

Request for Waiver of 73.1125

Educational Media Foundation ("EMF"), the licensee of noncommercial educational FM radio station KBIL, Park City, Montana, hereby respectfully requests the current waiver of Section 73.1125 of the Commission's rules (hereinafter referred to as the "main studio rule") to be changed from its present location in Santa Rosa, California to the main studio of EMF's co-owned station KLRD (NCE-FM), Yucaipa, California. The proposed studio location is approximately 1473.4 kilometers (915.5 miles) outside of the 3.16 mV/m contour of KBIL.

EMF proposes to operate KBIL as a "satellite" station of KLRD. KBIL will be part of a network of radio broadcast stations operated by EMF known as the "Air 1 Radio Network". EMF is a non-profit corporation and each network station operates noncommercially and broadcasts the noncommercial educational programming carried on the Air 1 Radio Network. By co-locating KBIL's main studio at KLRD's main studio in Yucaipa, EMF will realize valuable economies of scale and cost savings, which are needed to maintain the high quality of Air 1's noncommercial educational programming. As a listener-supported station, KBIL will face severe financial constraints. The obligation to maintain separate staffing and studio locations for both KBIL and KLRD will place a serious financial burden on EMF and divert what limited resources are available from Air 1's programming efforts.

To ensure that KBIL fulfills its local service obligations to the residents of Park City, Montana, EMF will maintain an auxiliary studio either: 1) in Park City, Montana; 2) at a location within the principal community contour of an AM, FM, or TV station licensed to Park City, Montana; or 3) within twenty-five miles from the reference coordinates of the center of Park City, Montana. This auxiliary studio will be capable of originating local programming that is responsive to local community needs. EMF will also engage the services of a local Park City, Montana public affairs representative to conduct ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of Park City, Montana listeners, which will be covered in Air 1's news and public affairs programming. The method for ascertaining the needs and concerns of its Park City, Montana listeners will be similar to the method EMF has employed to effectively ascertain the needs of its listeners in other communities where the Commission has granted waivers of the main studio rule. Specifically, EMF will have a local representative, who may be a volunteer, available in the community of Park City, Montana. The local representative will work with EMF's Regional Managers¹ and will, at least on a quarterly basis, conduct interviews and surveys in an effort to ascertain the interests, concerns, and needs of the Park City, Montana listeners.

EMF's local representative will further serve as a liaison between the residents of Park City, Montana and EMF's programming personnel. Finally, EMF will maintain a

¹ EMF has Regional Managers who oversee the stations that have been granted waivers of the main studio rule. The Regional Managers typically oversee a number of stations within a defined geographic area.

toll-free telephone number, as required by Section 73.1125(d) of the rules, and maintain a public inspection file for KBIL at the main studio of its parent station, KLRD(FM), Yucaipa, 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 KBIL's main studio with KLRD's main studio, and authorize EMF to locate KBIL'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 Park City, Montana.