

2-3450 Michael Wagner

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

MAR 18 2003

IN REPLY REFER TO:
1800B3-RAB

Margaret L. Miller, Esquire
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N. W.
Suite 800
Washington, D. C. 20036-6802

RECEIVED & INSPECTED
MAR 21 2003
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In Re: **KMWS(FM), Mount Vernon, WA**
Washington State University
Facility ID No. 60531
Application for Assignment of License
BALED-20030117AAL

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

Dear Ms. Miller:

The staff has under consideration the captioned application for assignment of license of station KMWS(FM), Mount Vernon, Washington, from Skagit Valley College to Washington State University ("WSU"). WSU has requested a waiver of the Commission's Main Studio Rule, Section 73.1125, in order to operate station KMWS(FM) as a "satellite" of commonly owned noncommercial educational ("NCE") station KWSU(AM), Pullman, Washington.¹ For the reasons set forth below, we will waive Section 73.1125 and grant WSU's application.

Main Studio Waiver. Pursuant to Section 73.1125(a), a broadcast station's 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

¹ 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 RR2d 1554, 1562 (1964).

(3) within 25 miles of the center of its community of license.² 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.³ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 “public interest” standard.⁴

WSU’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.

WSU proposes to operate KMWS(FM), Mount Vernon, Washington, as a satellite station of KWSU(AM), Pullman, Washington, approximately 339 miles from Mount Vernon. Where there is a great distance between the parent and satellite station, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community’s needs and interests. To that end, WSU has pledged to: (1) provide Mount Vernon residents with access to Northwest Public Radio (“NPR”) news programming, as well as other cultural, educational and entertainment programming; (2) provide local news, regional news, and public affairs features covering events of importance to listeners in Mount Vernon and Washington state; (3) provide programming more responsive to the problems, needs and interests to the Mount Vernon community, based on its ascertainment methods; (4) appoint a resident of Mount Vernon to its NPR Development Cabinet to address local and regional issues; (5) maintain an extensive internet web site which allows listeners easy access to station and network information schedules, while enabling local residents to comment on programming and make suggestions to station personnel by e-mail, regular mail and facsimile; and (6) maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules.

In these circumstances, we are persuaded that WSU will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind WSU, however, of the requirement that it maintain a public file for the Mount Vernon station at the main studio of the “parent” station, KWSU(AM), Pullman, Washington. It must also make reasonable accommodation for listeners wishing to examine the file’s contents.⁵ We further remind WSU that, notwithstanding the grant of the waiver requested here, the public file for KMWS(FM) must contain the

² 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*”).

³ *Id*

⁴ *Id*

⁵ See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

quarterly issues and programs list for Mount Vernon, Washington, required by 47 C.F.R. Section 73.3527(e)(8).

Assignment application. We have examined the application and find that it comports with all statutory and regulatory requirements, that WSU is qualified to operate KMWS(FM), and that routine approval of the application would further the public interest, convenience and necessity.

Accordingly, the application to assign the license of station KMWS(FM), Mount Vernon, Washington, from Skagit Valley College to Washington State University and the associated request for waiver of 47 C.F.R. Section 73.1125 ARE HEREBY GRANTED.

Sincerely,



for
Peter H. Doyle, Chief
Audio Division
Media Bureau

Enclosure