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M. Wagner

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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David Oxenford, Esquire
ShawPittman
2300 N Street, N.W.
Washington, D.C. 20037-1128

In Re: KKLV(FM), Turrell, Arkansas
Facility ID No. 52903
Educational Media Foundation.

File No. BMLH-20001128ABC
To Convert to noncommercial Educational Status
and Waiver of 47 C.F.R. § 73.1125

Dear Mr. Oxenford:

This letter refers to the caption application of Educational Media Foundation ("EMF") licensee of station KKLV(FM), Turrell, Arkansas, proposing to: (1) reclassify KKLV(FM) from commercial to noncommercial educational status pursuant to 73.1690(c)(9); and (2) waive the Commission's Main Studio Rule, 47 C.F.R. § 73.1125, to permit KKLV(FM) to operate as a "satellite" of station, KLVR-FM, Santa Rosa, California.¹ For the reasons set forth below, we will waive Section 73.1125 and grant EMF's request.

Conversion to NCE-FM status. Pursuant to *Amendments 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 to KKLV(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). We will accept this instant showing, notwithstanding the fact that it is filed as part of a technical modification application. An examination of the instant proposal reveals the EMF is qualified to operate KKLV(FM) as a noncommercial educational facility and that grant

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).

convert KKLJ(FM) to noncommercial educational FM status below. We will therefore thereof would serve the public interest, convenience, and necessity.

Main studio 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) with 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 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. A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.


EMF'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)(4) under these circumstances. EMF proposes to operate KKLJ(FM) (Turrell, Arkansas, as a satellite station of KLR(FM), Santa Rosa, California, approximately 2,882.9 kilometers from Turrell, Arkansas. Where there is great distance between the parent and the satellite station, 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: (1) to maintain an auxiliary studio at a location that complies with Section 73.1125 and that is capable of originating local programming that is responsive to local community needs; (2) that it will engage the services of a local Turrell public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of the Turrell listeners, which will be covered in EMF's news and public affairs programming and broadcast over the KKLJ(FM); (3) that its local representatives will further serve as a liaison between residents of Turrell and EMF's programming personnel; and (4) to maintain a toll-free telephone number for the use of the residents in the community and maintain a public inspection file for the station within the Turrell community.

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 the Turrell, Arkansas station at the main studio of the "parent" station, KLR(FM), Santa Rosa, California. It must also make reasonable accommodation for listeners wishing to examine the file's contents. See Reconsideration Order, 14 FCC Rcd 11,113, 11,129 at ¶42. We further remind EMF that, notwithstanding the grant of the waiver requested

here, the public file for KKLV(FM) station must contain the quarterly issues and programs list for Turrell, Arkansas required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application (BMLH-20001128ABC) request to modify facilities of station KKLV(FM) Turrell, Arkansas to specify noncommercial educational operation, and its request for waiver of 47 C.F.R. § 73.1125, ARE HEREBY GRANTED, and the station's authorization is HEREBY RECLASSIFIED as a noncommercial educational FM Station. The authorization is enclosed.

Sincerely,


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