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

FEB 26 2001

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1800B3-ALM**

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In re: NEW, (Ed-FM), Hood River, OR
KPBS Public Radio Foundation
Facility ID No. 90769
File No. BPED-19980522MB



NEW, (Ed-FM), Welches, OR
Educational Media Foundation
Facility ID No. 91542
File No. BPED-19980826ME

NEW, (Ed-FM), Salem, OR
Western Baptist College
Facility ID No. 90291
File No. BPED-19980324MA

NEW, (Ed-FM), Salem, OR
Broadcasting For The Challenged,
Inc.
Facility ID No. 91500
File No. BPED-19980824MB

NEW, (Ed-FM), Salem, OR
CSN International
Facility ID No. 91565
File No. BPED-19980826ML

Dear Counsel:

This is in reference to the captioned, mutually exclusive, construction permit applications for new noncommercial, educational FM stations in Hood River, Welches, and Salem, Oregon filed by KPBS Public Radio Foundation ("KPBS"), Educational Media Foundation ("EMF), Western Baptist College ("College"), Broadcasting for the Challenged, Inc. ("BCI") and CSN International ("CSN") and a September 21, 1999, Joint Request for Approval of Settlement Agreement ("Joint Request") filed by KPBS and EMF.

Joint Request: Pursuant to the terms of the Joint Request, KPBS and EMF have agreed to amend their applications to eliminate the mutual-exclusivity with the Salem applications as well as between themselves in exchange for reimbursement by EMF to KPBS of \$5,499.50 in documented reasonable and prudent expenses incurred in prosecuting its application.

We have examined the Joint Request and the attached declarations. Based on this examination, we find that approval of the agreement would serve the public interest and that the applications were 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. Furthermore, approval of the Joint Request would serve the public interest by providing Hood River and Welches, Oregon their first noncommercial, educational FM radio stations.

Since the Joint Request contemplates the grant of both applications, no Section 307(b) questions have been presented, and no publication is required under 47 C.F.R. § 73.3525(b).

Main Studio Waiver: EMF requests a waiver of the Commission's main studio requirement, *see* 47 C.F.R. § 73.1125, in order to operate the proposed Welches, Oregon facility as a satellite of commonly-owned noncommercial education ("NCE") station KLRD(FM), Yucaipa, California.¹ For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant EMF's application for a construction permit.

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,

Pursuant to section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (2) within the contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community. 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 15,691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order"). However, under Section 73.1125(b)(2), the Commission will waive these requirements 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.*

EMF's request is based on the economies of scale that 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) in these circumstances.

EMF proposes to operate the proposed Welches, Oregon station as a satellite of KLRD(FM), Yucaipa, California, approximately 809 miles from Welches, Oregon. Where there is a great distance between the parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, EMF has pledged to: (1) engage the services of a local Welches public affairs representative to conduct regular ascertainment surveys of local community leaders and other residents to determine the concerns, programs needs of Welches listeners, which will be covered in EMF's news and public affairs programming; (2) the EMF local representative will serve as a liaison between the residents of Welches and EMF's programming personnel; (3) maintain an auxiliary studio within the proposed station's city grade contour which is capable of originating local programming that is responsive to local community needs; and (4) maintain a toll free telephone number between Welches and the KLRD(FM) main studio in Yucaipa, California.

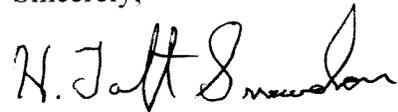
In these circumstances, we are persuaded that EMF will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind EMF, however, of the requirement that it maintain a public file for the Welches, Oregon station at the main studio of the "parent" station, KLRD(FM), Yucaipa, California. It must also make reasonable accommodation for listeners wishing to examine the file's contents. See *Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45. We further remind EMF that, notwithstanding the grant of the waiver requested

here, the public file for the Welches station must contain the quarterly issues and programs list for Welches, Oregon required by 47 C.F.R. § 73.3527(e)(8).

College, BCI and CSN Applications: Engineering analysis of the KPBS and EMF amended applications reveals that they are no longer mutually exclusive with the applications filed by College, BCI, and CSN for a new noncommercial educational FM station in Salem, Oregon. However, because the College, BCI and CSN applications remain mutually exclusive with each other, they shall be retained in pending status.

Conclusion: Accordingly, the Joint Motion For Approval of Settlement Agreement IS GRANTED and the applications filed by KBPS Public Radio Foundation (BPED-19980522MB) and Educational Media Foundation (BPED-19980826ME), being in full compliance with our rules, ARE HEREBY GRANTED. Lastly, EMF's request for a waiver of 47 C.F.R. § 73.1125 IS GRANTED.

Sincerely,



for Linda Blair, Chief
Audio Services Division
Mass Media Bureau