



William J. Byrnes
7921 Old Falls Road
McLean, VA 22102
703-821-3242
wbyrnes@cox.net

January 18, 2006

2006 JAN 25 A 7:03
RECEIVED DIVISION

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attention: Audio Service Division, Media Bureau

Re: Main studio rule requirement waivers for:
KMPO, noncommercial FM broadcast station Modesto, CA
KUBO, noncommercial FM broadcast station Calexico, CA
KTQX, noncommercial FM broadcast station, Bakersfield, CA
KVFR, new non-commercial educational FM station not yet in operation Laytonville, CA

20060124AML

Dear Secretary Dortch:

On behalf of Radio Bilingue, Inc., licensee of the three operating stations and the one station now under construction listed above respectfully requests waivers of the main studio rule requirement set forth in Section 73.1125 (a) of the Commission's Rules with respect to each of the stations listed above. Radio Bilingue is also the licensee of noncommercial FM broadcast stations KSJV in Fresno, California and KHDC in Chualar, California.

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). Under Section 73.1125(a)(4), however, 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." . The Commission has recognized the benefits of centralized operations for noncommercial educational stations such as those named here, given their limited funding, and thus found "good cause" exists to waive the main studio location requirement .

1. Purpose of Waiver Request.

Radio Bilingue believes that it maintains a "meaningful presence" in each of the communities in question. Jones Eastern of the Outer Banks, Inc., 6 FCC Rcd 3615, 3616

(1991), clarified 7 FCC Rcd 6800 (1992). Section 73.1125 (a) of the Commission's Rules, however, is not clear with respect to the extent of staffing and other operational conditions required. To avoid any question as to the extent of staffing requirements in the context of a financially pressed noncommercial educational station serving an otherwise underserved part of the community Radio Bilingue respectfully requests grant of a waiver of the Rule with respect to its staffing.

2. Bilingue's Operation of Stations.

Bilingue maintains a meaningful presence in each of the three communities it currently serves and intends to do so also in Laytonville when it commences service there. There is in each community non-toll telephone access, local public file arrangements and a physical presence.

Radio Bilingue's Board of Directors is formed by residents of areas in California served by its programming, and also from residents of two of the Los Angeles and San Francisco areas. The Radio Bilingue Board of Directors includes residents of the KUBO and KHDC service areas, but not for the KMPO and KTQX areas. Radio Bilingue has two advisory groups that assure more general inputs from the public served by all its stations.

Radio Bilingue's Farm Worker's Project Advisory Committee for its Agricultural Worker Health Initiative is an on-going project to produce radio campaigns and outreach events with the goal of expanding access to health and health services for farm workers and their families. This group is formed by experts on California farm labor and health issues, representatives of farm worker organizations and state-wide advocacy organizations, community clinic officials and individual farm workers. This group meets twice per year to discuss trends in farm worker health issues and policy updates. They provide suggestions on pressing issues that can be addressed in our programming. The advice not only on the content, but also on formats that are best suited to reach our target audience.

The Community Advisory Board is a group formed by listeners from the areas of coverage of Radio Bilingue's stations in the Central Valley (KSJV, KMPO, KTQX). Currently the Board has 12 members who meet twice per year to provide feedback and suggestions on our programming. This group provides advice on both relevant topics and format issues.

Radio Bilingue's mission is to serve the Latino community in California's main agricultural regions. Three stations are located in the Central Valley, the main agricultural region in the United States. The valley is a geographical and cultural region, so the residents of Radio Bilingue's three Central Valley stations (KSJV, KMPO and KTQX) have common characteristics.

All Radio Bilingue stations serve similar population: mostly Latino and specifically Mexican or of Mexican ancestry. They are low-income, predominantly Spanish-speaking and with little formal education, high percentage of uninsured and with little or no access

to health and social services. A high percentage of young people and recent immigrants have little knowledge of how the system works in the United States.

Radio Bilingue's News Department very actively maintains close and constant access to the most current information on issues affecting its listeners. Members of Radio Bilingue's Board of Directors are knowledgeable on issues affecting local Latino communities, including health, education and social issues.

Radio Bilingue maintains an Internet site in both Spanish and English with extensive program information and contact numbers for use by residents of each of the communities it serves. <http://www.radiobilingue.org/>. It provides capability for listener comment from the site itself as well as its toll-free call-in and local numbers.

(a) KMPO in Modesto

Waiver of the main studio rule is requested with respect to KMPO. Radio Bilingue's studios are fully staffed in Fresno some 100 miles away and due to two consecutive years of staff lay-offs the nonprofit organization cannot afford to staff the facility in Modesto with two full-time staffers. Due to financial limitations, Radio Bilingue cannot afford to provide local studios and staff out of Modesto.

KMPO is served by original programming produced in Fresno, some 100 miles of the city of license, Modesto. Radio Bilingue's radio production staff provides relevant news and public affairs in unique public radio formats that address the unique needs of specialized populations such as Spanish speakers, Mixtec speakers (Mexican Native Americans), and Hmong speakers (South East Asian Refugees).

Modesto and Fresno are part of a contiguous agricultural valley known as the San Joaquin Valley that has dramatic commonalities and is considered one geographical community.

(b) KUBO in Calexico:

Radio Bilingue respectfully requests a waiver of minimum personnel for its station serving the Imperial Valley. It is the only Spanish language radio service there on the reserved public radio spectrum on the dial. The community is a very low-income population of Spanish speakers, in which the unemployment rate typically varies from 15% to 30% each year -- depending on the agricultural season.

Radio Bilingue provides the most relevant news and information to this low income population. Radio Bilingue has chosen to concentrate for efficiency reasons its news and information operations in Fresno. Radio Bilingue therefore respectfully requests a waiver of the minimum personnel.

Radio Bilingue has always maintained a minimum of a half-time position in the Imperial Valley thereby providing the only local access to a public broadcasting facility in the

entire area. The local programming is provided by trained community volunteers of diverse ethnic backgrounds, White, Mexican, and African-American. KUBO has a local telephone number.

(c) KTOX in Bakersfield:

Radio Bilingue studios in the Bakersfield area provide the only local public broadcasting services for all of Kern County in California. The studio space is donated by a local health clinic. The donated studio space is also used by local community volunteers to provide local health information. . KTOX has a local telephone number. Radio Bilingue respectfully requests a waiver of minimum personnel for KTOX.

(d) KVFR in Laytonville:

Radio Bilingue requests a main studio rule waiver to permit KVFR to operate at least initially as a satellite of KSJV. The reason is that Radio Bilingue is about to provide the only relevant news and information in Spanish to an important and growing minority in the service area. The public service will be a unique service to the area.

The Spanish speakers and the Mixtec speakers in the area live in the sparsely populated area in California and work at the lowest end of the paying scale. These families are farm workers, tree planters, seasonal service workers. The type of seasonal employment does not lend itself for any disposable income to this class of workers. Nevertheless, these Americans have information needs in health, housing, education, etc. This is the kind of information that Radio Bilingue will provide through its 24/7 service.

The local community is extremely unlikely to financially support the local service to the level that it would support the costs of a studio and two full time personnel.

3. Radio Bilingue's Local Programming

Radio Bilingue serves its listener's programming needs with the production of news and public affairs programs in Spanish and Mixtec languages and production of music programs, covering the variety of Latino musical genres,

Radio Bilingue also distributes English language news and information programming. These programs are produced by other public stations and deal with topics that are of interest to its bilingual and English-speaking listeners. It also distributes news and cultural programs produced by public stations in Mexico and Puerto Rico.

KUBO has 15 hours of local programming per week produced by local volunteer programmers. Three hours are local health and public affairs programs, and 12 are musical and cultural programs, which include information on local events.

In KTOX, local public affair issues are covered in 5 hours of local programs per

month produced in Spanish. It also provides two hours per week of programming relevant to Native American listeners. KMPO also provides two hours per week of programming relevant to Native American listeners.

It is intended that KVFR will serve Laytonville and is planned initially to act as a repeater of Radio Bilingue satellite programming

4. Financial Need

As a non-commercial, educational network, Radio Bilingue has traditionally maintained its stations with limited resources. A significant part of its income comes from productions contracts and private foundation funds. So in 2003, when the whole country experienced economic decline, Radio Bilingue stations were seriously affected. Many foundations had less money to distribute and more non-profits were competing for the same funds. In FY 02-03 it saw a sharp decline in the number of production contracts we had. Radio Bilingue went from approximately 87 contracts in FY 02-03, to 35 in current FY 05-06. As a result, 13 employees were laid off in FY 02-03. Approximately 23 employees have been laid off since FY 02-03. So, currently Radio Bilingue is operating with a limited budget and a very lean staff.

Although many public stations rely in their listener's contributions to complete their budgets, this is not feasible for Radio Bilingue stations because its listeners are low-income and not used to donating money to any institution or organization.

One of the largest items in Radio Bilingue's organizational budget is personnel salaries and fringe benefits. A waiver of main studio rule for (KUBO, KTQX, KMPO and KVFR), would allow Radio Bilingue keep its personnel expenses at a manageable level and maintain the stations on air with the help of network staff, local volunteers and local backup engineers.

With the waiver Radio Bilingue would be able to keep providing its unique service to listeners that otherwise does not have access to important information and cultural programming.

5. Telephone Access and public file access

Radio Bilingue maintains three toll-free numbers:

1-800 -509-4772, a California statewide number that listeners and the general public can use to contact staff for business administrative purposes.

1-800-345-4632 is a nationwide number that listeners of our national/international talk shows can use to participate in the programs with their comments, suggestions and greetings.

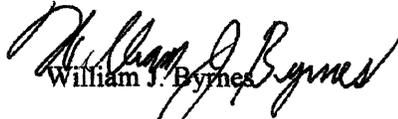
1-800-200-5758 is a nationwide request line that listeners can use to call our on-air studios in KSJV- FM in Fresno, CA, where our satellite programming is produced. This studio is operated by staff and volunteer programmers 24/7.

In addition, KUBO (El Centro) and KTQX (Bakersfield) have local telephone numbers.

Radio Bilingue accommodates listeners who wish to examine the contents of the station's Public File. Radio Bilingue keeps copies of its public files at KUBO and KTQX and maintains a copy of public file of each network station in its Fresno headquarters. It can accommodate any request to view public file for KMPO and KVFR, or is prepared to mail copies of specific documents.

Accordingly, Radio Bilingue submits that it is fulfilling its public interest obligations in each of the four communities addressed and requests grant of waivers for each station of the main studio rule.

Sincerely yours,



William J. Byrnes

Attorney for Radio Bilingue, Inc.