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July 29, 2009

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Attention: Taft Snowdon, Esquire
Media Bureau
Assignment and Transfer

RE: Amendment to BALED-20090623AAQ and
Request for Waiver of Main Studio Rule
Station KBTk(FM), Grand Island, Nebraska [Facility ID 90676]

Dear Ms. Dortch:

On behalf of VSS Catholic Communications, Inc. ("VSS"), the proposed assignee of the broadcast license for non-commercial educational FM station KBTk(FM), Grand Island, Nebraska, it is hereby respectfully submits this request for a waiver of Section 73.1125 of the Commission's rules (hereinafter referred to as the "Main Studio Rule") to permit the location of the main studio of Station KBTk(FM) at the main studio of VSS's co-owned station, non-commercial educational station KVSS(FM) in Omaha, Nebraska [Facility ID 34435]. This waiver request is contingent upon the grant of the assignment of the broadcast license for Station KBTk from Edgewater Broadcasting, Inc. to VSS and the assignee requests this filing be treated as an amendment to that application (*see* FCC File No. BALED-20090623AAQ). In support, the following is shown:

VSS proposes to operate Station KBTk(FM) as a "satellite" station of KVSS.¹ VSS is a non-profit corporation which operates Station KVSS as a non-commercial educational station. VSS proposes to operate KBTk as a non-commercial station with the non-commercial programming from Station KVSS. By co-locating KBTk's main studio at the main studio of Station KVSS in Omaha, VSS will realize valuable economies of scale and

¹The proposed studio location is approximately 88 miles beyond the 3.16 mV/m contour of Station KVSS.

cost savings which are needed to maintain the high quality of Station KVSS's non-commercial educational programming. As a listener supported station, Station KBTK will face severe financial constraints as the obligation under §73.1165 to maintain separate staffing and studio locations for both KBTK and KVSS will place a serious strain VSS's resources and divert what limited funds are available from VSS's programming efforts.

To insure that KBTK fulfills its local service obligations to the residents of Grand Island, Nebraska, VSS will maintain an auxiliary studio, either (1) in Grand Island or at a location within the principal community contour of an AM/FM or TV station licensed to Grand Island; or (2) within 25 miles from the referenced coordinates of the center of Grand Island. This auxiliary studio will be capable of originating local programming that is responsive to local community needs of Grand Island. In addition to maintaining an auxiliary studio, VSS will also have a local public affairs representative, who may be a volunteer, available in Grand Island. This local representative will, at least on a quarterly basis, conduct interviews and surveys of local community leaders and other residents to ascertain the interests, concerns, and needs of the Grand Island listeners. VSS will then address the recurring issues, problems and needs of the residents of Grand Island in VSS's news and public affairs programming.

VSS's local representative will serve as a liaison between the residents of Grand Island and VSS's programming personnel in Omaha. VSS will maintain a toll-free telephone number as required by Section 73.1125(d) of the rules. Finally, VSS will maintain a public inspection file for Station KBTK at the main studio of its parent station, KVSS, Omaha, Nebraska, as required by Section 73.3527 of the Commission's rules, and make reasonable accommodation to listeners wishing to examine the file's contents.

In the context of non-commercial waiver requests, the Commission has expressly and implicitly found "good cause" to exist in numerous incidences based solely upon a showing that centralized operations will provide an economic benefit to the non-commercial 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 Miniseries, Inc.*, 3 FCC Rcd 5571 (1998); *Nebraska Educational Television Commission*, 4 R.R. 2nd C2d 771 (1965).

VSS respectfully submits that the instant request presents substantially the same showing of good cause and public interest benefit as each of the waivers noted above. In each case the Commission staff determined that the waivers were justified on the basis of the

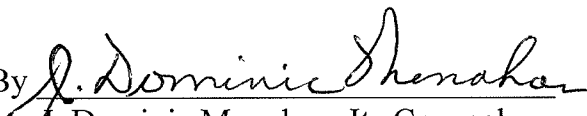
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limited funding available to the stations and increased efficiencies resulting from co-location of studios. Like these other waiver applicants, VSS will also experience financial difficulties in maintaining separate staffing and separate facilities for its "parent" and "satellite" station. VSS 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, VSS 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 KBTK's main studio with the main studio of Station KVSS, and authorize VSS to locate the main studio of KBTK outside of the city grade contour of Station KBTK and more than 25 miles from the referenced coordinates of Grand Island, Nebraska. In addition, VSS asks that this waiver request be processed and granted expeditiously upon grant of the underlying assignment application so that the parties may consummate the assignment and VSS may begin providing service to the public.

Should additional information be desired concerning this main studio waiver request, please contact the undersigned counsel.

VSS CATHOLIC COMMUNICATIONS, INC.

By 
J. Dominic Monahan, Its Counsel

JDM/nlk
Enclosures
cc: James Carroll