

2-B450  
Mike Wagner

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

JAN 30 2004

IN REPLY REFER TO:  
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Barry S. Persh, Esquire  
Dow, Lohnes & Albertson  
1200 New Hampshire Avenue, N. W.  
Suite 800  
Washington, D. C. 20036-6802

In Re: **KZAZ(FM), Bellingham, WA**  
Washington State University.  
Facility ID No. 49599

Request for Waiver of 47 C.F.R. § 73.1125  
(Main Studio Rule)

Dear Mr. Persh:

The staff has under consideration the above-referenced request made by Washington State university ("WSU") for a waiver of the Commission's Main Studio Rule, Section 73.1125,<sup>1</sup> in order to operate station KZAZ(FM), Bellingham, Washington, as a "satellite" of commonly owned noncommercial educational ("NCE") station KWSU(AM), Pullman, Washington.<sup>2</sup> For the reasons set forth below, we will waive Section 73.1125 and grant WSU's application.

Main Studio Waiver. Pursuant to Section 73.1125(a), a broadcast station's main studio must be located either (1) within a station's community of license, (2) within the principal community contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community of license.<sup>3</sup> However, under Section 73.1125(b)(2), the Commission will waive these requirements where "good cause" exists to do so and where the

<sup>1</sup> WSU amended the waiver request on January 13, 2004.

<sup>2</sup> A "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).

<sup>3</sup> See *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 (1998), *recon. granted in part*, 14 FCC Rcd 11113(1999)("Reconsideration Order").

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.<sup>4</sup> A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 “public interest” standard.<sup>5</sup>

WSU’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. Section 73.1125(a)(4) under these circumstances.

WSU proposes to operate KZAZ(FM), Bellingham, Washington, as a satellite station of KWSU(AM), Pullman, Washington, approximately 290 miles from Bellingham. Where there is a great distance between the parent and satellite station, 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, WSU has pledged to: (1) provide local and regional news and public affairs features covering events of importance to listeners in Bellingham and Washington state; (2) continue to participate in a consortium of public radio stations in the Pacific Northwest that provides funding for a full-time reporter who covers state government and legislative issues, as well as other regional issues; (3) engage WSU to conduct quarterly ascertainment of problems, needs and interests of the Bellingham community; (4) provide presentations to local arts organizations, civic groups and service clubs in the Bellingham area through its active Northwest Public Radio Speakers Bureau which is accessible through its web site that includes its online arts calendar; (5) recruit a member of its Northwest Public Radio Development Cabinet from Bellingham in order to assist in program development strategy to address local and regional issues, which is accessible through its web site; (6) continue to maintain an extensive internet web site which allows listeners easy access to station and network information and schedules, and enables local residents to comment on programming and make suggestions to station personnel by e-mail, regular mail and facsimile; and (7) maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules.

In these circumstances, we are persuaded that WSU will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind WSU, however, of the requirement that it maintain a public file for the Bellingham, Washington station at the main studio of the “parent” station, KWSU(AM), Pullman, Washington. It must also make reasonable accommodation for listeners wishing to examine the file’s contents.<sup>6</sup> We further remind WSU that, notwithstanding the grant of the waiver requested here, the public file for KZAZ(FM) must contain the quarterly issues and programs list for Bellingham, Washington, required by 47 C.F.R. Section 73.3527(e)(8).

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *See Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

Accordingly, WSU's request for waiver of 47 C.F.R. Section 73.1125 IS HEREBY GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", with a long horizontal flourish extending to the right.

Peter H. Doyle, Chief  
Audio Division  
Media Bureau