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

NOV 15 1996

IN REPLY REFER TO:
1800B3-ALM

Patricia I. Folan, Esq.
Dow, Lohnes & Albertson
1255 Twenty-Third Street
Washington, D. C. 20036-1194

Re: New Educational FM station in Borger, Texas, File No. BPED-951031MA

Dear Ms. Folan:

The staff has under consideration the application of Top O' Texas Educational Broadcasting Foundation ("Foundation") to construct a new noncommercial, educational FM station in Borger, Texas (File No. BPED-951031MA). Foundation requests waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the proposed Borger facility as a satellite of commonly owned NCE station KPDR(FM), Wheeler, Texas.¹ For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant Foundation's application for a construction permit.

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 its community of license. Amendment of Sections 73.1125 and 73.1130, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), 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 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 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.

Foundation'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. § 73.1125(a)(4) in these circumstances. Foundation proposes to operate the proposed Borger station as a satellite of KPDR(FM), Wheeler, Texas, approximately 60 miles from Borger. Where there is a great distance between parent and satellite stations, as here, we are

¹A "satellite" 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 RR2d 1554, 1562 (1964).

particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, Foundation has pledged to: (1) ascertain the needs and interests of Borger, Texas through utilization of its current mailing list of 71 supporters in Borger and by seek the participation of a number of Borger civic, religious and political leaders, as well as other Borger residents; (2) offer between 10 and 20 hours a week of locally originated programming that will involve local civic and church leaders and other local organizations; (3) attempt to cover significant events in Borger and its environs, including cultural events, political campaigns and elections results; (4) maintain a toll-free telephone number between Borger and the proposed station's main studio in Wheeler; and (5) establish a public inspection file at a convenient location in Borger. In these circumstances, we are persuaded that Foundation will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of Top O' Texas Educational Broadcasting Foundation for a new educational FM station in Borger, Texas (File No. BPED-951031MA) and the request for waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED. The authorization will be forwarded under separate cover.

Sincerely,



Linda Blair, Chief 
Audio Services Division
Mass Media Bureau

