

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C. 20554

NOV 09 2001

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

FCC MAIL ROOM

NOV 14 2001

RECEIVED

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

**In re: KLXV(FM), Glenwood Springs, CO
Educational Media Foundation
Facility ID No. 12361
Request For Waiver of The
Commission's Main Studio Rule
Section 73.1125**

Dear Ms. Van de Kerckhove:

The staff has under consideration an April 11, 2001 request for a waiver of the Commission's main studio requirement, *see* 47 C.F.R. § 73.1125¹, in order for EMF to operate KLXV(FM), Glenwood Springs, Colorado² as a satellite of its noncommercial, educational FM station KLVR(FM), Santa Rosa, California.³ For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant EMF's request for waiver.

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 "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

¹ A supplement to the waiver request was filed on November 6, 2001.

² The assignment of license of KLXV(FM) from Colorado Christian College to EMF was consummated effective April 17, 2001.

³ 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).

"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.*

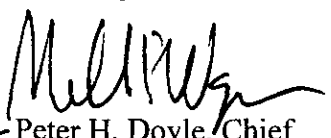
EMF's request is based on the economies of scale that would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a) in these circumstances.

EMF proposes to operate the proposed KLXV(FM), Glenwood Springs, Colorado as a satellite of KLVR(FM), Santa Rosa, California, approximately 850 miles from Glenwood Springs, Colorado. Where there is a great distance between the 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, EMF has pledged to: (1) engage the services of a local Glenwood Springs public affairs representative to conduct regular ascertainment interviews and surveys, at least on a quarterly basis, of local community leaders and other residents to determine the concerns, and programming needs of Glenwood Springs 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 Glenwood Springs and EMF's programming personnel; (4) establish and maintain an auxiliary studio location, in accordance with the provisions of 47 C.F.R. § 73.1125, which is capable of originating local programming that is responsive to local community needs; and (5) maintain a toll free telephone number between Glenwood Springs and the KLVR(FM) main studio in Santa Rosa, 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 KLXV(FM), Glenwood Springs, Colorado 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. *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 KLXV(FM) must contain the quarterly issues and programs list required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request for a waiver of 47 C.F.R. § 73.1125 filed by Educational Media Foundation for KLXV(FM), Morrison, Colorado IS GRANTED.

Sincerely,


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