

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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IN REPLY REFER
TO:
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016- BY

Gerald Stevens-Kittner, Esq.
Arter & Hadden
1801 K Street, N.W., Suite 400K
Washington, D. C. 20006-1301

In re: NEW, Vail, Colorado
Public Broadcasting of
Colorado, Inc.
File No. BPED-920611MJ

Dear Mr. Stevens-Kittner:

This is in reference to the subject application filed by the Public Broadcasting of Colorado, Inc. ("PBOC") for a new noncommercial, educational FM station in Vail, Colorado. The applicant seeks a waiver of 47 C.F.R. § 73.1125(a) (4) to operate its proposed Vail facility as a satellite station of commonly owned station KCFR(FM), Denver, Colorado.

In order to ensure that local issues in Vail will be met, PBOC has agreed to undertake the following:

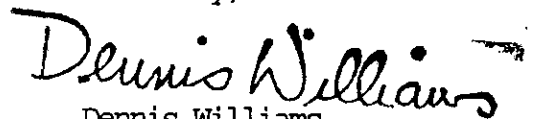
1. Ascertain the problems and needs of the Vail community on a regular, periodic basis.
2. Devote a portion of PBOC's news, public affairs and informational programming to the problems, needs and interests of Vail.
3. Assign PBOC news personnel and/or retain local reporters to cover local issues from Vail.
4. Maintain a toll-free telephone number from Vail to the proposed station's main studio in Denver.

A "satellite" station has been defined by the Commission as one "operating on a channel specified in the ... Table of Assignments and meeting all of the technical requirements of our rules, but one which usually originates no local programming ... It rebroadcasts the programming of the parent station." Multiple Ownership Rules, 3 RR 2d 1554, 1562 (1964). Satellite stations involve deviations from such Commission regulations as station main studio locations (Section 73.1125).

The Commission has stated that "we have recognized the benefits of centralized operations for noncommercial educational stations, given the limited funding available to these stations, and we have granted waivers to state and regional public television and radio networks to operate 'satellite' stations that do not necessarily meet the requirements of a main studio. These stations, however, have not been permitted to ignore local service obligations, and waivers generally have been granted only upon a showing that the local community would be served." Memorandum Opinion and Order in MM Docket No. 86-406, 3 FCC Rcd 5024 (1988). Thus, local needs should be met by this applicant.

We have determined that Public Broadcasting of Colorado, Inc. has established that its centrally programmed simultaneous schedule will serve the problems, needs and interests of Vail, Colorado. Accordingly, 47 C.F.R. § 73.1125(a)(4) IS HEREBY WAIVED to the extent indicated hereinabove. Furthermore, the application by Public Broadcasting of Colorado, Inc. for a new noncommercial, educational FM station in Vail, Colorado IS HEREBY GRANTED. The construction permit authorization will follow under separate cover.

Sincerely,

A handwritten signature in dark ink, reading "Dennis Williams". The signature is written in a cursive, slightly slanted style. The first letter "D" is large and loops around. The last name "Williams" is written in a fluid, connected script. There is a small mark at the end of the signature, possibly a flourish or a pen lift.

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