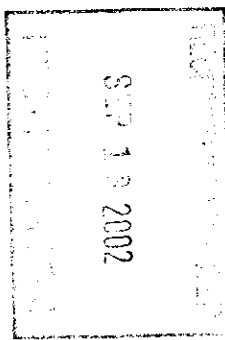


2B450-mw

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
August 14, 2002

IN REPLY REFER TO:
1800B3-EB

Donald E. Wildmon, President
America Family Association
P.O. Drawer 2440
Tupelo, MS 38803



In Re: KAYA(FM), Hubbard, Nebraska
America Family Association
Facility ID No. 81544

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

Dear Mr. Wildmon:

This staff has under consideration the above-referenced August 6, 2002 request for a waiver of the Commission's main studio requirement, 47 C.F. R. § 73.1125, made by American Family Association ("AFA"). AFA is the licensee of the noncommercial educational ("NCE") FM station in Hubbard, Nebraska. AFA seeks a waiver of section 73.1125 in order to operate the KAYA(FM) as a "satellite" station of its non commercial educational FM station WAFR(FM) Tupelo, Mississippi.¹ For the reasons set forth below, we will waive Section 73.1125 and grant AFA's request.

Main Studio Waiver. Pursuant to Section 73.1125(a), a broadcast stations' main studio must be located either (1) within the 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 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 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. *Id.* A satellite station must, however, demonstrate that it will meet its local obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

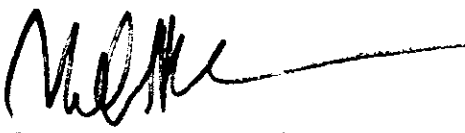
¹ A "satellite" station meets all of the Commission's technical rules. However, it originates no programming and instead rebroadcasts the parent station's programming. *See Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR2d 1554, 1562 (1964). AFA filed the instant waiver request because the KAYA(FM) studio was destroyed by a fire on Friday, August 2, 2002.

AFA'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) under these circumstances. AFA proposes to operate KAYA(FM), Hubbard, Nebraska as a satellite station of WAFR(FM) Tupelo, Mississippi, approximately 705 miles from Hubbard, Nebraska. Where there is great distance between the parent and the satellite station, and where the parent and satellite station are in different states 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, AFA: (1) has pledged to add to its Community Advisory Board at least one resident of Hubbard who will be asked to provide recommendations on community needs and programming directly to the management of AFA; (2) will, during each regular "Shareathon" (pledge drives normally held every six months) solicit listeners' opinions regarding community issues that should be addressed during program planning. AFA will track the listener response by community and factor those responses in its planning of the program schedule and the issues to be addressed; (3) will provide periodic local programming for Hubbard, including coverage of significant local news or cultural events; (4) will provide for the broadcast of local public service announcements; (5) will maintain its public file within the community of license and will maintain a toll-free number, as required by Section 73.1125(d) of the rules; and (6) will maintain a public inspection file for the station within the Hubbard community.

In these circumstances, we are persuaded that AFA will meet its local service obligation and thus that grant of the requested waiver is consistent with the public interest. We remind AFA, however, of the requirement that it maintain a public file for the Hubbard, Nebraska station at the main studio of the "parent" station, WAFR(FM) Tupelo, Mississippi. 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 AFA that, notwithstanding the grant of waiver requested here, the public file for KAYA(FM) must contain the quarterly issues and programs list for Hubbard, Nebraska required by C.F.R. § 73.3527(e)(8).

Accordingly, the request made by American Family Association for waiver of 47 C.F.R. § 73.1125, IS GRANTED.

Sincerely,


for Peter H. Doyle, Chief
Audio Division
Media Bureau