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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

CHARLES M. FIRESTONE

MAR 08 1995

In response refer to:  
1800B3-MFW

Charles M. Firestone, Esq.  
Suite 1070  
1333 New Hampshire Avenue, N.W.  
Washington, D.C. 20036

In re: KCRY-FM, Indio, CA  
Santa Monica Community  
College District  
("SMCCD")  
BPED-941004IB  
Request for waiver of  
47 C.F.R. §73.1125

Dear Mr. Firestone:

This letter refers to the request, filed on October 4, 1994, for waiver of the Commission's main studio rule, 47 C.F.R. § 73.1125, to modify the permit of station KCRY(FM) to allow it to collocate its main studio with and to operate as a "satellite" of station KCRW-FM, Santa Monica, California.

In support of the waiver request, SMCCD states that it is financially dependent on listener contributions and other charitable grants; it states that, "[w]ith rising costs and in an area still in a period of economic difficulties, Permittee finds itself unable to justify operating a separate studio within the KCRY principal community contour." However, to insure that the new station will meet the needs and interests of Indio residents, SMCCD states that it: (i) has installed a toll-free telephone line from Indio to the KCRW-FM studio in Santa Monica; (ii) will conduct regular interviews with Indio Community leaders and maintain the results of the meetings/interviews in the KCRY-FM public inspection file; and (iii) will supplement the "public broadcasting network fare" currently broadcast by KCRW-FM with programming of specific interest to the people of Indio.

Under Section 73.1125 of the Commission's rules, as revised by the Report and Order in MM Docket 86-406, 2 FCC Rcd 3215 (1987), reconsideration and clarification granted in part, 3 FCC Rcd 5024 (1988), each FM station is required to maintain a main studio within the station's principal community contour as defined in 47 C.F.R. § 73.315(a). The rule is intended to be "a means of assuring that the needs and interests of residents of a broadcast community of licenses are met and that the station serves as an outlet for local self-expression." See Maines Broadcasting, Inc., 8 FCC Rcd 5501 (1993). However, this

requirement will be waived in cases where "good cause exists for locating the main studio outside the principal community contour to be served and . . . [when doing] so would be consistent with the operation of the station in the public interest." 47 C.F.R. § 73.1125.

In particular, the Commission in the past has recognized the problems of funding public broadcasting and has "granted waivers to these state and regional public television and radio networks to operate 'satellite' stations that do not necessarily meet the main studio requirements." Memorandum Opinion and Order in MM Docket 86-406, 3 FCC Rcd at 5027. A "satellite" station has been defined by the Commission as one "operating on a channel specified in the rules, but one which usually originates no local programming . . . It rebroadcasts the programming of the parent station." Multiple Ownership Rules, 3 RR 2d (P & F) 1554, 1562 (1964). Despite waiver of the main studio rule, satellite stations must still fulfill their local service obligations. Waivers of the main studio rule have only been granted upon a showing that station will continue to serve the local community. Id. In addition, the station is required to maintain a local or toll free telephone number for the residents of its community of license. See 47 C.F.R. § 73.1125(c).

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SMCCD's request demonstrates good cause for locating the main studio of KCRY(FM) outside its principal community contour as a satellite station of KCRW-FM. In the past, the Commission has recognized the economic benefits of centralized operations for noncommercial educational stations, such as the situation presented here. See Memorandum Opinion and Order in MM Docket 86-406, 3 FCC Rcd 5024, 5027 (1988).

SMCCD's request also provides adequate reason to determine that KCRY(FM) could satisfy the primary obligation of a satellite station to serve the problems, needs, and interests of Indio, California, its community of license, regardless of whether it maintains a main studio there. In SMCCD's application, it stated that it will hold regular meetings with Indio community leaders in order to allow residents an opportunity to provide direct input into the programming of KCRY(FM). It also states that the station will comply with Section 73.1125(c) by providing a 24-hour toll free telephone number for Indio residents to the studio in Santa Monica.

Accordingly, the request for waiver of 47 C.F.R. § 73.1125 to operate Station KCRY(FM) as a satellite of station KCRW-FM, Santa Monica, California, is GRANTED subject to the following conditions:

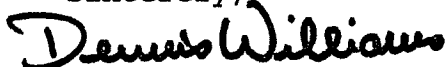
1. That the permittee maintain a toll-free telephone line from Indio to the KCRW-FM studio in Santa Monica, in compliance with 47 C.F.R. § 73.1125(c);
2. That the permittee periodically provide programming of

specific interest to the people of the Indio area.

3. That the permittee maintain public file in Indio, California.
4. That the permittee conduct regular (at least quarterly) meetings with Indio community leaders and maintain the results of those meetings in its public file.

This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in cursive script that reads "Dennis Williams".

Dennis Williams  
Chief, FM Branch  
Audio Services Division  
Mass Media Bureau