

M. Wagner
2-A523

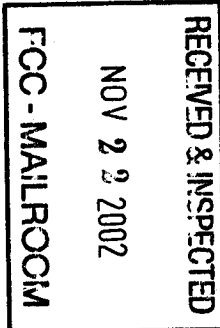
**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
November 21, 2002**

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

Donald E. Wildmon, President
American Family Association
P.O. Drawer 3206
107 Parkgate
Tupelo, Mississippi 38803

**In Re: KBNV(FM), FAYETTEVILLE, AR
Facility ID No. 82694
American Family Association**

Request for Waiver of 47 C.F.R. § 73.1125



Dear Mr. Wildmon:

The staff has under consideration the above-referenced December 7, 1999, request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by American Family Association ("AFA").¹ AFA seeks a waiver of Section 73.1125 in order to operate KBNV(FM), Fayetteville, Arkansas, as a "satellite" of its noncommercial educational ("NCE") FM station, KANX(FM), Sheridan, Arkansas.² For the reasons set forth below, we will grant AFA's request and waive Section 73.1125.³

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 principal community contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community of license.⁴ 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

AFA supplemented its waiver request on July 3, 2002, October 30, 2002 and November 4, 2002.

² In your request dated November 4, 2002, you stated that AFA is currently broadcasting from facilities in Fayetteville with volunteers from Immanuel Baptist Church. However, the church has informed AFA that they will no longer be able to assure AFA that a meaningful presence can be maintained.

³ 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*, 3 RR2d 1554, 1562 (1964).


⁴ 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 15, 691 (1998); recon. granted in part, 14 FCC Rcd 11, 113 (1999) ("Reconsideration Order").

main studio location requirement where satellite operations are proposed.⁵ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 “public interest” standard.⁶

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 KBNV(FM), Fayetteville, Arkansas as a satellite station of KANX(FM), Sheridan, Arkansas, approximately 221 miles from Fayetteville. Where there is great distance between the parent and the satellite station, 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, AFA: (1) has pledged to add to its Community Advisory Board at least one resident of Fayetteville who will be asked to provide recommendations on community needs and programming directly to the management of AFA; (2) will, during each “Shareathon” pledge drive held every six months, solicit listeners’ opinion regarding community issues that should be addressed during program planning; (3) will provide periodic local programming for Fayetteville, including coverage of significant local news or cultural events; and (4) will 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 within the Fayetteville community.

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 KBNV(FM) station at the main studio of the “parent” station, KANX(FM) and make reasonable accommodation to listeners 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 KBNV(FM) must contain the quarterly issues and programs list required by 47 C.F.R. § 73.3527 (e)(8). With these caveats underscoring AFA’s obligations to the residents of Fayetteville, its request for waiver of 47 C.F.R. § 73.1125 will be granted.

Accordingly, the request made by American Family Association for a waiver of 47 C.F.R. § 73.1125 IS GRANTED.

Sincerely,

Peter H. Doyle, Chief
Audio Division
Media Bureau

Id.

⁶ *Id.*

⁷ See *Reconsideration Order*, 14 FCC Rcd at 11, 129 ¶ 45.