

October 7, 2011

**FILED/ACCEPTED****VIA HAND DELIVERY****OCT - 7 2011**Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-A325  
Washington, D.C. 20554Federal Communications Commission  
Office of the Secretary**Re: Main Studio Relocation and Request for Main Studio Waiver  
KMLU(FM), McKee, Kentucky (FIN: 92949)**

Dear Ms. Dortch:

On behalf of Educational Media Foundation ("EMF"), the licensee of noncommercial, educational FM station KMLU(FM), Brownfield, Texas, we hereby respectfully request a waiver of Section 73.1125 of the Commission's rules (hereinafter referred to as the "main studio rule") to permit the relocation of the main studio of KMLU at the main studio of EMF's co-owned station KLRD(NCE-FM), Yucaipa, California. Although KMLU is currently licensed to Brownfield, Texas, the Commission granted EMF's major modification of the station, including a change in community of license to McKee, Kentucky. See FCC File No. BMAPED-20071019AJS. This letter requests a waiver from the McKee, Kentucky facilities which are currently being constructed. The proposed studio location is approximately 2,999 kilometers (1,863 miles) outside of the 3.16 mV/m contour of KMLU.

On October 25, 2006, Commission staff granted EMF's waiver request,<sup>1</sup> authorizing EMF to operate KMLU as a satellite of EMF's co-owned noncommercial educational FM station KLVR, Middletown, California. EMF now proposes to operate KMLU as a "satellite" station of its co-owned station KLRD, Yucaipa, California.

As a satellite of KLRD, KMLU will now become part of a network of radio stations operated by EMF known as the "Air-1 Radio Network," and the station will broadcast the Air-1 Radio programming. EMF is a non-profit corporation and each network station operates noncommercially and broadcasts the noncommercial educational programming carried on the Air-1 Radio Network. By co-locating KMLU's main studio at KLRD's main studio in Yucaipa, EMF will realize valuable economies of scale and cost savings, which are needed to maintain the high quality of Air-1's noncommercial educational programming. As a listener-supported

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<sup>1</sup> See FCC File No. -20060914ADG.

station, KMLU will face severe financial constraints. The obligation to maintain separate staffing and studio locations for both KMLU and KLRD will place a serious financial burden on EMF and divert what limited resources are available from Air-1's programming efforts.

To ensure that KMLU fulfills its local service obligations to the residents of McKee, Kentucky, EMF will have a local public affairs representative, who may be a volunteer, available in the community of McKee. This local representative will, at least on a quarterly basis, conduct interviews and surveys of local community leaders and other residents to ascertain the interests, concerns, and needs of the McKee listeners. EMF will then address the recurrent issues, problems, and needs of the residents of McKee in Air-1's news and public affairs programming.

EMF's local representative will further serve as a liaison between the residents of McKee and EMF's programming personnel. EMF will maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules. Finally, EMF will maintain its public inspection file for KMLU at the main studio of its parent station, KLRD(FM), Yucaipa, California, as required by Section 73.3527 of the Commission's rules, and make reasonable accommodation to listeners wishing to examine the file's contents.

Under Section 73.1125 of the Commission's rules, a broadcast station must maintain its main studio (a) within the station's community of license; (b) at a location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (c) within 25 miles from the reference coordinates of the center of the station's community of license, except when "good cause" exists for locating the main studio at an alternate location. The Commission traditionally considers waiver requests by noncommercial educational stations on a case-by-case basis. See Main Studio and Program Origination Rules, 3 FCC Rcd 5024 (1988); see also 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, 15695 n.18 (1998). In the context of noncommercial waiver requests, the Commission has expressly and implicitly found "good cause" to exist in numerous instances based solely upon a showing that centralized operations will provide an economic benefit to noncommercial stations which have limited funding, provided that local service obligations are met. See Letter to Roy R. Russo, Esq., dated January 24, 1994; Letter to Richard J. Bodorff, dated January 2, 1992; The President and Board of Trustees of the Miami University, 7 FCC Rcd 2902 (1992); The Cedarville College, 6 FCC Rcd 538 (1991); Letter to Gerald Stevens-Kittner, Esq., dated July 15, 1991; Sound of Life, Inc., 4 FCC Rcd 8273 (1989); Lift Him Up Outreach Ministries, Inc., 3 FCC Rcd 5571 (1988); Georgia State Board of Education, 70 F.C.C.2d 948 (1979), recon. denied, 71 F.C.C.2d 227 (1979); Nebraska Educational Television Comm'n, 4 R.R.2d 771 (1965).

EMF respectfully submits that the instant request presents substantially the same showing of good cause and public interest benefits as each of these waivers noted above. In each case, the Commission staff determined that the waivers were justified on the basis of the limited funding

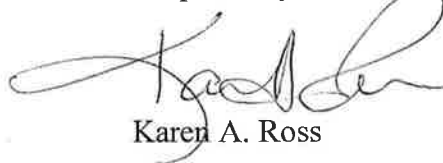
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available to the stations and the increased efficiencies resulting from co-location of studios. Like these other waiver applicants, EMF will also experience financial difficulties in maintaining separate staffing and separate facilities for its "parent" and "satellite" stations. EMF will also be fully capable of fulfilling its local service obligations in the same manner as each of these other applicants.

In view of the foregoing, EMF requests that the Commission find pursuant to Section 73.1125(b)(2) of the Commission's rules that the public interest will be served by the consolidation of KMLU's main studio with KLRD's main studio, and authorize EMF to locate KMLU's main studio outside of the city grade community and contour of the station and more than 25 miles from the reference coordinates of the center of McKee, Kentucky. As EMF is a noncommercial entity there is no fee associated with this filing.

If there should be any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karen A. Ross', is written over the typed name.

Karen A. Ross

cc: Penelope Dade – FCC