

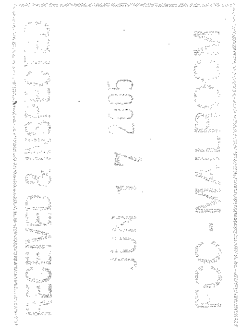


**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554**

**JUN 15 2005**

**In Reply Refer To:  
1800B3-MAT**

David Oxenford, Esq.  
ShawPittman, LLP  
2300 N Street, NW  
Washington, D. C. 20037-1128



**In Re: NEW(FM), Hereford, TX**  
Educational Media Foundation  
File No. BPED-19990602MU  
Facility ID No. 93643  
**Request for Waiver of Main Studio Rule**

Dear Counsel:

The staff has under consideration the above-captioned application filed by Educational Media Foundation ("EMF") for a construction permit for a new noncommercial educational ("NCE") FM station in Hereford, Texas. EMF has requested a waiver of the main studio requirement, 47 C.F.R. Section 73.1125, in order to operate the Hereford, Texas station as a satellite<sup>1</sup> of its commonly-owned NCE station KLRD(FM), Yucaipa, California. The proposed Hereford station will be part of a network of radio broadcast stations operated by EMF known as the "Air-1 Radio Network." For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a 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 the community of license.<sup>2</sup> However, under Section 73.1125(b)(2), 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 a satellite of another NCE station

<sup>1</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 RR 2d 1554, 1562 (1964).

<sup>2</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").

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>3</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>4</sup>

EMF's request is based on the economies of scale which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. EMF proposes to operate the station as a satellite of KLRD(FM), Yucaipa, California, approximately 825 miles from Hereford, Texas. Where there is a considerable distance between parent and satellite stations as here, 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 has pledged to: (1) maintain an auxiliary studio within the proposed station's city grade contour capable of originating local programming that is responsive to local community needs; (2) engage the services of a local Hereford public affairs representative to conduct regular ascertainment surveys of local community leaders and other residents to determine the concerns, problems, and needs of Hereford listeners, which will be covered in Air-1's news and public affairs programming; (3) EMF's local representative will also serve as a liaison between the residents of Hereford and EMF's programming personnel; and (4) maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and maintain a public inspection file in Hereford, as required by Section 73.3527 of the Commission's rules.

Under these circumstances, we are persuaded that EMF will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind EMF that notwithstanding its commitment to maintain a public inspection file in Hereford, it must also maintain a public file for the Hereford station at the main studio of the parent station, KLRD(FM), Yucaipa, California. It must also make reasonable accommodation for listeners wishing to examine the file's contents.<sup>5</sup> We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for the station must contain the quarterly issues and programs list, as required by 47 C.F.R. Section 73.3527(e)(8).

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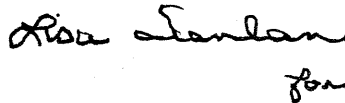
<sup>3</sup> *Id.*

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

<sup>5</sup> See *Reconsideration Order*, 14 FCC Rcd at 11129, 129, ¶45.

Accordingly, the application of Educational Media Foundation for a construction permit for a new noncommercial educational FM station in Hereford, Texas (File No. BPED-19990602MU) and its request for waiver of 47 C.F.R. Section 73.1125 ARE GRANTED.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter H. Doyle", with a small flourish or mark below it.

Peter H. Doyle, Chief  
Audio Division  
Media Bureau