

MAIN STUDIO WAIVER

Educational Media Foundation (AEMF@), the proposed assignee of FM radio station WVVC(FM), Utica, New York¹, hereby respectfully requests a waiver of Section 73.1125 of the Commission's rules (hereinafter referred to as the "main studio rule") to permit the relocation of the main studio of WVVC from its present location in Utica, New York, to the main studio of EMF's co-owned station KLVR(NCE-FM), Santa Rosa, California. The proposed studio location is approximately 3,968 kilometers outside of the 3.16 mV/m contour of WVVC.

EMF proposes to operate WVVC as a "satellite" station of KLVR. WVVC will be part of a network of radio broadcast stations operated by EMF known as the "K-Love Radio Network." EMF is a non-profit corporation and each network station operates noncommercially and broadcasts the noncommercial educational programming carried on the K-Love Radio Network. By co-locating WVVC's main studio at KLVR's main studio in Santa Rosa, EMF will realize valuable economies of scale and cost savings, which are needed to maintain the high quality of K-Love's noncommercial educational programming. As a listener-supported station, WVVC will face severe financial constraints. The obligation to maintain separate staffing and studio locations for both WVVC and KLVR will place a serious financial burden on EMF and divert what limited resources are available from K-Love's programming efforts.

To ensure that WVVC fulfills its local service obligations to the residents of Utica, EMF will maintain an auxiliary studio either: 1) within the station's community of license; 2) at a location within the principal community contour of any AM, FM, or TV station licensed to the station's community of license; or 3) within twenty-five miles from the reference coordinates of the center of the station's community of license. Such an auxiliary studio will be capable of originating local programming that is responsive to local community needs. EMF will also engage the services of a local Utica public affairs representative to conduct regular ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of Utica listeners, which will be covered in K-Love's news and public affairs programming. EMF's local representative will further serve as a liaison between the residents of Utica and EMF's programming personnel. Finally, EMF will maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and maintain a public inspection file in Utica, as required by Section 73.3527 of the Commission's rules.

Under Section 73.1125 of the Commission's rules, a broadcast station must maintain its main studio (a) within the station's community of license; (b) at a location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (c) within 25 miles from the reference coordinates of the center of the station's

¹ On April 4, 2001 an application was filed seeking Commission consent to assign WVVC(FM) from Bethany Broadcasting Corporation to EMF. See FCC File No. BALH-20010404AAQ.

community of license, except when “good cause” exists for locating the main studio at an alternate location. The Commission traditionally considers waiver requests by noncommercial educational stations on a case-by-case basis. See Main Studio and Program Origination Rules, 3 FCC Rcd 5024 (1988); see also Review of the Commission’s Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations, 13 FCC Rcd 15691, 15695 n.18 (1998). In the context of noncommercial waiver requests, the Commission has expressly and implicitly found “good cause” to exist in numerous instances based solely upon a showing that centralized operations will provide an economic benefit to noncommercial stations which have limited funding, provided that local service obligations are met. See Letter to Roy R. Russo, Esq., dated January 24, 1994; Letter to Richard J. Bodorff, dated January 2, 1992; The President and Board of Trustees of the Miami University, 7 FCC Rcd 2902 (1992); The Cedarville College, 6 FCC Rcd 538 (1991); Letter to Gerald Stevens-Kittner, Esq., dated July 15, 1991; Sound of Life, Inc., 4 FCC Rcd 8273 (1989); Lift Him Up Outreach Ministries, Inc., 3 FCC Rcd 5571 (1988); Georgia State Board of Education, 70 F.C.C.2d 948 (1979), recon. denied, 71 F.C.C.2d 227 (1979); Nebraska Educational Television Comm’n, 4 R.R.2d 771 (1965).

Furthermore, in the past the Commission has granted main studio waivers for stations located more than one thousand miles from the parent station, including the grant of a main studio waiver for EMF for WYLT(FM), which is located 2,945 kilometers from its parent station KLVR(FM). See also, Letter to Robert G. Schwartz, Esq., dated November 4, 1999 (granting EMF a main studio waiver for KLMN(FM), Amarillo, Texas, to operate as a satellite of KLVR(FM), approximately 1,300 miles away).

EMF respectfully submits that the instant request presents substantially the same showing of good cause and public interest benefits as each of these waivers noted above. In each case, the Commission staff determined that the waivers were justified on the basis of the limited funding available to the stations and the increased efficiencies resulting from co-location of studios. Like these other waiver applicants, EMF will also experience financial difficulties in maintaining separate staffing and separate facilities for its “parent” and “satellite” stations. EMF will also be fully capable of fulfilling its local service obligations in the same manner as each of these other applicants.

In view of the foregoing, EMF requests that the Commission find pursuant to Section 73.1125(b)(2) of the Commission’s rules that the public interest will be served by the consolidation of WVVC’s main studio with KLVR’s main studio, and authorize EMF to locate WVVC's main studio outside of the city grade community and contour of the station and more than 25 miles from the reference coordinates of the center of Utica.