

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

MARCH 27, 2002

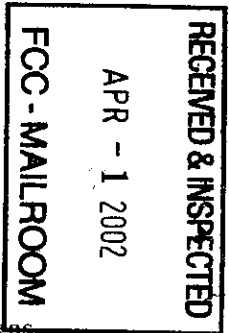
IN REPLY REFER TO:
1800B3-EB

Amy L. Van de Kerckhove, Esquire
ShawPittman
2300 N Street, N.W.
Washington, D.C. 20037-1128

Confirmed

APR 02 2002

Distribution Center



In Re: KLVW(FM), West Odessa, Texas
Educational Media Foundation
Facility ID No. 85633
Request for Waiver of 47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Ms. Van de Kerckhove:

This staff has under consideration the above referenced June 29, 2001, request for a waiver of the Commission's main studio requirement, 47 C.F.R. §73.1125, made by Educational Media Foundation ("EMF"), licensee of the noncommercial educational FM station KLVW(FM), Odessa, Texas. EMF seeks a waiver of Section 73.1125 in order to operate KLVW(FM), Odessa, Texas as a "satellite" of its noncommercial educational FM station KLVR(FM), Santa Rosa, California¹. For the reasons set forth below, we will waive Section 73.1125 and grant EMF's request.

Main Studio Waiver. Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community contour, (2) within the contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community. 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 15.691 (1998); *recon. granted in part*, 14 FCC Rcd 11, 113 (1999) ("*Reconsideration Order*"). 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

¹ A "satellite" 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).

requirement where satellite operations are proposed. *Id.* A satellite station must, however, demonstrate that it will meet its local 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 grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. §73.1125(a)(4) under these circumstances. EMF proposed to operate KLVW(FM), West Odessa, Texas as a satellite station of KLVR(FM), Santa Rosa, California, approximately 1,950 kilometers from Odessa, Texas. Where there is great distance between the parent and the satellite station, and where the parent and satellite station are in different states, 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, EMF has pledged: (1) to maintain an auxiliary studio at a location that complies with Section 73.1125 and that is capable of origination local programming that is responsive to local community needs; (2) that it will engage the services of a local Odessa public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of the Odessa listeners, which will be covered in EMF's news and public affairs programming and broadcast over the KLVW(FM); (3) that its local representative will further serve as a liaison between residents of Odessa, and EMF's programming personnel; and (4) to maintain a toll free telephone number for the use of the residents in the community and maintain a public inspection file for the station within the Odessa community.

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 a public file for the Odessa, Texas station at the main studio of the "parent" station, KLVR(FM), Santa Rosa, California. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd at 11, 129, ¶45. We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for KLVW(FM) must contain the quarterly issue and programs list for Odessa, Texas required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request made by Educational Media Foundation for waiver of 47 C.F.R. § 73.1125, IS GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", with a long horizontal flourish extending to the right.

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