

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

March 28, 2003

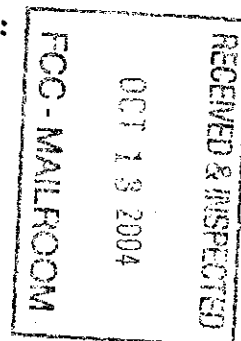
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IN REPLY REFER TO:

1800B3-ARE

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

In Re: KLRW(FM), Byrne, Texas
Facility ID No. 92140
Educational Media Foundation



Request for Waiver of 47 C.F.R. § 73.1125

Dear Ms. Van de Kerckhove:

This is in reference to the February 20, 2003 request of Educational Media Foundation ("EMF"),¹ approved assignee of station KLRW(FM) Byrne, Texas for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125. EMF seeks a waiver of Section 73.1125 in order to operate KLRW(FM), Byrne Texas as a "satellite" of its noncommercial educational ("NCE") FM station, KLVN(FM), Santa Rosa, California.² For the reasons set forth below, we will grant EMF's request effective upon notification of consummation of the assignment application.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (2) within the principal community contour of any other broadcast station licensed to its community, or (3) with 25 miles of the center of its community of license.³ 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 operations for NCE stations, given their

¹ The staff approved EMF's acquisition of station KLRW(FM) from Southpoint Educational Radio, Inc. (File No. BAPED-20030220AAK) on March 25, 2003.

² A "satellite" station meets all the Commission's technical rules. However, it originates no programming and instead rebroadcasts the parent stations's programming.

³ 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 11112 (1999) ("Reconsideration Order")

limited funding, and thus found "good cause" exists to waive the main studio location requirement where satellite operations are proposed.⁴ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁵

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 proposes to operate KLRW(FM) as a satellite station of KLVR(FM), Santa Rosa, California, approximately 1,341 from Byrne. Where there is great distance between the parent and the satellite station, as here, and where the parent and satellite stations are in different states, 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 stated that it will: (1) maintain an auxiliary studio at a location that complies with Section 73.1125 and that is capable of originating local programming that is responsive to local community needs; (2) engage the services of a local Byrne affairs representative to conduct quarterly ascertainment surveys of local leaders and other residents to determine the concerns, problems and needs of local leaders and other residents to determine the concerns, problems and needs of Byrne listeners, which will be covered in EMF's news and public affairs programming and broadcast by KLRW(FM); (3) maintain local representation in the Byrne area, whereby EMF's local representative will further service as a liason between the residents of Byrne and EMF's programming personnel; (4) maintain its public inspection file within the Byrne community; (5) will maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules.

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 the KLRW(FM) public inspection file, station at the main studio of the "parent" station, KLVR(FM), Santa Rosa, California. It must also make reasonable accommodation to listeners wishing to examine the file's contents.⁶ We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for KLRW(FM) must contain the quarterly issues and programs list for Byrne, Texas as required by 47 C.F.R. § 73.3527 (e)(8).

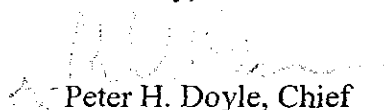
⁴ *Id.*

⁵ *Id.*

⁶ See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

Accordingly, in reliance upon the representations listed above the request made by Educational Media Foundation for a waiver of 47 C.F.R. § 73.1125 IS GRANTED. Educational The effective date of the main studio rule waiver grant will be the date on which the Commission is notified that Educational Media Foundation has consummated its acquisition of the station.⁷

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: Southpoint Educational Radio, Inc.
Educational Media Foundation
Marsha Shrader, Esq.

⁷ See 47 C.F.R. Section 1.102.