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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
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Amy L. Van de Kerckhove, Esquire
ShawPittman LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128

In Re: WSOH(FM), New Washington, Indiana
Facility ID No. 38461
Educational Media Foundation

Request for Waiver of 47 C.F.R. § 73.1125

Dear Ms. Van de Kerckhove:

The staff has under consideration the above-referenced September 9, 2003, request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by Educational Media Foundation ("EMF").[1] EMF seeks a waiver of Section 73.1125 in order to operate WSOH(FM), New Washington, Indiana, as a "satellite" of its noncommercial educational ("NCE") FM station, KLRD(FM), Yucaipa, California.[2] For the reasons set forth below, we will grant EMF's request.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (2) within the principal community contour of any other broadcast station licensed to its community, or (3) with 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 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.[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]

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[1] The staff approved EMF's acquisition of station WSOH(FM) from Lifetalk Radio Radio, Inc. (File No. BALED-20030820ACV) on October 2, 2003.

[2] *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 15691 (1998)*: recon. granted in part,* 14 FCC Rcd 11113 (1999*) ("Reconsideration Order").*

[3] *Id.*

[4] *Id.*

EMF'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. EMF proposes to operate WSOH(FM) as a satellite station of KLRD(FM), Yucaipa, California, approximately 1,773 miles from New Washington, Indiana. Where there is great distance between the parent and the satellite station, as here, and where the parent and satellite stations are in different states, 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: (1) will engage the services of a local New Washington, public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems, and needs of New Washington , listeners, which will be covered in EMF's news and public affairs programming; (2) will have a local representative, who may be a volunteer, available in the community of New Washington; (3) will have a local representative who will work with EMF's Regional Manager and will, at least on a quarterly basis, conduct interviews and surveys in an effort to ascertain the interests, concerns, and needs of the New Washington listeners; (4) will have a local representative who will further serve as liaison between the residents of New Washington and EMF's programming personnel; and (5) will maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and maintain a public inspection file for the station as required by Section 73.3527 of the rules.

In these circumstances, we are persuaded that EMF will meet its local service obligation and thus that grant of the requested waiver is consistent with the public interest. We remind EMF, however, of the requirement that it maintain the WSOH(FM) public inspection file at the main studio of the "parent" station, KLRD(FM), Yucaipa, California. It must also make reasonable accommodation to listeners wishing to examine the file's contents.[5] We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for WSOH(FM) must contain the quarterly issues and programs list for New Washington, Indiana as required by 47 C.F.R. § 73.3527 (e)(8).

Accordingly, the request made by Educational Media Foundation for a waiver of 47 C.F.R. § 73.1125 IS GRANTED. The effective date of the main studio rule waiver grant will be the date on which the Commission is notified that Educational Media Foundation has consummated its acquisition of the station.

Sincerely,

for Peter H. Doyle, Chief
Audio Division
Media Bureau

[5] *See Reconsideration Order*, 14 FCC Rcd at 11129 ¶ 45.