

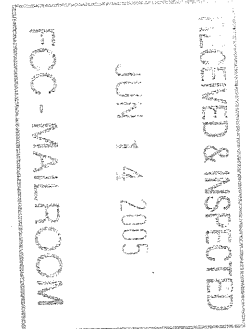
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

IN REPLY REFER TO:
1800B3-ALM

June 10, 2005

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Suite 800
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In re: **KTPH (FM), Tonopah, Nevada**
Nevada Public Radio
Facility ID No. 48350

Request For Waiver Of The
Commission's Main Studio
Rule (Section 73.1125)

Dear Counsel:

The staff has under consideration Nevada Public Radio's ("NPR") request for a waiver¹ of the Commission's main studio requirement, *see* 47 C.F.R. Section 73.1125, in order operate noncommercial educational ("NCE") radio station KTPH(FM), Tonopah, Nevada as satellite station of its NCE station, KNPR(FM), Las Vegas, Nevada.² For the reasons set forth below, we shall grant NPR's request for a 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.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

¹ Supplements to the waiver request were submitted on March 24, 2005, May 12, 2005, and June 9, 2005.

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 *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 11113 (1999) ("Reconsideration Order").

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

NPR's request is based on the economies of scale that 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) in these circumstances.

NPR proposes to operate KTPH(FM), Tonopah, Nevada, as a satellite of KNPR(FM), Las Vegas, Nevada, approximately 170 miles from Tonopah. Where there is a great distance between the 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, NPR has pledged to: (1) ascertain the needs and issues of Tonopah through contact with local civic leaders; (2) periodically send staff members to Tonopah to speak with local residents; (3) cultivate relationships with local schools in Tonopah; (4) maintain a site on the world wide web which enables listeners to contact NPR, comment on programming, and obtain extensive information about NPR's radio network schedules, programs, and events, as well as access to an electronic newsletter which provides periodic update on station events, program changes, and special broadcasts; and (5) maintain a toll free telephone number between Tonopah and the KNPR(FM) main studio.

In these circumstances, we are persuaded that NPR will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind NPR, however, of the requirement that it maintain a public file for KTPH(FM), Tonopah, Nevada, at the main studio of the "parent" station, KNPR(FM), Las Vegas, Nevada. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁶ We further remind NPR that, notwithstanding the grant of the waiver requested here, the public file for KTPH(FM) must contain the quarterly issues and programs list for Tonopah, Nevada, as required by 47 C.F.R. Section 73.3527(e)(8).

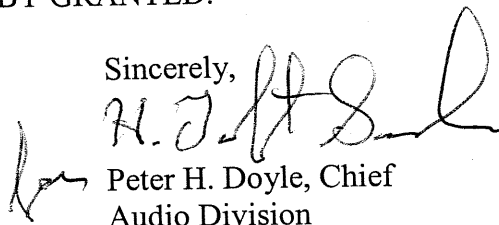
⁴*Id.*

⁵*Id.*

⁶*See Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45.

Accordingly, the request for a waiver of Section 73.1125 filed by Nevada Public for KTPH(FM), Tonopah, Nevada IS HEREBY GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "P. H. Doyle", written over the word "Sincerely,".

Peter H. Doyle, Chief
Audio Division
Media Bureau