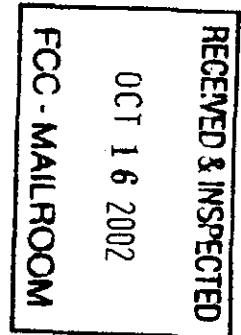


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M. Wagner

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

OCT 10 2002

IN REPLY REFER TO:
1800B3-EB



David Oxenford, Esq.
Shaw Pittman
2300 N Street, N.W.
Washington, D.C. 20037-1128

In Re: WZKM(FM), Montgomery, WV
Educational Media Foundation
Facility ID No. 54370

Modification of License
File No. BMLH-200200318AAU

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

Dear Counsel:

The staff has under consideration the above-referenced modification of license application for a noncommercial educational ("NCE") FM station in North Ogden, Utah, made by Educational Media Foundation ("EMF"). In the application, EMF seeks to convert WZKM(FM) from commercial to NCE status. EMF also seeks a waiver of Section 73.1125 in order to operate WZKM(FM) as a "satellite" of its NCE FM station KLVR(FM), Santa Rosa, California¹. For the reasons set forth below, we will waive Section 73.1125 and grant EMF's modification of license application.

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 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" 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").

³ *Id.*

⁴ *Id.*


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 Montgomery 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 WZKM(FM), Montgomery, West Virginia as a satellite station of KLVR(FM), Santa Rosa, California approximately 2,249 miles from Montgomery, West Virginia. 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, 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 local community needs; (2) employing a local representative, who will work with EMF's regional managers and will conduct, on a quarterly basis, interviews, surveys and other samplings of public opinion, in order to ascertain the interests and needs of the proposed service area in its news and public affairs programming; (3) maintaining a toll-free number from Montgomery to the KLVR(FM) studio in Santa Rosa; and (4) maintaining a public inspection file for the station within Montgomery.

Under 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, that, notwithstanding its commitment to maintain a public inspection file in Montgomery, it must also maintain a public file for WZKM(FM) station 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 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. Section 73.3527(e)(8).

We have reviewed EMF's license application (BMLH-20020318AAU) to cover the modification of the existing facility for WZKM(FM) and find that the application meets all pertinent technical requirements that the modified facilities were constructed in accordance with the Commissions authorization, and that the grant of the application would further the public interest, convenience and necessity.

Accordingly, the license modification application of Educational Media Foundation for WZKM(FM) Montgomery, West Virginia, as well as its request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The authorization is enclosed.

Sincerely,


for Peter H. Doyle, Chief
Audio Division
Media Bureau

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