

Request for Waiver of Main Studio Rule

Radio Maria, Inc. ("RM") in accordance with the provisions of *Section 73.1125* of the Commission's Rules respectfully requests authority to *waive* the Main Studio Location requirements for Radio Station KBIO (FM), Natchitoches, Louisiana, FCC Facility ID No. 85510 ("KBIO") in order to operate KBIO as a "satellite" station of its non-commercial educational ("NCE") station, KJMJ (AM), Alexandria, Louisiana.

Specifically, RM is operating the above-referenced station as part of "Radio Maria – a Christian voice in your home" originating in Alexandria, Louisiana. RM is a *Section 501(c)(3)* non-profit corporation and operates non-commercial programming on the network. Program material is being fed to the stations by satellite from the parent station KJMJ (FM) in Alexandria, Louisiana (Facility ID 20492). As a listener supported network, the requirement to staff each station places a financial constraint on the operation. This constraint reduces the funding available for the network programming efforts. RM desires to eliminate the local main studio.

It must be noted that RM has been routinely granted waivers in the past proposing the ***same operations*** as set forth below. Attached as Exhibit 1 hereto is a previous *Waiver* which has been issued to FWCC. This *Waiver* was issued to FWCC for Radio Station KOJO (FM), Lake Charles, Louisiana (Facility ID 39891) on March 13, 2003. Additionally, RM has been requested by the Commission Staff to supplement this waiver request for KBIO. On January 14, 2003 and February 24, 2003, these supplements were submitted to the FCC (Copies attached as Exhibit 2). At that time, RM provided a Memorandum from the manager clarifying the local programming for KBIO.

For purposes of clarity, the "control point" shall be the main studios of KJMJ (AM), Alexandria, Louisiana (*ie* the "Network").

I. Compliance with Community Service Obligations.

With respect to the community of Natchitoches, RM proposes a three point approach.

1. RM will visit numerous organizations and community groups to ascertain the needs of each listening audience. Two individuals have been appointed to serve in this capacity. These visits will be done quarterly.

2. RM is also developing local programming. These programs include live Masses at Immaculate Conception Catholic Cathedral, Holy Cross Catholic Church and St. Theodore Catholic Church. In addition a "local call-in/in person prayer program listener program" has been established. RM has established an 800 phone number to be used by the community.

II. Compliance with Broadcast Operations.

In addition to community service obligation, RM recognizes that it must conduct its broadcast operations in full compliance with the Rules. In order to do so

as a satellite station, RM shall:

1. RM shall comply with the EAS Rules. RM will have the capability from the control point to command the local EAS unit to perform the required weekly/monthly tests. The local unit will have the capability of monitoring the local primary/secondary stations as well as NOAA for local alerts. Local alerts will initiate an alarm function back to the control point for logging purposes. Additionally, the local unit will store a printout which can then be verified on the routine monthly maintenance visits.

2. RM shall have an automatic system in place to monitor the parameters of the transmitters and, in the event of an out of tolerance condition, notify the control point and other designated personnel (multiple notifications) of such condition. The control point or other designated personnel will have full capability to turn off the transmitter immediately until corrections can be made. Tower lighting status is included in this monitoring.

3. Monitoring procedures will be in place to maintain compliance with this Section 73.7350(c)(1).

4. RM shall also establish a schedule to maintain the required calibrations. A maintenance visit will be performed approximately monthly to verify proper operations and to check the local readings against the reported "remote" readings.

5. RM has a local EAS decoder and is monitoring the required local stations for relay of emergency messages.

6. RM has a public file in the community. A copy of such information will be maintained at the Public Library in Natchitoches as required in 73.3526(c)(2)(i).

7. RM has a contract engineer and other personnel as necessary to be "on call" and to receive telephone alerts that the transmitter requires attention. He also is available to perform routine and required maintenance on the station as needed. Additionally, RM's community liaison is available to monitor the station on a daily basis and will report any abnormal condition to the control point.

8. RM agrees and certifies that a "toll-free" number is in existence to meet the requirements of Section 73.1125(e). This number is 1-888-408-0201.

In addressing non-commercial waiver requests, the Commission has on many occasions found "good cause" to grant such waivers where the requestor has shown centralized operations are an economic factor in the operation of non-commercial entities, providing the requestor has met the obligations required by the Commission's Rules. See *Lift Him Up Outreach Ministries, Inc.*, 3 FCC Rcd 5571 (HDO, 1988); *Sound of Life, Inc.*, 4 FCC 8273 (HDO, 1989); *Board of Visitors of James Madison University*, 8 FCC Rcd 1751 (HDO, 1993); and *Letter to Roy R. Russo, Esq.*, dated January 24, 1994, as well as numerous others.

As the licensee is concerned that quality programming is available to a wide audience within the financial operational constraints of the network and the licensee feels that the public good is being addressed, Radio Maria, Inc. respectfully requests that the Commission **GRANT** this Waiver of the Main Studio Rules.

EXHIBIT 1

Waiver of Main Studio Rules – KOJO (FM)

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

MAR 13 2003

IN REPLY REFER TO:
1800B3-EB

John C. Trent, Esq.
Putbrese, Hunsaker & Trent, P.C.
P.O. Box 217
Sterling, VA 20167-0217

In Re: KOJO(FM), Lake Charles, Louisiana
Radio Maria, Inc.
Facility ID No. 39891

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

Dear Counsel:

The staff has under consideration the request of Radio Maria, Inc. ("RMI") for waiver of the Commission's main studio requirement, 47 C.F. R. Section 73.1125, in order to operate KOJO(FM), Lake Charles, Louisiana, as a "satellite" station of its non commercial educational("NCE") station KJMJ(AM), Alexandria, Louisiana.¹ For the reasons set forth below, we will waive Section 73.1125 and grant RMI's request.

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 its community of license.² 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 operation 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

RMI'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)

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").

³ *Id.*

⁴ *Id.*

Main Studio Waiver

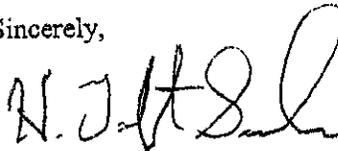
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under these circumstances. RMI proposes to operate KOJO(FM), Lake Charles, Louisiana as a satellite station of KJMJ(AM), Alexandria, Louisiana, approximately 88 miles from Lake Charles. Where there is great distance between the parent and the satellite station, 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, RMI has pledged to meet its local service obligations by: (1) establishing a Community Advisory Board in the city of Lake Charles; (2) hiring at least one staff member who is a resident of the Lake Charles listening area to visit numerous organizations and community groups to ascertain the needs of each listening community audience on at least a quarterly basis; (3) maintaining a public file within the community of license and a toll-free number from Lake Charles to Alexandria.

In these circumstances, we are persuaded that RMI will meet its local service obligation and, thus, that grant of the requested waiver is consistent with the public interest. We remind RMI, however, of the requirement that it maintain a public file for the Lake Charles, Louisiana, station at the main studio of the "parent" station, KJMJ(AM), Alexandria, Louisiana. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind RMI that, notwithstanding the grant of waiver requested here, the public file for KOJO(FM) must contain the quarterly issues and programs list as required by C.F.R. Section 73.3527(e)(8).

Accordingly, the request made by Radio Maria, Inc., for waiver of 47 C.F.R. Section 73.1125, IS GRANTED.

Sincerely,



H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau

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

EXHIBIT 2

Supplement and Further Supplement to Main Studio Waiver Request

KBIO App

Law Offices

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A Professional Corporation

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John C. Trent

David M. Hunsaker
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Keith E. Putbresi
(Retired)

February 24, 2003

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

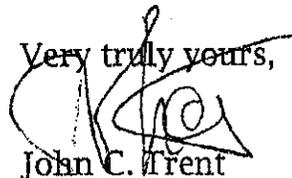
Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Radio Stations KBIO (FM),
Natchitoches, LA; KOJO (FM), Lake
Charles, LA; Supplement to Main
Studio Waiver Request

Dear Madam Secretary:

On the behalf of **Radio Maria, Inc.**, the Licensee of Radio Stations KBIO (FM), Natchitoches, LA and KOJO (FM), Lake Charles, LA, and at the request of the Media Bureau Staff, we hereby submitted the attached Memorandum pertaining to the Main Studio Waiver Requests which now pending for KBIO and KOJO. Should there be any questions regarding this Supplement, please feel free to contact this Office.

Very truly yours,



John C. Trent

Attachment

cc: KBIO & KOJO Public Files
Radio Maria, Inc.
Ms. Erica Porter, FCC Media Bureau

Supp to main Studio Waiver Req. filed 2-24-03

Radio Maria... a Christian voice in your home

601 Washington Street ~ Alexandria, LA 71301

Voice: (318)561-6145 ~ Toll free: (888)408-0201 ~ Fax: (318)449-9954

E-mail: info.usa@radiomaria.org

MEMORANDUM

TO: John C. Trent, Esquire
FROM: Susan Tassin, Manager *ST*
DATE: February 11, 2003
RE: Ascertainment of:
KBIO (FM) – Natchitoches, Louisiana; and
KOJO (FM)- Lake Charles, Louisiana

Radio Maria has at least one staff member, who is a resident of the Natchitoches and Lake Charles audience area. Specifically, these individuals are Ms. Eve LeGros at radio station KBIO- Natchitoches; and Mr. Dan LeBleu at radio station KOJO – Lake Charles.

As previously advised, both Ms. LeGros and Mr. LeBleu visit numerous organizations and community groups to ascertain the needs of each listening community audience. This ascertainment is done, at a minimum, on a quarterly basis, but at Radio Maria, we strive to make audience ascertainment ongoing which results in our strong community involvement with each station.

Through local ascertainment, we have developed local programming on KBIO and KOJO. These programs include: live Masses at Immaculate Conception Catholic Cathedral, Holy Cross Catholic Church and St. Theodore Catholic Church; broadcast of special church events by remote; and local call-in/in person prayer programs.

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JAN 14 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

David M. Hunsaker
(1944-2002)
John C. Trent

Keith E. Putnrese
(Retired)

January 14, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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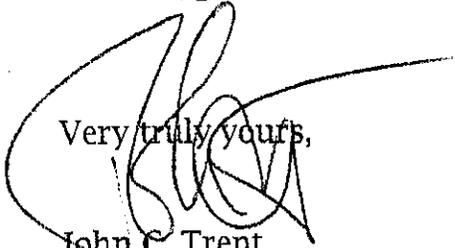
Re: **Radio Station KBIO (FM),
Natchitoches, Louisiana;
Facility ID # 85510; Supplemental
Information to Main Studio Waiver**

Dear Madam Secretary:

On behalf of **Radio Maria, Inc.**, ("RMI"), the new Licensee of Educational Radio Station KBIO (FM), Natchitoches, Louisiana, and in reply to a request of the Media Bureau's, we hereby submit a Supplement to the Main Studio Waiver request originally filed by the former permit holder American Family Association. This Supplement contains a Memo from Ms. Susan Tassin, Business Director of RMI. In this Memo, Ms. Tassin verifies RMI's continued local presence with its local programming, such as live masses and local prayer broadcasts, and its continued interaction with the local community. Specifically, KBIO's Station Manager Eve LeGros works closely with the local Catholic parishes and other local community groups such as the Knights of Columbus and the Catholic Student Union at Northwestern University (Louisiana) to develop programs and station activities. This community interaction and ascertainment shall continue with the Main Studio Waiver.

If there are any questions regarding this Supplemental Information regarding community interaction and ascertainment, please feel free to contact this Office.

Very truly yours,


John C. Trent

Attachment

cc: KBIO Public File
Susan Tassin
Erica Porter, FCC

KBIO - 89.7 FM
Natchitoches, Louisiana

Our station manager/coordinator is Ms. Eve LeGros who goes out to various organizations and churches to speak about Radio Maria and to evaluate the needs of our listeners. Some of the organizations involved with Radio Maria are the Knights of Columbus, The Serra Club, and the Catholic Student Union (CSU) at Northwestern University.

There are live prayers said over the air on Thursday mornings. We have set up remotes for live Masses at various churches in the area such as the Immaculate Conception and The Holy Cross.

There are also feeder programs from our Radio Maria network broadcasted in the listening area.