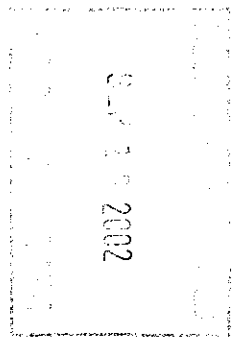


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M. Wagner

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

AUG 15 2002

IN REPLY REFER TO:
1800B3-RAB



David Oxenford, Esquire
ShawPittman, LLP
2300 N Street, N. W.
Washington, D. C. 20037-1128

In Re: WTBZ-FM, Grafton, WV
Facility ID No. 64662
Educational Media Foundation

File No. BMLED-20020521AAC
To Convert to Noncommercial Educational Status
and Waiver of Main Studio Rule
(Section 73.1125)

Dear Mr. Oxenford:

The staff has under consideration the application of Educational Media Foundation ("EMF") to modify the license of station WTBZ-FM, Grafton, West Virginia, proposing to: (1) reclassify WTBZ-FM from commercial to noncommercial educational status pursuant to Section 73.1690(c)(9); and (2) waive the Commission's Main Studio Rule, 47 C.F.R. § 73.1125, to permit WTBZ-FM to operate as a satellite of station KLVR(FM), Santa Rosa, California.¹ For the reasons set forth below, we will grant both EMF's waiver request and its application.

Conversion to NCE-FM 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*, 12 FCC Rcd 12,371 (1997), EMF may apply to convert WTBZ-FM commercial authorization to noncommercial educational FM status. It may do so by filing a license application and a demonstration that it is a qualified educational organization pursuant to Section 73.503(a) and that the station will be used to advance EMF's educational program. See Section 73.1690(c)(9). We will accept this instant showing. An examination of the instant proposal reveals that EMF is qualified to operate

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).

WTBZ-FM as a noncommercial educational facility and that grant thereof would serve the public interest, convenience and necessity. We will therefore convert WTBZ-FM to noncommercial educational FM status below.

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 contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community. 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"*). 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. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

EMF'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. § 73.1125(a)(4) under these circumstances.


EMF proposes to operate WTBZ-FM, Grafton, West Virginia as a satellite of station KLVR(FM), Santa Rosa, California, approximately 3,651 kilometers from Grafton, West Virginia. Where there is a great distance between the parent and 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, EMF has pledged: (1) to maintain an auxiliary studio at a location that complies with Section 73.1125 and that is capable of originating local programming that is responsive to local community needs; (2) that it will engage the services of a local Grafton public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of the Grafton listeners, which will be covered in EMF's news and public affairs programming and broadcast over WTBZ-FM; (3) that its local representatives will further serve as a liaison between residents of Grafton and EMF's programming personnel; and (4) to maintain a toll-free telephone number for the use of the residents in the community and maintain a public inspection file for the station within the Grafton community.

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 Grafton station at the main studio of the "parent" station, KLVR(FM), Santa Rosa, California. It must also make reasonable accommodation for listeners wishing to examine the file's contents. See *Reconsideration Order*, 14 FCC Rcd 11,113, 11,129 at ¶45. We further remind EMF that, notwithstanding the grant of the waiver requested

here, the public file for WTBZ-FM must contain the quarterly issues and programs list for Grafton, West Virginia required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application (BMLED-20020521AAC) request to modify facilities of station WTBZ-FM, Grafton, West Virginia to specify noncommercial educational operation, and its request for waiver of 47 C.F.R. § 73.1125, ARE HEREBY GRANTED, and the station's authorization IS HEREBY RECLASSIFIED as a noncommercial educational FM station. The authorization is enclosed.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau