

24523

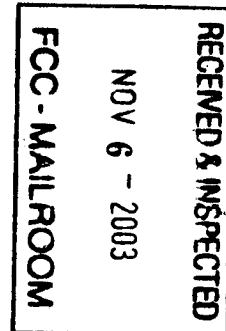
**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

**IN REPLY REFER TO:  
1800B3-MH**

**NOV 5 2003**

Jeffrey D. Southmayd, Esquire  
1850 M Street, N.W.  
Suite 240  
Washington, D.C. 20036

In Re: KHCH(FM), Jefferson, Texas  
Facility ID. No. 83429  
Houston Christian Broadcasters, Inc.



Application for Minor Modification of Construction  
Permit  
File No. BMPED-20030714AEH

Request for Waiver of 47 C.F.R. § 73.1125  
(Main Studio Rule)

Dear Mr. Southmayd:

The letter refers to: (1) the captioned application (BMPED-20030714ABG) of Houston Christian Broadcasters, Inc. ("HCBI"), permittee of noncommercial educational ("NCE") FM station KHCH(FM), Jefferson, Texas, proposing to modify its construction permit to change its transmitter site; the effective radiated power and increase the height above average terrain<sup>1</sup> and (2) a request for waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, to permit KHCH(FM) to operate as a "satellite" of station KHCB-FM, Houston, Texas. For the reasons set forth below, we will waive Section 73.1125 and grant HCBI's application.<sup>2</sup>

Main Studio Waiver. Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (2) within the 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

<sup>1</sup> HCBI supplemented its waiver request on October 21, 2003 and October 29, 2003.

<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.

<sup>3</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").

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>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>

HCBI’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. HCBI proposes to operate KHCJ(FM), Jefferson, Texas, as a satellite station of KCHB-FM, Houston, Texas, approximately 239 miles from Jefferson. Where there is great distance between the parent and the 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, HCBI has pledged to: (1) establish a citizen’s advisory board, made up of residents of the community of Jefferson which will meet quarterly on conference calls with a management employee of KHCB-FM to discuss the local issues of public concern facing the community; (2) retain a local HBCI representative in Jefferson, Texas to supplement its Board’s ascertainment efforts; (3) have at least one in-person meeting each year, which will be open to members of the public to attend and participate in discussions. Such meetings will be the subject of numerous announcements on the station for at least one week prior to the meetings and will disclose the time and location of meetings; (4) include news insertions in its local broadcasts on KHCB-FM to include segments regarding events in Bloomington; (5) periodically broadcast public affairs programming responsive to the local issues of public concern ascertained by HCBI in connection with its local information gathering efforts; and (6) to establish a toll-free telephone number for the use of the residents in the community and maintain a public inspection file at a location in Jefferson.

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

Minor modification application. We also have reviewed application (BPED-20030714AEH) to change its transmitter, effective radiated power and height above average terrain for KHCJ(FM), Jefferson, Texas. We find that the KHCJ(FM) modification application meets all pertinent technical requirements and that grant of the application would further the public interest, convenience, and necessity.

Accordingly, the application (File No. BMPED-20030714AEH) of Houston Christian Broadcasters, Inc. to modify facilities of KHCJ (FM), Jefferson, Texas to change its transmitter

---

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> See *Reconsideration Order*, 14 FCC Rcd at 11129 ¶ 45.

site, effective radiated power and height above average terrain, as well as its request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The authorization is enclosed.

Sincerely,



Mr. Peter H. Doyle, Chief

Audio Division  
Media Bureau