

**FEDERAL COMMUNICATIONS COMMISSION**

**WASHINGTON, D. C. 20554**

**JUL 23 2001**

**IN REPLY REFER TO:  
1800B3-ARE**

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Elizabeth A. Hammond, Esquire  
Arter & Hadden, LLP  
1801 K Street, N.W.  
Suite 400K  
Washington, D. C. 20006-1304

**In Re: KKPC(AM), Pueblo, Colorado**

Facility ID No. 53851

Waiver of Main Studio Rule

Dear Ms. Hammond:

This is in reference to the request, filed on behalf of Public Broadcasting of Colorado, Inc. ("PBC"), which seeks a waiver of 47 C.F.R. § 73.1125, the Commission's main studio rule. PBC seeks to operate KKPC(AM) in conjunction with the main studio operations of commonly-owned noncommercial educational stations KVOD(FM) and KCFR(AM), Denver, Colorado.<sup>1</sup> KKPC(AM) will operate principally as a "satellite"<sup>2</sup> of KCFR(AM) but, should the public interest so warrant, KKPC(AM) will rebroadcast the programming of KVOD(FM). For the reasons set forth below, we shall grant PBC's request for waiver, the grant becoming effective upon consummation of the previously approved assignment application.<sup>3</sup>

Pursuant to Section 73.1125(a), a broadcast station's main studio must be located either (1) within the 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

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<sup>1</sup> This letter corrects and supercedes the staff's prior letter in this matter. See *Letter to Elizabeth A. Hammond, Esquire dated July 17, 2001* (reference 1800B3-ARE). It considers amendments to the waiver request filed on July 13, 2001 and July 18, 2001.

<sup>2</sup> 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 RR2d 1554, 1562(1964). In this context we note that station KCFR(AM) was converted from commercial to noncommercial educational AM status by virtue of application no. BML-20001116ATX, granted February 7, 2001.

<sup>3</sup> On June 21, 2001, the staff approved the assignment of station KKPC(AM) from MK, Inc. to Public Broadcasting of Colorado, Inc. See *letter to William K. Keane, Esquire dated June 21, 2001* (reference 18003-ARE). In that letter, the staff also granted an application (BMLED-20010529ADH) to convert KKPC(AM) to noncommercial educational status, effective upon notification of consummation of the assignment.

15,691(1998); *recon. granted in part*, 14 FCC Rcd 11,113 (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 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 that “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.*

PBC’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)(4) in these circumstances.

PBC proposes to operate KKPC(AM), Pueblo, Colorado in conjunction with the main studio operations of KVOD(FM) and KCFR(AM) in Denver, Colorado, more than 165 kilometers from Pueblo. PBC primarily will rebroadcast the signal of KCFR(AM); however in the event the public interest warrants, programming will be provided from KVOD(FM). Where there is a significant distance between the parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of its community’s needs and interests. To that end, PBC has pledged to: (1) assess the community needs and problems of Pueblo by conducting regular periodic ascertainment surveys of local community leaders;<sup>4</sup> (2) assign news personnel and/or retain local reporters to cover local issues; and (3) devote a portion of PBC’s programming to the news, public affairs and informational programming to the problems, needs and interests of Pueblo, as determined by its ascertainment and reporting efforts. PBC also states that it will maintain a toll-free telephone number from Pueblo to the KCFR(AM)/KVOD(FM) studio facility in Denver and an electronic mail address will be available for listener input.

In these circumstances, we are persuaded that PBC will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind PBC, however, of the requirement that it maintain a public file for KKPC(AM) at the main studio of the “parent” station, KCFR(AM) in Denver, Colorado. It must also make reasonable accommodation for listeners wishing to examine the files contents. *See Reconsideration Order, supra*, 14 FCC Rcd 11,129 §45. We further remind PBC that, notwithstanding the grant of the waiver requested here, the public file for KKPC(AM) must contain the quarterly issues and programs list required by 47 C.F.R. § 73.3527(e)(8).

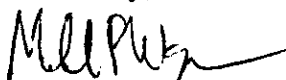
Accordingly, the request of Public Broadcasting of Colorado, Inc. for waiver of 47.C.F.R. Section 73.1125 IS HEREBY GRANTED. The effective date of this action will be the date on which the Commission is notified that Public Broadcasting of Colorado, Inc. has

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<sup>4</sup> In the July 13, 2001 amendment, PBC indicates that one of its board members lives in the Pueblo area and interacts regularly with Pueblo residents. PBC also indicates that it will subscribe to Pueblo newspapers and that it broadcasts frequent over-the-air requests for input.

consummated its acquisition of the station. *See* 47 C.F.R. §1.102(b)(1). In order to facilitate the transmission of the authorization, Public Broadcasting of Colorado and counsel are requested to send a copy of the consummation notification to both Andree Ellis, Room 2-A165, and Druscilla Smalls, Room 2-A140, at the Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554.

Sincerely,

  
Peter Doyle, Chief  
Audio Services Division  
Mass Media Bureau

cc: MK, Inc.  
Public Broadcasting of Colorado, Inc.  
James A. Koerner, Esq.