

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

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Veronica D. McLaughlin, Esquire
Fisher Wayland Cooper Leader & Zaragoza L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D. C. 20006-1851

In re: NEW (Ed. FM), Bartlesville, OK
Educational Media Foundation
Facility ID No. 92989
File No. BPED-19990311MJ

Dear Ms. McLaughlin:

The staff has under consideration the referenced application filed by Educational Media Foundation ("EMF") for a new noncommercial, educational FM station in Bartlesville, Oklahoma.¹ The application, *inter alia*, requests a waiver of the Commission's main studio requirement, *see* 47 C.F.R. § 73.1125, in order for EMF to operate the proposed Bartlesville, Oklahoma station as a satellite of its noncommercial, educational FM station KLRD (FM), Yucaipa, California.² For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant EMF's application and its request for waiver of 47 C.F.R. § 73.1125.

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. *See Report and Order, Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations*, 13 FCC Rcd 15,691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order"). 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

¹ An amendment to the application was filed on September 17, 1999 to resolve the mutual exclusivity with an application filed by Grove Broadcasting, Inc. (BPED-19980225ME) for a new noncommercial educational FM station in Grove, Oklahoma.

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).

"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.*

EMF's request is based on the economies of scale that 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) in these circumstances.


EMF proposes to operate the proposed Bartlesville, Oklahoma station as a satellite of KLRD(FM), Yucaipa, California, approximately 1,200 miles from Bartlesville, Oklahoma. Where there is a great distance between the parent and satellite stations, 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) engage the services of a local Bartlesville public affairs representative to conduct regular ascertainment surveys of local community leaders and other residents to determine the concerns, and programming needs of Bartlesville listeners; (2) address these needs and concerns in EMF's news and public affairs programming; (3) have the EMF local representative serve as a liaison between the residents of Bartlesville and EMF's programming personnel; (4) maintain an auxiliary studio within the proposed station's city grade contour which is capable of originating local programming that is responsive to local community needs; and (5) maintain a toll free telephone number between Bartlesville and the KLRD(FM) main studio in Yucaipa, California.

In these circumstances, we are persuaded that EMF will meet its local service obligations 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 Bartlesville station at the main studio of the "parent" station, KLRD(FM), Yucaipa, California. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45. We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for the Bartlesville station must contain the quarterly issues and programs list for Bartlesville, Oklahoma required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application of Educational Media Foundation for a new noncommercial, educational FM station in Bartlesville, Oklahoma (File No. BPED-19990311MJ), and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "H. J. Doyle", written in a cursive style.

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

cc: Grove Broadcasting, Inc.
New Life Evangelistic, Inc.
CSN International