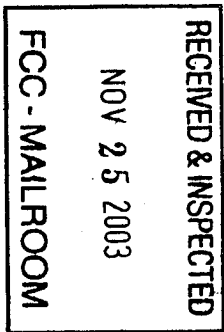


Mike Wagner 2B-450

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554  
November 20, 2003

IN REPLY REFER TO:  
1800B3-ARE

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



In Re: NEW(FM), Gypsum, Colorado  
Facility ID No. 90501  
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 September 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 a new Gypsum, Colorado facility 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) with 25 miles of the center of its community of license.<sup>2</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 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>

<sup>1</sup> The Gypsum, Colorado construction permit (BPED-19980417MC) was issued by the staff on March 28, 2003. The staff approved EMF's acquisition of the new noncommercial educational ("NCE") FM station in Gypsum, Colorado from Colorado Christian University (File No. BAPED-20030820ADQ) on October 2, 2003.

<sup>2</sup> See *Report and Order, 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*").


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

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

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 Gypsum facility as a satellite station of KLVR(FM), Santa Rosa, California, approximately 850 miles from Gypsum, Colorado. 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 states that it will: (1) maintain an auxiliary studio, capable of originating local programming, within the geographical parameters set forth in Section 73.1125; (2) engage the services of a local Gypsum public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems, and needs of Gypsum listeners, which will be covered in EMF's news and public affairs programming; (3) have a local representative, who may be a volunteer, available in the community of Gypsum; (4) have a local representative who will work with EMF's Regional Manager and will, at least on a quarterly basis, conduct interviews and surveys in an effort to ascertain the interests, concerns, and needs of the Gypsum listeners; (5) have a local representative who will further serve as liaison between the residents of Gypsum and EMF's programming personnel; and (6) maintain a toll-free telephone number, 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 public inspection file for the Gypsum 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>5</sup> We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for the Gypsum, Colorado station must contain the quarterly issues and programs list for Gypsum, Colorado facility as required by 47 C.F.R. § 73.3527 (e)(8).

Accordingly, the request made by Educational Media Foundation for a waiver of 47 C.F.R. § 73.1125 IS 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.

Sincerely,  
  
Peter H. Doyle, Chief  
Audio Division  
Media Bureau

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