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Request for Waiver of 73.1125

Educational Media Foundation ("EMF") respectfully requests a waiver of Section 73.1125 of the Commission's rules ("main studio rule") to permit the location of the main studio of Channel 208C0, Rigby, Idaho ("the proposed station"), at the main studio of EMF's co-owned station KLVR (NCE-FM) in Santa Rosa, California. The proposed studio location is approximately 957 kilometers (595 miles) outside of the 3.16mV/m contour of the proposed station.

EMF proposes to operate the proposed station as a "satellite" station of KLVR. The proposed station will be part of a network of radio broadcast stations operated by EMF known as the "K-LOVE Radio Network." EMF is a non-profit corporation and each network station operates non-commercially and broadcasts the noncommercial educational programming of KLVR, Channel 220B, Santa Rosa, California, another noncommercial educational station owned by EMF. By co-locating the proposed station's main studio at KLVR's main studio in Santa Rosa, EMF will realize valuable economies of scale and cost savings, which are needed to maintain the high quality of K-LOVE's noncommercial educational programming. As a listener-supported station, the proposed station will face severe financial constraints. The obligation to maintain separate staffing and studio locations for both the proposed station and KLVR will place a serious financial burden on EMF and divert what limited resources are available from K-LOVE's programming efforts.

To ensure that the proposed station fulfills its local service obligations to the residents of Rigby, EMF will maintain an auxiliary studio within the proposed station's city grade contour capable of originating local programming that is responsive to local community needs. EMF will also engage the services of a local Rigby public affairs representative to work with an EMF Regional Manager to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems, and needs of Rigby listeners, which will be covered in K-LOVE's news and public affairs programming. EMF's local representative will further serve as a liaison between the residents of Rigby and EMF's programming personnel. Finally, EMF will maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and maintain a public inspection file as required by the Commission's rules.

Under the main studio rule, a broadcast station must maintain its main studio at one of the locations specified in the rule except when "good cause" exists for locating the main studio at an alternate location. The Commission traditionally considers waiver requests by noncommercial educational stations on a case-by-case basis. See Main Studio and Program Origination Rules, 3 FCC Rcd 5024 (1988) ; see also 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, 15695 n.18 (1998). In the context of noncommercial waiver requests, the Commission has expressly and implicitly found "good cause" to exist in numerous instances based solely upon a

showing that centralized operations will provide an economic benefit to noncommercial 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 Ministries, Inc., 3 FCC Rcd 5571 (1988); Georgia State Board of Education, 70 F.C.C. 2d 948 (1979), recon. denied, 71 F.C.C. 2d 227 (1979); Nebraska Educational Television Comm'n, 4 R.R. 2d 771 (1965).

EMF respectfully submits that the instant request presents substantially the same showing of good cause and public interest benefits as each of these waivers noted above. In each case, the Commission staff determined that the waivers were justified on the basis of the limited funding available to the stations and the increased efficiencies resulting from co-location of studios. Like these other waiver applicants, EMF will also experience financial difficulties in maintaining separate staffing and separate facilities for its "parent" and "satellite" stations. EMF 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, EMF 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 the proposed station's main studio with KLVR's main studio, and authorize EMF to locate the proposed station's main studio outside the city grade community and contour of the station and more than 25 miles from the reference coordinates of the center of Rigby.