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In Re: WYXZ(FM), Crestline, Ohio
Educational Media Foundation
Facility ID No. 41880
File No. BMLED-20031110AAY

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

Dear Counsel:

The staff has under consideration the referenced application for a modification of license for WYXZ(FM), a noncommercial educational ("NCE") FM station in Crestline, Ohio, filed by Educational Media Foundation ("EMF"). The application proposes to convert WYXZ(FM) from commercial to noncommercial educational status. In the application, EMF also seeks a waiver of the Commission's main studio requirement, 47 C.F. R. Section 73.1125, in order to operate WYXZ(FM), as a "satellite" station of its noncommercial educational FM station KLVR(FM), Santa Rosa, California.¹ For the reasons set forth below, we will waive Section 73.1125 and grant EMF's waiver request and its application.

Main Studio Waiver. 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 its community of license.² 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

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).

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) ("Reconsideration Order").

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

EMF's request is based on the economies of scale which would be realized by grant of its waiver, e.g., avoiding the cost of equipping, staffing, and operating a studio in the Crestline, Ohio area. We agree and conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. As noted above, EMF proposes to operate WYXZ(FM) as a satellite of KLVR(FM), Santa Rosa, California, approximately 2,101 miles from Crestline, Ohio. Where there is considerable 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, EMF has pledged to meet its local service obligations by: (1) maintaining an auxiliary studio at a location that complies with Section 73.1125 and that is capable of originating programming to meet local community needs by either in Crestline or at a location within the principle community contour of an AM, FM or TV station licensed to Crestline; (2) engaging the services of a local Crestline public affairs representative, who may be a volunteer, to conduct ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of Crestline listeners, which will be covered in EMF's news and public affairs programming; (3) ensuring that the local representative works with EMF's Regional Managers and will, at least on a quarterly basis, conduct interviews and surveys in an effort to ascertain the interests, concerns, and needs of Crestline listeners; (4) maintaining a toll-free number from Crestline, Ohio to the KLVR(FM) studio in Santa Rosa; and (5) maintaining a public inspection file for the station as required by Section 73.3527 of the Commission's rules.

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 WYXZ(FM), Crestline, Ohio, 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.⁵ We further remind EMF that, notwithstanding the grant of waiver requested here, the public for WYXZ(FM) must maintain the quarterly issues and programs list for Crestline, Ohio, as required by C.F.R. Section 73.3527(e)(8).

Modification of license application. Pursuant to *Amendment of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities without a Construction Permit*,⁶ EMF may apply to convert the WYXZ(FM) commercial authorization to

³ *Id.*

⁴ *Id.*

⁵ See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

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. Section 73.503(a) and that the station will be used to advance EMF's educational program.⁷ We will accept the showing contained in the subject application. An examination of EMF's proposal reveals that EMF is qualified to operate WYXZ(FM) as a noncommercial educational facility. We will therefore convert WYXZ(FM) to noncommercial educational FM status.

Actions. Accordingly, the application (File No. BMLED-20031110AAY) of Educational Media Foundation to modify the license of station WYXZ(FM), Crestline, Ohio to specify noncommercial educational operation, and the concomitant request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED.

Sincerely,



PHD
Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: Educational Media Foundation

⁶ 12 FCC Rcd 1237 (1997).

⁷ See 47 C.F.R. § 73.1690(c)(9).