

FEDERAL COMMUNICATIONS COMMISSION

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Amy L. Van de Kerckhove, Esquire  
ShawPittman LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

In Re: KLMZ(FM), Fouke, Arkansas  
Facility ID No. 87570  
Educational Media Foundation

Request for Waiver of 47 C.F.R. § 73.1125

Dear Ms. Van de Kerckhove:

The staff has under consideration the above-referenced November 11, 2003, request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by Educational Media Foundation ("EMF").<sup>1</sup> EMF seeks a waiver of Section 73.1125 in order to operate KLMZ(FM), Fouke, Arkansas, as a "satellite" of its noncommercial educational ("NCE") FM station, KLVR(FM), Santa Rosa, California.<sup>2</sup> For the reasons set forth below, we will grant EMF's request.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (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 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

<sup>1</sup> On December 18, 2003, the staff approved EMF's acquisition of station KLMZ(FM) from InPhase Broadcasting, Inc. (File No. BALH-20031001AZM). See letter to Amy L. Van de Kerckhove, Esquire dated December 18, 2003 (reference 1800B3-ARE). In that letter, the staff also granted an application (BMLH-20031110ABJ) to convert KLMZ(FM) to noncommercial educational status, effective upon notification of consummation of the assignment.

<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").

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>

EMF’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. EMF proposes to operate KLMZ(FM) as a satellite station of KLVR(FM), Santa Rosa, California, approximately 1,365 miles from Fouke, Arkansas. Where there is great distance between the parent and the satellite station, as here, and where the parent and satellite stations are in different states, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community’s needs and interests. To that end, EMF: (1) will maintain an auxiliary studio within the geographic parameters described by the rules that will be capable of originating local programming responsive to the needs of Fouke residents; (2) will engage the services of a local Fouke public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems, and needs of Fouke listeners, which will be covered in EMF’s news and public affairs programming; (2) will have a local representative, who may be a volunteer, available in the community of Fouke; (3) will have a local representative who will work with EMF’s Regional Manager and will, at least on a quarterly basis, conduct ascertainment surveys of local community leaders to determine the concerns, problems, and needs of Fouke listeners; (4) will ensure that this local representative serves as a liaison between the residents of Fouke and EMF’s programming personnel; (5) will maintain a toll-free telephone number to the KLVR(FM) studio, as required by Section 73.1125(d) of the rules, and maintain a public inspection file for the station as required by Section 73.3527 of the rules.

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

Accordingly, in reliance upon the representations listed above the request made by Educational Media Foundation for a waiver of 47 C.F.R. § 73.1125 IS HEREBY GRANTED. The effective date of the main studio rule waiver grant will be the date on which the Commission is notified that Educational Media Foundation has consummated its acquisition of the station. See 47 C.F.R. § 1.102(b)(1). In order to facilitate the transmission of the authorization, EMF and counsel are requested to send a copy of the consummation notification to both Andree Ellis,

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

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

<sup>6</sup> See *Reconsideration Order*, 13 FCC Rcd at 11129., Paragraph 45.

Room 2-A165, and Druscilla Smalls, Room 2-140, at Federal Communications Commission, 445  
12<sup>th</sup> Street S.W., Washington D.C. 20554.

Sincerely,

  
Peter H. Doyle, Chief  
Audio Division  
Media Bureau