

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554
FEB 21 2002

IN REPLY REFER TO:
1800B3

FEB 22 2002

Patrick J. Vaughn, Assistant General Counsel
American Family Association
P.O. Drawer 2440
Tupelo, MS 38803

In re: **KBMJ(FM), Heber Springs, AR**
Facility ID # 87466
File No. BMPED-20011009ADJ
Request for Waiver of 47 C.F.R. §73.1125
filed on June 21, 2001

Dear Mr. Vaughn:

The staff has under consideration: (1) the captioned application (File No. BMPED-20011009ADJ) of American Family Association ("AFA") for minor modification of the construction permit for Station KBMJ(FM), Heber Springs, Arkansas; and (2) AFA's June 21, 2001 letter requesting a waiver of the Commission's main studio rule, 47 C.F.R. §73.1125, in order to operate KBMJ(FM) as a "satellite" of AFA's station KANX(FM), Sheridan, Arkansas.¹ For the reasons set forth below, we will grant AFA's request for waiver and its modification application.

Main studio waiver request. Pursuant to Section 73.1125, a station's main studio must be located either (1) within a 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 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 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 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 has found that "good cause" exists to waive the main studio location requirement where satellite operations are proposed. *Id.* In order to receive a satellite

¹A "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 RR 2d 1554, 1562 (1964).

main studio waiver, an applicant must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*


AFA's request is based on the economies of scale which would be realized by grant of its waiver, *i.e.*, avoiding the cost of equipping, operating, and staffing a main studio in the Heber Springs, Arkansas area. We conclude that AFA has demonstrated "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. As noted above, AFA proposes to operate KBMJ(FM) as a satellite of co-owned station KANX(FM), Sheridan, Arkansas. Sheridan is approximately 85 miles from Heber Springs. Where there is a considerable distance between parent and satellite stations, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests and respond to them in its programming. To that end, AFA has stated that: (1) it will add to its Community Advisory Board at least one resident from Heber Springs, who will provide recommendations on community needs and programming directly to AFA management; (2) it will, at least annually, conduct interviews with Heber Springs residents and community leaders to assess community needs and programming; (3) it will provide periodic local programming for Heber Springs, including coverage of significant local news and cultural events; and (4) it will provide for the broadcast of public service announcements pertinent to Heber Springs residents. Additionally, AFA pledges to maintain its public file in Heber Springs and to maintain a toll-free telephone line from Heber Springs to the KANX(FM) studio.

In these circumstances, we are persuaded that AFA will meet its local service obligations 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 KBMJ(FM) at the main studio of the "parent" station, KANX(FM), Sheridan, Arkansas. 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 the waiver requested here, the public file for KBMJ(FM) must contain the quarterly issues and programs list for Heber Springs, Arkansas, required by 47 C.F.R. § 73.3527(e)(8).

Modification application. We have also examined AFA's modification application and find that it complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience, and necessity would be furthered by its grant.

In accordance with these findings, and in reliance upon the representations listed above, the application (File No. BMPED-20011009DJ) of American Family Association for modification of the permit of station KBMJ(FM), Heber Springs, Arkansas, and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization is enclosed.

Sincerely,


Peter H. Doyle, Chief
Audio Services Division
Mass Media Bureau