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

JUL 29 2002

**IN REPLY REFER TO:
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In Re: **NEW(FM), Kelso, WA**
CSN International
File No. BPED-19990104MJ
Facility ID No. 92487

NEW(FM), Tillamook, OR
Tillicum Foundation
File No. BPED-19980706MA
Facility ID No. 91082

NEW(FM), Rainier, OR
Educational Media Foundation
File No. BPED-19990104MQ
Facility ID No. 92583

Joint Request for Approval of Agreement
MX Group 980702

Dear Counsel:

This is in reference to the above-captioned mutually exclusive construction permit applications for a new noncommercial educational FM station in Kelso, Washington, Rainier and Tillicum, Oregon and the Joint Request for Approval of Agreement ("Joint Request") filed on July 19, 2001 and the

Supplement filed thereto on August 29, 2001 by CSN International ("CSN"), Educational Media Foundation ("EMF") and Tillicum Foundation ("Tillicum").

Pursuant to the terms of the Joint Request, the application filed by EMF would be dismissed and the applications filed by CSN, as amended on July 16, 2001, and Tillicum¹ would be granted. The Commission has directed the Media Bureau (formerly Mass Media Bureau) to waive the provisions of Section 73.3525(a)(3) of the Commission's Rules and accept universal settlements that involve payments to applicants that exceed their reasonable and prudent expenses for certain applications. In light of the Commission's directive, EMF is in compliance with the temporary waiver of the reimbursement limitations, and will not receive consideration for dismissing its application beyond that allowed. *See Report and Order* in MM Docket No. 95-31, *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, FCC 00-120, 15 FCC Rcd 7386 (2000), *recon. denied*, *Memorandum Opinion and Order*, 16 FCC Rcd 5074 (2001).

We have examined the Joint Request, Settlement Agreement and declarations attached thereto. Based on this examination, we find that approval of the Joint Request would serve the public interest and that the EMF application was not filed for the purpose of reaching or carrying out the agreement. Accordingly, the applicants have complied with the provisions of 47 U.S.C. § 311(c)(3) and 47 C.F.R. § 73.3525. Since the applicants propose to serve different communities, the parties have demonstrated that dismissal of the EMF application would not unduly impede the objectives of Section 307(b) of the Communications Act of 1934. Accordingly, we will not require republication under 47 C.F.R. § 73.3525(b). Furthermore, we find that CSN and Tillicum are fully qualified and that a grant of the applications would serve the public interest by expediting a new noncommercial educational FM service to Kelso, Washington and Tillamook, Oregon.

Main Studio Waiver Request. Tillicum has requested a waiver of the main studio requirement, *see* 47 C.F.R. § 73.1125, in order to operate the Tillamook, Oregon station as a satellite² of its commonly-owned NCE station KMUN(FM), Astoria, Oregon. For the reasons set forth below, we will waive Section 73.1125.

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 the community of license. *See Report and Order*, 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*"). 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

¹ An amendment filed by CSN and the dismissal of the EMF application would enable the Commission to grant the CSN and Tillicum applications.

² 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).

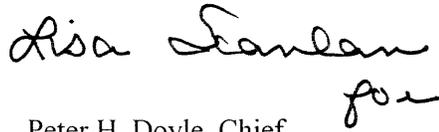
their limited funding, and thus found good cause exists to waive the main studio location requirement where satellite operations are proposed. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

Tillicum'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. Tillicum proposes to operate the Tillamook, Oregon station as a satellite of KMUN(FM), Astoria, Oregon, approximately 50 miles from Tillamook, Oregon. Where there is a considerable 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, Tillicum has pledged to: (1) establish a toll free telephone number to permit the public to reach the studios of the Tillicum without charge; (2) maintain a public inspection file in Tillamook; (3) conduct ascertainment of community needs in the proposed service area; (4) subscribe to local newspapers and publications; and (5) determine programming needs of the area through the use of an advisory committee.

Under these circumstances, we are persuaded that Tillicum will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind Tillicum, 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 Reconsideration Order*, 14 FCC Rcd at 11129, ¶45. Thus, in the instant case, Tillicum must maintain the public file at the main studio of parent station KMUN(FM), Astoria, Oregon.

Accordingly, pursuant to 47 C.F.R. § 0.283, the Joint Request for Approval of Agreement and the request for waiver of 47 C.F.R. § 73.1125 filed by Tillicum Foundation ARE GRANTED; the application filed by Educational Media Foundation (File No. BPED-19990104MQ) IS HEREBY DISMISSED and the applications filed by CSN International (File No. BPED-19990104MJ) and Tillicum Foundation (BPED-19980706MA) ARE HEREBY GRANTED. The construction permit authorizations will follow under separate cover.

Sincerely,

Handwritten signature of Lisa Scanlan in cursive script.

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