

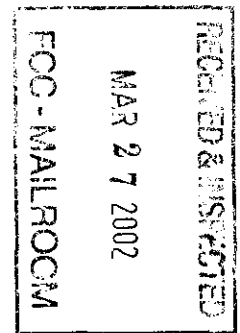
2-6450
M. Wayne

FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.
WASHINGTON, DC 20554

MAR 27 2002

In Reply Refer to:
1800B3-MFW



Amy L. Van de Kerckhove, Esq.
ShawPittman
2300 N Street, N.W.
Washington, D.C. 20037-1128

In re: **KTWY(FM), Walla Walla, WA**
Facility ID No. 12512
Educational Media Foundation

File No. BMLED-20020130ABT
Application to Convert to Noncommercial
Educational Status, and Waive 47
C.F.R. § 73.1125

Dear Ms. Van de Kerckhove:

This letter refers to the captioned application of Educational Media Foundation, ("EMF"), approved assignee of station KTWY(FM), Walla Walla, Washington,¹ proposing to: (1) reclassify KTWY(FM) from commercial to noncommercial educational status pursuant to 47 C.F.R. § 73.1690(c)(9); and (2) waive the Commission's Main Studio Rule, 47 C.F.R. § 73.1125, to permit KTWY(FM) to operate as a "satellite" of station KLVR(FM), Santa Rosa, California.² On March 26, 2002, EMF filed a request for expedited processing of the main studio waiver request. Given our action herein, that request will be dismissed as moot.

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 the KTWY(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 47 C.F.R. § 73.503(a) and that the station will be used to advance EMF's educational program. See 47 C.F.R. § 73.1690(c)(9). An examination of the instant proposal reveals that EMF is qualified to operate KTWY(FM) as a noncommercial educational facility and that grant thereof would serve the public interest, convenience, and necessity. We will therefor convert

¹ See Application No. BALH-20020123AAC, granted on March 8, 2001.

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*, 3 RR 2d 1554, 1562 (1964).

KTWY(FM) to noncommercial educational FM status below, effective upon notification of consummation of the assignment application.

Main studio waiver. Pursuant to Section 73.1125, a station's 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. See Report and Order, Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast 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 this requirement 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 has found that "good cause" exists to waive the main studio location requirement where satellite operations are proposed. *Id.* In order to receive a satellite main studio waiver, an applicant must 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, *i.e.*, avoiding the cost of equipping, operating, and staffing a main studio in the Walla Walla, Washington area. We conclude that EMF has demonstrated "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. As noted above, EMF proposes to operate KTWY(FM) as a satellite of co-owned station KLVR(FM), Santa Rosa, California. Walla Walla is approximately 538 miles from Santa Rosa. Where there is a considerable distance between parent and satellite, and where the parent and satellites stations are in different states, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests and respond to them in its programming. 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 responsive to local community needs; (2) to engage the services of a local Walla Walla public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems, and needs of Walla Walla listeners, which will be covered in EMF's news and public affairs programming and broadcast over KTWY(FM); (3) that its local representative will further serve as a liaison between residents of Walla Walla and EMF's programming personnel; and (4) to maintain a toll-free telephone number for the use of residents in the community and to maintain a public inspection file for the station in Walla Walla.

In these circumstances, we are persuaded that EMF will meet its local service obligations 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 KTWY(FM) at the main studio of the "parent" station, KLVR(FM), Santa Rosa, North Carolina. It must also make reasonable accommodation for listeners wishing to examine the file's contents. See *Reconsideration Order*, 14 FCC Rcd at 11,129 ¶ 45. We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for KTWY(FM) must

contain the quarterly issues and programs list for Walla Walla, North Carolina, required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application (File No. BMLED-20020130ABT) to modify the facilities of station KTWY(AM), Walla Walla, North Carolina and to specify noncommercial educational operation, as well as its request for waiver of 47 C.F.R. § 73.1125, ARE HEREBY GRANTED, and the March 26, 2002 Request for Expedited Consideration IS DISMISSED AS MOOT. These actions will be effective upon notification that the assignment of KTWY(FM) to EMF has been consummated. *See* 47 C.F.R. § 1.102(b). The station will be reclassified as a noncommercial educational FM station and the new NCE-FM authorization will be mailed promptly at that time. In order to facilitate the transmission of the authorization, EMF and counsel are requested to send a copy of the consummation notification to Ms. Druscilla Smalls, Room 2-A140 at the Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter H. Doyle", with a long horizontal flourish extending to the right.

Peter H. Doyle, Chief
Audio Division
Office of Broadcast License Policy
Media Bureau