

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

**AUG 13 1997**

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

Lawrence Bernstein, Esq.  
Bernstein and McVeigh  
1818 N Street, N.W.  
Suite 700  
Washington, D. C. 20036

Re: Modification of facilities: KPSC(FM), Palm Springs, California, BPED-970108ID  
KFAC(FM), Santa Barbara, California, BPED-970108IF  
KCPB(FM), Thousand Oaks, California, BPED-970108IG

Dear Mr. Bernstein:

This is in response to the above-referenced applications<sup>1</sup> filed by The University of Southern California ("USC") to modify the facilities of FM radio stations KPSC(FM), Palm Springs, California; KFAC(FM), Santa Barbara, California; and KCPB(FM) Thousand Oaks, California. The applications seek waivers of the Commission's main studio rule, 47 C.F.R. § 73.1125(a), to permit KPSC(FM), KFAC(FM) and KCPB(FM) to operate as satellite stations of commonly owned, noncommercial, educational FM radio station KUSC(FM), Los Angeles, California.<sup>2</sup> For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant the applications.

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.

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<sup>1</sup>Amendments to these applications were filed April 23, 1997.

<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).

USC's request is based on the economies of scale which would be realized by grant of its waiver. Based on USC's showing, we conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances.

USC proposes to operate KPSC(FM), KFAC(FM), and KCPB(FM) as satellite stations of KUSC(FM), Los Angeles, which is approximately 97 miles from Palm Springs, 87 miles from Santa Barbara, and 38 miles from Thousand Oaks. The Commission expects the licensee of a satellite station to take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, USC has pledged to: (1) ascertain and satisfy the needs and interests of the above referenced communities by developing and broadcasting programs specifically tailored to address local community issues, including local cultural, fine arts and public affairs; (2) senior KUSC management will visit these communities on a regular (at least quarterly) basis and, upon each visit, will schedule meetings with local governmental, civic and business leaders; (3) the results of these meetings will be placed in the stations' public inspection file; (4) establish a Citizens Advisory Board in each community, which will meet at least twice a year with the KUSC general manager and will announce on the local stations that the Citizens Advisory Board welcomes public participation in each of these meetings; (5) actively solicit comments from subscribers within the local community concerning programming and station operation, and will ensure that such subscriber's comments and requests are taken into consideration when making programming decisions; (6) maintain a toll-free telephone number from Los Angeles to the stations and ensure that operators are on duty during regular business hours to answer listeners' questions and otherwise address their needs; and (7) maintain an up-to-date public inspection file for each station in its community of license. In these circumstances, we are persuaded that USC will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

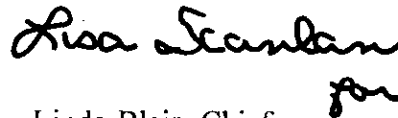
USC's request for a waiver of 47 C.F.R. § 73.1125 contains an affidavit by Stephen C. Lama, Acting General Manager of KUSC(FM). Lama indicates that these stations have already been simulcasting the programming of KUSC, but that financial difficulties have precluded USC from fully staffing and originating programming from a main studio in the community of license of each station. However, due to inadvertence, it appears that no waiver of the main studio rule had been submitted and the stations appear to have been operating as satellite facilities without prior Commission authority. Lama affirms, however, that throughout the years, USC has always maintained an "800 telephone number for its listening audiences, maintained a public file in the community of license of each station and occupied a significant place in the cultural life of the three communities."

USC's status as a noncommercial, educational broadcast station licensee, the apparent good faith effort to take corrective steps to rectify its mistaken understanding of its obligations, and USC's pledge to maintain an awareness of the needs and interests of the various communities of license, warrant a finding that the public interest will be served by grant of the above-captioned applications. As the conduct does not raise a substantial and material question as to USC's qualifications, we do not find that USC's violation of the Commission's main studio rule warrants designation for hearing. We remind USC that the Commission expects its licensees to comply with all Commission rules and regulations and we will expect full

adherence to commitments made in support of the instant waiver requests.

Accordingly, the applications of The University of Southern California for waivers of 47 C.F.R. § 73.1125 for KPSC(FM), KFAC(FM) and KCPB(FM) ARE GRANTED.<sup>3</sup>

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Blair", with a small flourish or mark to the right.

Linda Blair, Chief  
Audio Services Division  
Mass Media Bureau

cc: Stephen C. Lama

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<sup>3</sup>Concurrently with the filing of the instant waiver requests, USC filed requests for Special Temporary Authority to operate the three stations as satellite stations of KUSC(FM). In light of the action taken herein, these requests are dismissed as moot.