

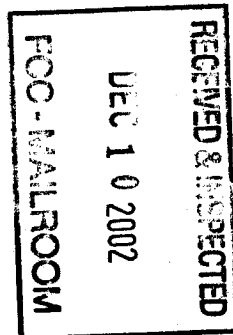
*Michael Wagner*  
*2-B 450*

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

DEC 06 2002

IN REPLY REFER TO:  
1800B3-RAB

Patrick J. Vaughn, General Counsel  
American Family Association  
P. O. Drawer 2440  
Tupelo, MS 38803



**In Re: KBPU(FM), DeQueen, AR**  
American Family Association  
Facility ID No. 92030

License to Cover  
File No. BLED-20020906AAA

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

Dear Mr. Vaughn:

The staff has under consideration: (1) the captioned application of American Family Association ("AFA") for license to cover the modification authorization of station KBPU(FM), DeQueen, Arkansas; and (2) an August 12, 2002 request for a waiver of the Commission's Main Studio Rule, Section 73.1125,<sup>1</sup> in order to operate station KBPU(FM) as a "satellite" of commonly owned noncommercial educational ("NCE") station KANX(FM), Sheridan, Arkansas.<sup>2</sup> For the reasons set forth below, we will waive Section 73.1125 and grant AFA's application.

Main Studio Waiver. Pursuant to Section 73.1125(a), a broadcast station's 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

<sup>1</sup> AFA supplemented its waiver request on August 12, 2002.

<sup>2</sup> 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).

25 miles of the center of its community of license.<sup>3</sup> 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 “good cause” exists to waive the main studio location requirement where satellite operations are proposed.<sup>4</sup> A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 “public interest” standard.<sup>5</sup>

AFA’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)(4) under these circumstances.

AFA proposes to operate KBPU(FM), DeQueen, Arkansas as a satellite station of KANX(FM), Sheridan, Arkansas, approximately 117 miles from DeQueen.<sup>6</sup> Where there is a great distance between the parent and satellite station, 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, AFA: (1) has pledged to add to its Community Advisory Board at least one resident of DeQueen who will be asked to provide recommendations on community needs and programming directly to the management of AFA; (2) will, during each regular “Shareathon” (pledge drives normally held every six months) solicit listeners’ opinions regarding community issues that should be addressed during program planning. AFA will track the listener response by community and factor those responses in its planning of the program schedule and the issues to be addressed; (3) will provide periodic local programming for DeQueen, including coverage of significant local news or cultural events; (4) will provide for the broadcast of local public service announcements; and (5) will maintain its public file within the DeQueen community and maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules.

In these circumstances, we are persuaded that AFA will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind AFA, however, of the requirement that it maintain a public file for the DeQueen, Arkansas station at the main studio of the “parent” station, KANX(FM), Sheridan, Arkansas. It must also make reasonable accommodation for listeners wishing to

<sup>3</sup> 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*”).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*


<sup>6</sup> AFA states that its original Section 73.1125-compliant studio location, at the First Assembly of God, was no longer available because a church member owned other radio stations and would consent to use of its studio only if AFA assigned the station to him. AFA thus needed to find another studio site, and it decided at that time to file the instant waiver request.

examine the file's contents.<sup>7</sup> We further remind AFA that, notwithstanding the grant of the waiver requested here, the public file for KBPU(FM) must contain the quarterly issues and programs list for DeQueen, Arkansas required by 47 C.F.R. Section 73.3527(e)(8).

License to cover Construction Permit. We have reviewed the license application (BLED-20020906AAA) to cover the modification of the existing facility for KBPU(FM). We find that the application meets all pertinent technical requirements, that the facilities were constructed in accordance with the Commission authorization, and that the grant of the license application would further the public interest, convenience and necessity.

Accordingly, the license application (File No. BLED-20020906AAA) of American Family Association to cover the modification of facilities for station KBPU(FM), DeQueen, Arkansas, as well as its request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The authorization is enclosed.

Sincerely,

  
for Peter H. Doyle, Chief  
Audio Division  
Media Bureau

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<sup>7</sup> See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.