



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

KAREN A. ROSS
DIRECT (202) 973-4269
karenross@dwt.com

SUITE 200
1919 PENNSYLVANIA AVENUE, N.W. FAX (202) 973-4499
WASHINGTON, D.C. 20006-3402 www.dwt.com

TEL (202) 973-4200

April 2, 2008

VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, DC 20554

FILED/ACCEPTED

APR -2 2008

Federal Communications Commission
Office of the Secretary

**Re: Request for Main Studio Waiver
NEW(FM), Woodstock, Illinois (FIN: 94208)**

Dear Ms. Dortch:

On behalf of Educational Media Foundation ("EMF"), the proposed assignee of the construction permit for FM radio station to serve Woodstock, Illinois (the "Woodstock Station")¹ we hereby respectfully request a waiver of Section 73.1125 of the Commission's rules (hereinafter referred to as the "main studio rule") to permit the location of the main studio of the Woodstock Station at the main studio of EMF's co-owned station KLVR(NCE-FM) in Middletown, California. The proposed studio location is approximately 2,913 kilometers (1,810 miles) outside of the 3.16 mV/m contour of the Woodstock Station.

This waiver request is contingent upon the grant of the assignment of the construction permit for the Woodstock Station from Cornerstone Community Radio, Inc. to EMF (see FCC File No. BAPED-20080327AFZ). EMF respectfully requests that the instant waiver request be processed and granted expeditiously upon grant of the underlying assignment application, so that the parties may consummate the assignment and EMF may begin providing service to the public.

Upon construction, EMF proposes to operate the Woodstock Station as a "satellite" station of KLVR. The Woodstock Station will be part of a network of radio broadcast stations

¹ On March 27, 2008, an application was filed seeking Commission consent to assign the Woodstock Station from Cornerstone Community Radio, Inc. to EMF. See FCC File No. BAPED-20080327AFZ.



operated by EMF known as the "K-LOVE Radio Network." EMF is a non-profit corporation and each network station operates noncommercially and broadcasts the noncommercial educational programming carried on the K-LOVE Radio Network. By co-locating the Woodstock Station's main studio at KLVR's main studio in Middletown, EMF will realize valuable economies of scale and cost savings, which are needed to maintain the high quality of K-LOVE's noncommercial educational programming. As a listener-supported station, the Woodstock Station will face severe financial constraints. The obligation to maintain separate staffing and studio locations for both the Woodstock Station and KLVR will place a serious financial burden on EMF and divert what limited resources are available from K-LOVE's programming efforts.

To ensure that the Woodstock Station fulfills its local service obligations to the residents of Woodstock, Illinois, EMF will maintain an auxiliary studio either: 1) in Woodstock, Illinois; 2) at a location within the principal community contour of an AM, FM, or TV station licensed to Woodstock, Illinois; or 3) within twenty-five miles from the reference coordinates of the center of Woodstock, Illinois. This auxiliary studio will be capable of originating local programming that is responsive to local community needs.

In addition to maintaining an auxiliary studio, EMF will also have a local public affairs representative, who may be a volunteer, available in the community of Woodstock, Illinois. This local representative will, at least on a quarterly basis, conduct interviews and surveys of local community leaders and other residents to ascertain the interests, concerns, and needs of the Woodstock listeners. EMF will then address the recurrent issues, problems, and needs of the residents of Woodstock in K-LOVE's news and public affairs programming.

EMF's local representative will further serve as a liaison between the residents of Woodstock and EMF's programming personnel. EMF will maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules. Finally, EMF will maintain a public inspection file for the Woodstock Station at the main studio of its parent station, KLVR(FM), Middletown, California, as required by Section 73.3527 of the Commission's rules, and make reasonable accommodation to listeners wishing to examine the file's contents.

Under Section 73.1125 of the Commission's rules, a broadcast station must maintain its main studio (a) within the station's community of license; (b) at a location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (c) within 25 miles from the reference coordinates of the center of the station's community of license, except when "good cause" exists for locating the main studio at an alternate location. The Commission traditionally considers waiver requests by noncommercial educational stations on a case-by-case basis. See Main Studio and Program Origination Rules, 3 FCC Rcd 5024 (1988); see also 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, 15695 n.18 (1998). In the context of noncommercial waiver requests, the Commission has expressly and implicitly found "good cause" to exist in numerous instances based solely



upon a showing that centralized operations will provide an economic benefit to noncommercial stations which have limited funding, provided that local service obligations are met. See Letter to Roy R. Russo, Esq., dated January 24, 1994; Letter to Richard J. Bodorff, dated January 2, 1992; The President and Board of Trustees of the Miami University, 7 FCC Rcd 2902 (1992); The Cedarville College, 6 FCC Rcd 538 (1991); Letter to Gerald Stevens-Kittner, Esq., dated July 15, 1991; Sound of Life, Inc., 4 FCC Rcd 8273 (1989); Lift Him Up Outreach Ministries, Inc., 3 FCC Rcd 5571 (1988); Georgia State Board of Education, 70 F.C.C.2d 948 (1979), recon. denied, 71 F.C.C.2d 227 (1979); Nebraska Educational Television Comm'n, 4 R.R.2d 771 (1965).

EMF respectfully submits that the instant request presents substantially the same showing of good cause and public interest benefits as each of these waivers noted above. In each case, the Commission staff determined that the waivers were justified on the basis of the limited funding available to the stations and the increased efficiencies resulting from co-location of studios. Like these other waiver applicants, EMF will also experience financial difficulties in maintaining separate staffing and separate facilities for its "parent" and "satellite" stations. EMF will also be fully capable of fulfilling its local service obligations in the same manner as each of these other applicants.

In view of the foregoing, EMF requests that the Commission find pursuant to Section 73.1125(b)(2) of the Commission's rules that the public interest will be served by the consolidation of the Woodstock Station's main studio with KLVR's main studio, and authorize EMF to locate the Woodstock Station's main studio outside of the city grade community and contour of the station and more than 25 miles from the reference coordinates of the center of Woodstock, Illinois. As EMF is a noncommercial entity, there is no fee associated with this filing.

If there should be any questions regarding this matter, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karen A. Ross', written in a cursive style.

Karen A. Ross