

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

JUL 28 1997

IN REPLY REFER TO
1800B3-ALM

John S. Neely, Esq.
Miller & Miller, P.C.
1990 M Street, Suite 760
Washington, D. C. 20036

Re: KEYQ, Fresno, California, BML-970627AD

Dear Mr. Neely:

The staff has under consideration the application of The Association for Community Education, Inc. ("Association"), to modify the license of radio station KEYQ, Fresno, California to operate as a noncommercial, educational station. Association has also requested a waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the Fresno, California station as a satellite of its noncommercial, educational FM station KMRO(FM) in Camarillo, California.¹ For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant EMF's application to modify the license of KEYQ.

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.

Association'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. § 73.1125(a)(4) in these circumstances. Association proposes to operate radio station KEYQ, Fresno, California as a satellite of noncommercial, educational FM station KMRO, Camarillo, California, approximately 140 miles from Fresno. Where there is a great distance between

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).

parent and satellite stations, as here, 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, Association has pledged to: (1) conduct an annual ascertainment of listeners in Fresno, maintain the results of the survey in the KEYQ public inspection file, and offer programming responsive to those results; (2) maintain an advisory board containing at least one board member who is a resident of Fresno to help operate, program, and promote the station; (3) attempt to develop local programming in Fresno; (4) establish a toll free telephone number between Fresno and the KMRO main studio in Camarillo; and (5) maintain the KEYQ public inspection file within the Fresno city limits. In these circumstances, we are persuaded that Association will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. Furthermore, Association has previously demonstrated to the Commission its qualifications to be the licensee of a noncommercial, educational broadcasting station.

Accordingly, the application of The Association for Community Education, Inc. for the modification of license of radio station KEYQ (BML-970627AD) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization will be forwarded under separate cover.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Blair" with a stylized flourish at the end.

Linda Blair, Chief
Audio Services Division
Mass Media Bureau