

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

NOV 26 1999 .

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

Wayne D. Johnsen, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D. C. 20006

**IN RE: KCVS(FM), Salina, Kansas
VCY America, Inc.
Facility ID No. 49184
File No. BMPED-981130MD**

Dear Mr. Johnsen:

The staff has under consideration the subject application of VCY America, Inc. ("VCY") to modify the technical facilities of noncommercial, educational station KCVS(FM), Salina, Kansas. The application also requests a waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the station as a satellite of its commonly owned NCE station WVCY-FM, Milwaukee, Wisconsin.¹ For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant the VCY application.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of its community of license. Amendment of Sections 73.1125 and 73.1130, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), 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 "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.*

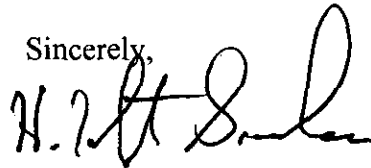
VCY's request is based on the economies of scale, which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R.

¹A "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).

§ 73.1125(a)(4) in these circumstances. VCY proposes to operate KCVS(FM) as a satellite station of WVCY-FM, Milwaukee, Wisconsin which is approximately 600 miles from Salina, Kansas. Where there is a great distance between parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite station's community needs and interests. To that end, VCY has pledged to: (1) ascertain the needs of Salina through an issue-oriented and truly interactive programming format which relies upon direct community involvement in the form of on-air listener calls; (2) establish a regional advisory council, comprised of at least one resident from Salina which will provide input to management on programming issues of interest to residents throughout VCY's service areas; (3) air local programming, including the weekly "Bulletin Board" program which provides information about community events in Salina; (4) conduct "share-a-thon" fundraisers, soliciting input on programming; (5) maintain a web page which permits listeners throughout the VCY network and beyond to have input regarding the programming broadcast on VCY stations; and (6) maintain a toll free telephone number between Salina, Kansas and the WVCY-FM main studio in Milwaukee, Wisconsin. In these circumstances, we are persuaded that VCY will meet its local service obligations and thus, that grant of the requested waivers are consistent with the public interest. We remind VCY, however, of the requirement that it maintain a public file for KCVS(FM) at the main studio of the "parent" station WVCY(FM). *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 64 Fed. Reg. 35941 (July 2, 1999).

Accordingly, the application of VCY America, Inc. to modify the technical facilities of KCVS(FM), Salina, Kansas (BMPED-981130MD) and the request for waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED.

Sincerely,



Linda Blair, Chief
Audio Services Division
Mass Media Bureau