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**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

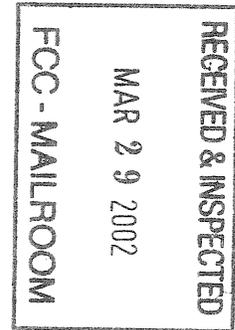
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In Re: **NEW(FM), Laytonville, CA**
Educational Media Foundation
File No. BNPED-19991004AAI
Facility ID No. 106474

NEW(FM), Laytonville, CA
Family Stations, Inc.
File No. BNPED-19991004AAB
Facility ID No. 106466

NEW(FM), Laytonville, CA
Redwood Community Radio, Inc.
File No. BNPED-19981215MI
Facility ID No. 90983

Joint Request for Approval of Settlement
Agreements
MX Group 981210

Dear Counsel and Mr. Peirson:

This is in reference to the above-captioned mutually exclusive construction permit applications for a new noncommercial FM station in Laytonville, California and the Joint Request for Approval of Settlement Agreements ("Joint Request") filed on July 18, 2001 by Educational Media Foundation ("EMF"), Family Stations, Inc. ("FSI") and Redwood Community Radio, Inc. ("RCRI").

We have examined the Joint Request, Settlement Agreements and declarations attached thereto. Based on this examination, we find that approval of the Joint Request would serve the public interest and that the FSI and RCRI applications were not filed for the purpose of reaching or carrying out the agreements. Accordingly, the applicants have complied with the provisions of 47 U.S.C. § 311(c)(3) and 47 C.F.R. § 73.3525. Since all of the applicants propose to serve the same community, no Section 307(b) questions have been presented and republication is not required under 47 C.F.R. § 73.3525(b). Furthermore, we find that EMF is fully qualified and that a grant of the application would serve the public interest by expediting a new noncommercial educational FM service to Laytonville, California.

Main Studio Waiver Request. EMF has requested a waiver of the main studio requirement, 47 C.F.R. § 73.1125, in order to operate the Laytonville, California station as a satellite¹ of its commonly-owned NCE station KLVR(FM), Santa Rosa, California. The proposed station will be part of a network of radio broadcast stations operated by EMF known as the "K-LOVE Radio Network." For the reasons set forth below, we will waive Section 73.1125.

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 the community of license. *Amendment of Sections 73.1125 and 73.1130*, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(b)(2), 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 a 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.*

EMF's request is based on the economies of scale which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. EMF proposes to operate the Laytonville, California station as a satellite of KLVR(FM), Santa Rosa, California, approximately 98 miles from Laytonville, California. Where there is a great distance between parent and satellite stations, 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: (1) maintain an auxiliary studio within the proposed station's city grade contour capable of originating local programming that is responsive to local community needs; (2) engage the services of a local Laytonville public affairs representative to conduct regular ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of Laytonville listeners, which will be covered in K-LOVE's news and public affairs programming and (3)

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 RR 2d 1554, 1562 (1964).

maintain a toll-free telephone number and a public inspection file for the residents of Laytonville as required by Commission rules. Moreover, EMF's local representative will further serve as a liaison between the residents of Laytonville and EMF's programming personnel.

Under these circumstances, we are persuaded that EMF will meet its local service obligations and thus, 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 station at the main studio of the station at which its programming is originated, and it must provide the accommodation to listeners or residents as required under the amended rules. *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 14 FCC Rcd 11113, 11129, ¶45 (1999). Thus, in the instant case, EMF must maintain the public file for the Laytonville facility at the main studio of parent station KLVR(FM), Santa Rosa, California.

Accordingly, pursuant to 47 C.F.R. § 0.283, the Joint Request for Approval of Settlement Agreements and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The applications filed by Family Stations, Inc. (File No. BNPED-19991004AAB) and Redwood Community Radio, Inc. (File No. BPED-19981215MI) ARE HEREBY DISMISSED and the application filed by Educational Media Foundation (File No. BNPED-19991004AAI) IS HEREBY GRANTED. The construction permit authorization will follow under separate cover.

Sincerely,



Peter Doyle, Chief 
Audio Division
Office of Broadcast License Policy
Media Bureau