

FEDERAL COMMUNICATIONS COMMISSION

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WASHINGTON, D. C. 20554

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IN REPLY REFER TO:
1800B3-ALM

Christine J. Newcomb, Esquire
Dow, Lohnes & Albertson
1200 New Hampshire Avenue
Suite 300
Washington, D. C. 20036-6802

In Re: KPDR(FM), Wheeler, Texas Request for Main Studio Waiver (BPED-951211IZ)

Dear Ms. Newcomb:

On June 21, 1993, the Commission granted a waiver of 47 C.F.R. § 73.1125 to permit the former licensee of KJRT(FM), Amarillo, Texas, Wheeler Educational Broadcasting Foundation to operate KJRT(FM) as a satellite station¹ of KPDR(FM), Wheeler, Texas. On December 15, 1995, the current licensee, Top O' Texas Educational Broadcasting Foundation ("TOT") filed the instant application to operate KPDR(FM) as a satellite station of KJRT(FM), Amarillo. In response to a Commission staff inquiry, in a letter of December 10, 1998, TOT stated that it had located a main studio for the KJRT(FM), Amarillo facility on November 6, 1995. Accordingly, TOT now requests a main studio waiver to operate KPDR(FM) as a satellite station of KJRT(FM).

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of its community of license. *Amendment of Sections 73.1125 and 73.1130*, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), 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.*

TOT'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.


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).

§ 73.1125(a)(4) in these circumstances. TOT proposes to operate KPDR(FM), Wheeler, Texas as a satellite of KJRT(FM), Amarillo, Texas, approximately 80 miles from Wheeler. Where there is a great distance between parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, TOT has pledged to: (1) seek the participation of Wheeler community, civic, religious and political leaders, as well as Wheeler residents, in programming efforts and in identifying community concerns; (2) offer programming involving Wheeler civic and church leaders and other local organizations; (3) to broadcast Wheeler's local high school football games; and (4) maintain a toll-free telephone number between Wheeler and the KJRT(FM) main studio in Amarillo, Texas. In these circumstances, we are persuaded that TOT will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

In granting a waiver of 47 C.F.R. § 73.1125(a), the Commission has required the licensee of a satellite station to maintain the satellite station's public inspection file in the community of license and in adopting modifications to its main studio and public inspection file rules, the Commission stated that it was not altering its standards or practices with respect to noncommercial educational stations proposing satellite operations. *See Report and Order* in MM Docket No. 97-131, 13 FCC Rcd 15691, 15695, n. 18 (1998). Accordingly, we expect TOT to maintain the public inspection file of KPDR(FM) in Wheeler.

Accordingly, the application filed by Top O' Texas Educational Broadcasting Foundation (BPED-951211IZ) for a waiver of 47 C.F.R. § 73.1125 to permit KPDR(FM), Wheeler, Texas to operate as a satellite station of KJRT(FM), Amarillo, Texas IS HEREBY GRANTED.

Sincerely,



Linda Blair, Chief *for*
Audio Services Division
Mass Media Bureau