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

MAR 15 2004

**In Reply Refer To:
1800B3-MAT**

Patrick J. Vaughn, Esq.
American Family Association
Post Office Drawer 2440
Tupelo, MS 38803

In Re: **KAYA-FM, Hubbard, NE**
American Family Association
File No. 20020814ACI
Facility ID No. 81544

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Dear Counsel:

The staff has under consideration the above-referenced August 14, 2002 request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, filed by American Family Association ("AFA"). AFA, licensee of noncommercial educational ("NCE") station KAYA-FM, Hubbard, Nebraska, seeks a waiver of the main studio requirement in order to operate KAYA-FM as a satellite¹ of its commonly-owned NCE station WAFR(FM), Tupelo, Mississippi. For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license; (2) within the principal community contour of any other broadcast station licensed to its community; or (3) within 25 miles of the center of the community of license.² 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 a 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.³ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.⁴

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

² 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) ("Main Studio Reconsideration Order").

³ *Id.*

⁴ *Id.*

AFA's request is based on the economies of scale which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. AFA proposes to operate KAYA-FM as a satellite of WAFR(FM), Tupelo, Mississippi, approximately 706 miles from Hubbard, Nebraska. Where there is a great distance between parent and satellite stations and where the parent and satellite stations 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 has pledged to meet its local service obligations by: (1) adding 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) soliciting, during each regular "Shareathon," listeners' opinions regarding community issues that should be addressed during program planning; (3) tracking the listener response by community and factoring those responses in its planning of the program schedule and issues to be addressed; (4) providing periodic local programming for Hubbard including coverage of significant local news or cultural events; (5) providing for the broadcast of local public service announcements and (6) maintaining a toll-free telephone number between Hubbard and Tupelo.

Under these circumstances, we are persuaded that AFA will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind AFA that, notwithstanding its commitment to maintain a public inspection file in Hubbard, it must also maintain a public file for the Hubbard 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.⁵ We further remind AFA that, notwithstanding the grant of the waiver requested here, the public file for the station must contain the quarterly issues and programs list, as required by 47 C.F.R. § 73.3527(e)(8).

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

Sincerely,



Peter H. Doyle, Chief *for*
Audio Division
Media Bureau

⁵ See Main Studio Reconsideration Order, 14 FCC Rcd at 11129.