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In Re: KBIE(FM), Fountain Hills, Arizona
Educational Media Foundation
Facility ID No. 76329

Request for Waiver of 47 C.F.R. § 73.1125 (Main Studio Rule)

Dear Counsel:

The staff has under consideration the referenced December 17, 2002, request for a waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, filed by Educational Media Foundation ("EMF"). In this request, EMF seeks a waiver of Section 73.1125 in order to operate KBIE(FM), as a "satellite" of its noncommercial educational ("NCE") station KLVR(FM), Santa Rosa, California[1]. For the reasons set forth below, we will waive Section 73.1125 and grant EMF's request.

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 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 operation 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] 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).

[2] *See 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*").

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 proposed to operate KBIE(FM), Fountain Hills, Arizona, as a satellite station of KLVR(FM), Santa Rosa, California, approximately 697 miles from Fountain Hills. 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 to meet its local service obligations by: (1) maintaining an auxiliary studio at a location that complies with Section 73.1125 and that is capable of origination of local programming that is responsive to local community needs; (2) engaging the services of a local Fountain Hills public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of the Fountain Hills listeners, which will be covered in EMF's news and public affairs programming and broadcast over KLVR(FM); (3) retaining a local representative who will further serve as a liaison between residents of Fountain Hills, and EMF's programming personnel; and (4) maintaining a toll free telephone number for the use of the residents of Fountain Hills and a public inspection file for the station within the 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 Fountain Hills, Arizona, 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.[5] We further remind EMF that, notwithstanding the grant of waiver requested here, the public file for KLVR(FM) must contain the quarterly issues and programs list as required by C.F.R. Section 73.3527(e)(8).

Accordingly, the request made by Educational Media Foundation, for waiver of 47 C.F.R. Section 73.1125, is hereby GRANTED.

Sincerely,

H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau

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