

M. Wagner
2-B450

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

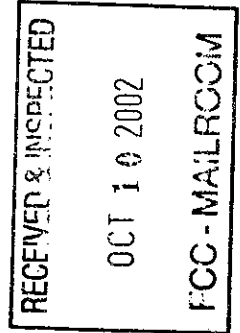
OCT 09 2002

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

Gary S. Smithwick, Esquire
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, NW
Suite 301
Washington, DC 20016-4118

In re: KYFO(AM), Ogden, Utah
Facility ID No. 5175
Bible Broadcasting Networks, Inc.

File No. BML-20020710ABK
To Convert to Noncommercial
Educational Status and Waiver of
Main Studio Rule
(Section 73.1125)



Dear Mr. Smithwick:

This staff has under consideration: (1) the captioned application of Bible Broadcasting Network, Inc. ("BBN") to modify the license of KYFO(AM), Ogden, Utah to specify noncommercial educational status, and (2) BBN's request for a waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125. BBN seeks a waiver of Section 73.1125 in order to operate as a satellite of its commonly owned noncommercial educational ("NCE") station WYFQ(AM), Charlotte, North Carolina.¹ For the reasons set forth below, we will grant BBN's waiver request and its modification of license application.

Conversion to NCE status. Pursuant to *Amendments of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit*,² BBN may apply to convert KYFO(AM) commercial authorization to noncommercial educational AM status. It may do so by filing a modification of license application and a demonstration that it is qualified educational organization pursuant to Section 73.503(a) of the Commission's Rules and that the station will be

¹ A "satellite" 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 12 FCC Rcd 12371 (1997).

used to advance BBN's educational program.³ We will accept this instant showing. An examination of the instant proposal reveals that BBN is qualified to operate KYFO(AM) as a noncommercial educational facility and that the grant thereof would serve the public interest, convenience and necessity. We will therefore convert KYFO(AM) to noncommercial educational AM status.

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

BBN states that, while KYFO has full production capability it is struggling to meet the financial burden of operating KYFO as a fully staffed and independently programmed station. BBN's request is thus 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. BBN proposes to operate KYFO(AM), Ogden, Utah as a satellite of station WYFQ(AM), Charlotte, North Carolina, approximately 1744 miles from Ogden. Where there is a great distance between parent and 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, the staff of BBN has pledged: (1) to have a Community Advisory Board ("CAB") with at least one member from Ogden; (2) to utilize CAB member to ascertain the needs of KYFO's listening audience on a quarterly basis; (3) to originate programming and public service announcements from KYFO designed to meet the ascertained needs and interests of Ogden; and (4) to maintain a toll free telephone number between Ogden and WYFQ(AM) main studio in Charlotte, North Carolina.

³ See Section 73.1690(c)(9).

⁴ 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").

⁵ *Id.*


⁶ *Id.*

In these circumstances, we are persuaded that BBN will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind BBN, however, of the requirement that it maintain a public file for KYFO(AM) at the main studio of the "parent" station, WYFQ(AM). It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁷ We further remind BBN that, notwithstanding the grant of waiver requested here, the public file KYFO(AM) must contain the quarterly issues and programs list, as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, the application (BML-2002A0710ABK) request to modify facilities of station KYFO(AM), Ogden, Utah to specify noncommercial educational operation, and its request for waiver of 47 C.F.R. Section 73.1125, IS HEREBY GRANTED, and the station's authorization IS HEREBY RECLASSIFIED as a noncommercial AM request for waiver of 47 C.F.R. Section 73.1125 filed by Bible Broadcasting Network, Inc. IS HEREBY GRANTED.

Sincerely,



 Peter H. Doyle, Chief
Audio Division
Media Bureau

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