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Washington, D.C. 20554

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In re: **Educational Media Foundation**
NEW(FM), Roswell, New Mexico
File No. BNPED-19991215ABN
Facility ID No. 122124

NEW(FM), Clovis, New Mexico
File No. BNPED-20000118ABH
Facility ID No. 122258

Broadcasting for the Challenged, Inc.
NEW(FM), Clovis, New Mexico
File No. BNPED-20000118AAD
Facility ID No. 122198

NEW(FM), Alamogordo, New Mexico
File No. BNPED-20000118ACA
Facility ID No. 122293

NEW(FM), Roswell, New Mexico
File No. BNPED-20000118ACM
Facility ID No. 122293

CSN International

NEW(FM), Cannon AFB, New Mexico
File No. BNPED-20000118AAJ
Facility ID No. 122203

Poplar Bluff Educational Inc.

NEW(FM), Alamogordo, New Mexico
File No. BNPED-20000118ADB
Facility ID No. 122300

San Antonio Comfort Inc.

NEW(FM), Clovis, New Mexico
File No. BNPED-20000118ADH
Facility ID No. 122304

Your Christian Companion Network, Inc.

NEW(FM), Alamogordo, New Mexico
File No. BNPED-19990521MD
Facility ID No. 93483

NEW(FM), Portales, New Mexico
File No. BNPED-19990723MA
Facility ID No. 93914

Joint Request for Approval of Settlement
Agreements
MX Group 990709

Dear Counsel:

This is in reference to the above-captioned mutually exclusive construction permit applications for new noncommercial FM stations in Roswell, Clovis, Alamogordo, Cannon AFB, and Portales, New Mexico and a Joint Request for Approval of Settlement Agreements ("Joint Request") filed July 19, 2001 by Educational Media Foundation ("EMF"), Broadcasting for the Challenged, Inc. ("BFTC"), CSN International ("CSN"), Poplar Bluff Educational Inc. ("Poplar"), San Antonio Comfort Inc. ("SAC") and Your Christian Companion Network, Inc. ("YCCN").

We have examined the Joint Request and the Settlement Agreements ("Agreements") attached thereto. Under the terms of the Agreements, the following applications will be dismissed: EMF's Clovis application, BFTC's Alamogordo and Roswell applications, Poplar's Alamogordo application, SAC's Clovis application, and YCCN's Portales application. The following applications will be granted: EMF's amended application at Roswell, BFTC's application at Clovis, CSN's amended application at Cannon AFB, and YCCN's amended application at Alamogordo. These actions will eliminate the mutual exclusivity among the parties in MX Group 990709.

The Commission has directed the Media Bureau to waive the provisions of Section 73.3525(a)(3) of the Commission's Rules and accept universal settlements that involve payments to applicants that exceed their reasonable and prudent expenses for certain applications. We find that the parties are in compliance with the temporary waiver of the reimbursement limitations

contained in 47 C.F.R. Section 73.3525(a)(3) in *Reexamination of the Comparative Standards for Noncommercial Educational Applicants, Memorandum Opinion and Order*, 16 FCC Rcd 5074, 5107-08 (2001) (“NCE Comparative Standards”). The waiver was extended to settlement agreements filed by July 19, 2001.¹

After careful consideration of the Agreements, we find that approval of the Joint Request would serve the public interest by expediting new noncommercial FM services to Alamogordo, Cannon AFB, Clovis and Roswell, New Mexico. We further find that the dismissed applications were not filed for the purpose of reaching or carrying out the Agreements. Accordingly, the applicants have complied with the provisions of 47 U.S.C. Section 311(c)(3) and 47 C.F.R. Section 73.3525. Since the applicants propose to serve different communities, the parties have demonstrated that dismissal of the YCCN Portales application would not unduly impede the objectives of Section 307(b) of the Communications Act of 1934. Accordingly, we will not require republication under 47 C.F.R. Section 73.3525(b).

Main Studio Waiver. EMF has requested a waiver of the main studio requirement, 47 C.F.R. Section 73.1125, in order to operate the Roswell, New Mexico station as a satellite² of its commonly-owned NCE station KLVR(FM), Santa Rosa, California.³ For the reasons set forth below, we will waive Section 73.1125.

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 the community of license.⁴ However, under Section 73.1125(b)(2), the Commission will waive this requirement 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. *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 which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) in these circumstances. EMF proposes to operate the Roswell, New Mexico station as a satellite of KLVR(FM), Santa Rosa, California, approximately 1,092 miles from Roswell. Where there is a considerable distance between 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

¹ See *Public Notice*, “Deadline for Noncommercial Educational FM Settlements and Supplements,” DA 01-1245 (MM Bur. May 24, 2001).

² 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 RR 2d 1554, 1562 (1964).

³ EMF amended its application on July 19, 2001 and requested a main studio waiver. EMF supplemented its request on January 18, 2002.

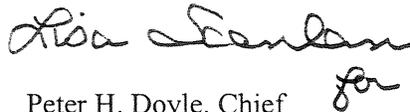
⁴ See *Review of the Commission’s Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations, Report and Order*, 13 FCC Rcd 15691 (1998), recon. granted in part, 14 FCC Rcd 11113 (1999) (“*Reconsideration Order*”).

needs and interests. To that end, EMF has pledged to: (1) maintain an auxiliary studio within the proposed Roswell city grade contour capable of originating local programming that is responsive to local community needs, (2) engage the services of a local Roswell public affairs representative to conduct regular ascertainment surveys of local community leaders and other residents to determine the concerns, problems, and needs of Roswell listeners, (3) provide programming to address local interests of Roswell residents, (4) have a local representative serve as a liaison between the residents of Roswell and EMF's programming personnel, (5) maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and (6) maintain a public inspection file for the station within the Roswell community.

Under these circumstances, we are persuaded that EMF will meet its local service obligation and thus, grant of the requested waiver is consistent with the public interest. We remind EMF that, notwithstanding its commitment to maintain a public inspection file in Roswell, it must also maintain a public file for the Roswell, New Mexico station at the main studio of the parent station, KLVR(FM), Santa Rosa, California. It must also make reasonable accommodations for listeners or residents wishing to examine the file's contents as required under the amended rules.⁵ We further remind EMF that, notwithstanding the grant of the waiver request here, the public file for the station must contain the quarterly issues and program list, as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, pursuant to 47 C.F.R. Section 0.283, the Joint Request for Approval of Settlement Agreement and EMF's request for waiver of 47 C.F.R. Section 73.1125(a) ARE GRANTED. The applications filed by Your Christian Companion, Inc. (File No. BPED-19990723MA), Educational Media Foundation (File No. BNPED-20000118ABH), Broadcasting for the Challenged (File Nos. BNPED-20000118ACA and BNPED-20000118ACM), Poplar Bluff Educational Incorporated (File No. BNPED-20000118ADB) and San Antonio Comfort Incorporated (File No. BNPED-20000118ADH) ARE DISMISSED and the applications filed by Your Christian Companion Network (File No. BPED-19990521MD), Educational Media Foundation (File No. BPED-19991215ABN), Broadcasting for the Challenged, Inc. (File No. BNPED-20000118AAD) and CSN International (File No. BPED-20000118AAJ) ARE GRANTED. The construction permit authorizations will follow under separate cover.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Office of Broadcast License Policy
Media Bureau

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