

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

**SANTA MONICA COMMUNITY
COLLEGE DISTRICT**

Permittee for Radio Station KCRY-FM
Indio, California

Permit File No.
BPED-900328ME

Petition for Waiver of Local Studio Requirement
Pursuant to Section 73.1125 (a)(4) of the Commission's Rules

The Santa Monica Community College District ("Permittee"),
permittee of a construction permit for educational noncommercial station
KCRY-FM, operating at 89.3 MHz, Indio, California, hereby respectfully
petitions the Commission, pursuant to Section 73.1125 (a)(4) of the
Commission's Rules, 47 CFR §73.1125(a)(4) (1991), to waive the
requirement to locate the main studio within the station's principal
community contour. In support of this request, Permittee submits the
following good cause.

(89.3)

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Under Section 73.1125 of its Rules, the Commission requires a
station to maintain a local studio within its principal community contour,
with certain exceptions. Subsection (a)(4) specifies as one such exception,
situations where "good cause exists for locating the main studio outside the
station's principal community contour and that to do so would be consistent
with the operation of the station in the public interest."

As indicated in its Application for Construction Permit, Permittee intends to operate KCRY-FM primarily with the programming of Radio Station KCRW-FM, Santa Monica, California. As a non-commercial educational FM station serving much of the Southern California region, Permittee intends to provide "educational and cultural activities that contribute to the well-being of the entire community." This will include regular public broadcasting network fare, original radio drama, cultural programming, and other highly regarded locally-originated programming, much of which will address the needs and interests of the new station's listeners. That unique eclectic mix of programming offered over Radio Station KCRW-FM, Santa Monica will be supplemented on KCRY-FM, Indio, with programming of specific interest to the people of the Indio area, as determined from time to time by the station's ascertainment of Indio's needs and interests. As a result, the needs and interests of the Indio service area will be adequately covered by KCRY without a main studio in the principal contour area.

As an educational non-commercial station, however, Permittee is financially dependent primarily on listener contributions and other charitable grants to the station. With rising costs in a period of economic difficulty in this country, Permittee now finds itself unable to justify operating a separate studio within the KCRY principal community contour. In the event that the Station is able to present special broadcasts of Indio City Council meetings, they will be aired live and direct from the Council chambers, not from a separate local studio. Other local broadcasts can be created at Permittee's considerable studio facilities in Santa Monica, approximately two hours from the principal community contour. By

operating these facilities, Permittee is able to offer better cultural and educational fare to the service area in the public interest than would be the case if Permittee's resources were depleted in order to operate a separate studio in Indio.

Permittee will maintain its presence in the principal contour area consistent with Commission rules. It has arranged to maintain its public file in the Indio Public Library, and will comply with FCC rules relating to tollfree telephone service. Specifically,

- Permittee will install a toll-free telephone line from Indio to the KCRW-FM studio in Santa Monica.

- Permittee will conduct regular interviews, usually on a quarterly basis, in person or by telephone, with Indio leaders and residents and maintain the results of those interviews in the KCRY-FM public inspection file in accordance with 47 C.F. R. 73.3527(a)(7). And,

- Permittee will provide programming of specific interest of the people of Indio on a periodic basis throughout the license term.

As the Commission has recognized in *Amendment of Section 73.1125 and 73.1130 of the Commission's Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, 3 FCC Rcd. 5024, 5027 (1988) ("*Main Studio*"), the Commission has traditionally granted local studio waivers to non-commercial educational FM radio stations on a case-by-case basis. These waivers have been based

on limited financial resources to operate a regional network of stations or satellite stations, where the local community would still be served. *See. e.g., Nebraska Educational Television Commission*, 4 P&F Radio Reg. 2d 771 (1965), cited at *Main Studio, supra*, at n. 37; *Sound of Life, Inc.*, 4 FCC Rcd. 8273 (1989). The instant petition fits well within those precedents, as Station KCRW has become a regional station for public radio in Southern California, and would serve the specific needs and interests of the Indio audience. Indeed, the Commission recently granted a similar request for Station KCRU-FM, Oxnard, California by letter dated April 23, 1993. The conditions set forth in that letter are acceptable to the Station in this case as well, as indicated by the representations above.

Request for Expedition. As a near identical request was filed by the same party last year, and granted on April 23, 1993, and in view of the desire to go on the air in the next one to two months, we urgently request expedition of this request.

WHEREFORE, Permittee respectfully submits that good cause has been shown in accordance with the "exception" contained in Section 73.1125 (a)(4) of the Commission's Rules for locating the main studio outside the Permittee's principal community contour, namely at the local studio facilities in Santa Monica. Permittee therefore respectfully requests a Commission finding that such good cause exists, and a ruling that the local studio for KCRY-FM may be located outside the principal community contour.

Respectfully submitted,

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