

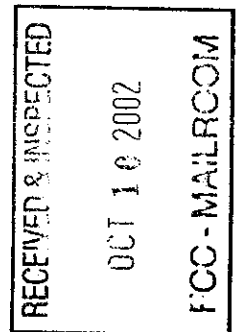
M. Wagner
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

OCT 09 2002

IN REPLY REFER TO:
1800B3-RAB

Patrick J. Vaughn, General Counsel
American Family Association
P. O. Drawer 2440
Tupelo, MS 38803



In Re: KBMH(FM), Holbrook, AZ
American Family Association
Facility ID No. 90452

License to Cover
File No. BLED-20020207AAD

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

Dear Mr. Vaughn:

The staff has under consideration: (1) the captioned application of American Family Association ("AFA") for license to cover the modification authorization of station KBMH(FM), Holbrook, Arizona; and (2) a June 25, 2001 request for a waiver of the Commission's Main Studio Rule, Section 73.1125,¹ in order to operate station KBMH(FM) as a "satellite" of commonly owned noncommercial educational ("NCE") station KBIE(FM), Fountain Hills, Arizona.² For the reasons set forth below, we will waive Section 73.1125 and grant AFA'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 AFA supplemented the waiver request on September 23, 2002.

² 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.³ 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.⁴ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁵

AFA'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.

AFA proposes to operate KBMH(FM), Holbrook, Arizona as a satellite station of KBIE(FM), Fountain Hills, Arizona, approximately 122 miles from Holbrook.⁶ 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, AFA: (1) has pledged to add to its Community Advisory Board at least one resident of Holbrook who will be asked to provide recommendations on community needs and programming directly to the management of AFA; (2) will, during each regular "Shareathon" (pledge drives normally held every six months) solicit listeners' opinions regarding community issues that should be addressed during program planning. AFA will track the listener response by community and factor those responses in its planning of the program schedule and the issues to be addressed; (3) will provide periodic local programming for Holbrook, including coverage of significant local news or cultural events; (4) will provide for the broadcast of local public service announcements; and (5) will maintain its public file within the Holbrook community and maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules.

In these circumstances, we are persuaded that AFA will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind AFA, however, of the requirement that it maintain a public file for the Holbrook, Arizona station at the main studio of the "parent" station, KBIE(FM), Fountain Hills, Arizona. It must also make reasonable accommodation for listeners

³ 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").

⁴ *Id*

⁵ *Id*

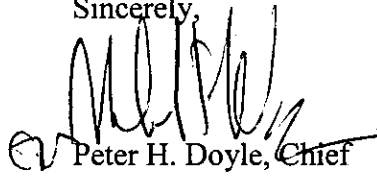
⁶ AFA states that, when it originally filed for this Holbrook frequency, the New Life Center in Joseph City, Arizona had signed a sponsorship agreement with AFA and would provide studio space in its building. However, that organization subsequently "lost interest in hosting the station," and thus AFA needed to seek a new studio site. It then decided to apply for the instant waiver.

wishing to examine the file's contents.⁷ We further remind AFA that, notwithstanding the grant of the waiver requested here, the public file for KBMH(FM) must contain the quarterly issues and programs list for Holbrook, Arizona required by 47 C.F.R. Section 73.3527(e)(8).

License to cover Construction Permit. We have reviewed the license application (BLED-20020207AAD) to cover the modification of the existing facility for KBMH(FM). We find that the application meets all pertinent technical requirements, that the facilities were constructed in accordance with the Commission authorization, and that the grant of the license application would further the public interest, convenience and necessity.

Accordingly, the license application (File No. BLED-20020207AAD) of American Family Association to cover the modification of facilities for station KBMH(FM), Holbrook, Arizona, as well as its request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The authorization is enclosed.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

Enclosure

⁷ See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.