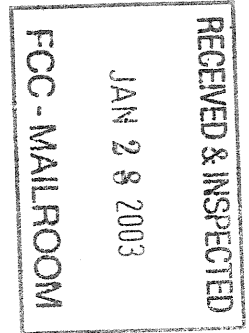


2B450-CHRM

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

JAN 27 2003

IN REPLY REFER TO:
1800B3-EB



Gary S. Smithwick, Esq.
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Washington, DC 20016

In Re: KYFW(FM) Wichita, Kansas
Bible Broadcasting Network, Inc.
Facility ID No. 5098

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

Dear Counsel:

The staff has under consideration Bible Broadcasting Networks, Inc. ("BBN") request for a waiver of the Commission's main studio requirement, 47 C.F. R. Section 73.1125, in order to operate KYFW(FM), Wichita, Kansas as a "satellite" station of its commonly owned noncommercial educational ("NCE") FM station WYFQ(AM), Charlotte, North Carolina.¹ For the reasons set forth below, we will waive Section 73.1125 and grant BBN'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

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.*

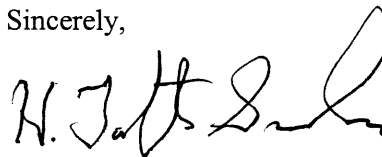
⁴ *Id.*

BBN's request is based on the economies of scale which would be realized by grant of its waiver, e.g., avoiding the cost of equipping, staffing, and operating a studio in the Wichita area. We agree and conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. As noted above, BBN proposes to operate the Wichita facility as a satellite of WYFQ(AM), Charlotte, North Carolina, approximately 934 miles from Wichita, Kansas. Where there is considerable distance between the parent and the satellite station, we are particularly concerned that the permittee licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, BBN has pledged to meet its local service obligations by: (1) having at least one resident from the Wichita listening area on the advisory board who will, at least quarterly, ascertain the needs and interests of KYFW's listening audience; (2) employing a part-time staff member at KYFW(FM), who will work under the supervision of a BBN general manager who will visit the station weekly; (3) maintaining a toll-free number from Wichita to the WYFQ(AM) studio in Charlotte; and (4) maintaining a public inspection file for the station within Wichita.

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

Accordingly, the request made by Bible Broadcasting Network, 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, Paragraph 45.