

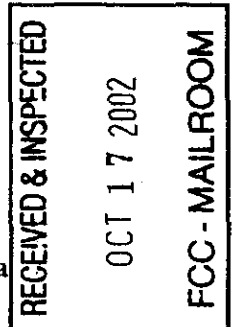
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
October 16, 2002

IN REPLY REFER TO:
1800B3-EB

Amy L. Van de Kerckhove, Esq.
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In Re: KKRI(FM), Pocola, Oklahoma
Educational Media Foundation
Facility ID No. 88401



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

Dear Counsel:

The staff has under consideration the above-referenced October 30, 2001 request for a waiver of the Commission's main studio requirement, 47 C.F. R. Section 73.1125, filed by Educational Media Foundation ("EMF"). EMF is the licensee of the noncommercial educational ("NCE") FM station in Pocola, Oklahoma. EMF seeks a waiver of Section 73.1125 in order to operate KKRI(FM) as a "satellite" station of its non commercial educational FM station KLRD(FM), Yucaipa, California.¹ For the reasons set forth below, we will waive Section 73.1125 and grant EMF's request.

Pursuant to Section 73.1125(a), a 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 (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 operation 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

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).

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.*

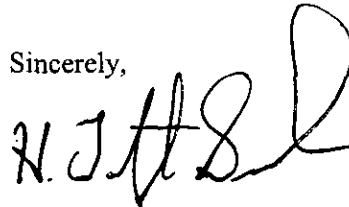
⁴ *Id.*

EMF's request is based on the economies of scale which would be realized by grant of its waiver, *e.g.*, avoiding the cost of equipping, staffing, and operating a studio in the Pocola area. We agree and conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. As noted above, EMF proposes to operate the Pocola station as a satellite of KLRD(FM), Yucaipa, California, approximately 1,281 miles from Pocola, Oklahoma. Where there is considerable distance between the parent and the satellite station, 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 has pledged to meet its local service obligations by: (1) maintaining an auxiliary studio at a location that complies with Section 73.1125 and that is capable of originating programming to meet local community needs; (2) employing a local representative, who will work with EMF's regional managers and will conduct, on a quarterly basis, interviews, surveys and other samplings of public opinion, in order to ascertain the interests and needs of the proposed service area in its news and public affairs programming; (3) maintaining a toll-free number from Pocola to the KLRD(FM) studio in Yucaipa; and (4) maintaining a public inspection file for the station within Pocola.

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 a public file for the Pocola, Oklahoma station at the main studio of the "parent" station, KLRD(FM) Yucaipa, California. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind EMF that, notwithstanding the grant of waiver requested here, the public file for KKRI(FM) must contain the quarterly issues and programs list for Pocola, Oklahoma as required by C.F.R. Section 73.3527(e)(8).

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

Sincerely,

A handwritten signature in black ink, appearing to read "H. Taft Snowdon", written over a horizontal line.

H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau

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