

WAGNER

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554
JUL 17 2001

IN REPLY REFER TO:
1800B3-ARE

2001 JUL 17 P 2:55

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

RECEIVED

In Re: KKPC(AM), Pueblo, Colorado
Facility ID No. 53851
Waiver of Main Studio Rule

Dear Ms Hammond:

This is in reference to the captioned application, which requests a waiver of 47 C.F.R. § 73.1125, the Commission's main studio rule, to permit KKPC(AM) to operate as a satellite of commonly-owned non commercial educational FM station KVOD-FM, Denver, Colorado. For the reasons set forth below, we shall grant PBC's request for waiver as well, the latter grant becoming effective upon consummation of the assignment application.

Pursuant to Amendments of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit, 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 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.¹

PBC proposes to operate KKPC(AM), Pueblo, Colorado as a satellite of KVOD-FM, Denver, Colorado, more than 165 kilometers from Pueblo. Where there is a great distance between the parent and satellite stations and where, as here, the parent and satellite stations are in different states, 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, PBC has pledged to: (1) assess community needs and problems of Pueblo by conducting regular periodic ascertainment surveys of local community leaders²; (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 KVOD-FM main studio 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 KVOD-FM 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 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

¹ 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 1800B3-AE)*. In that letter, the staff also granted notification of consummation of the assignment.

² In July 13, 2001 amendment, PBC indicates that one of its board members lives in the Pueblo area and interact regularly with Pueblo residents. PBC also indicates it will subscribe to Pueblo newspapers and broadcasts frequent over-the-air request for input.

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 12th Street, S.W., Washington, D.C. 20554.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Doyle", with a long horizontal flourish extending to the right.

Peter Doyle, Chief
Audio Services Division
Mass Media Bureau

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