of the Boise community and then broadcast local programming that will address those needs; (4) providing for the broadcast of news, weather and public service announcements pertinent to Boise residents and (5) making available the public file of BPED-19931207MD, Boise, Idaho at its main studio, as well as on its website.

Under these circumstances, we are persuaded that Calvary will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind Calvary that, notwithstanding its commitment to maintain a public inspection file in Boise, it must also maintain a public file for the Boise station at the main studio of the parent station, KAWZ-FM, Twin Falls, Idaho. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind Calvary that, notwithstanding the grant of the waiver requested here, the public file for the station must contain the quarterly issues and programs list, as required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application of Calvary Chapel of Twin Falls, Inc. for a construction permit for a new noncommercial educational FM station in Boise, Idaho (File No. BPED-19931207MD) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

⁵ See Main Studio Reconsideration Order, 14 FCC Rcd at 11129.