

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C. 20554

AUG 06 2001

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**IN REPLY REFER TO:
1800B3-ARE**

Donald E. Wildmon, President
American Family Association
P.O. Box Drawer 2440
Tupelo, MS 38803

RECEIVED

In Re: KBPW-FM, Hampton, AR
Facility ID No. 91490
Waiver of Main Studio Rule

Dear Mr. Wildmon:

This is in reference to the request, filed on behalf of American Family Association, Inc. ("AFA"), which seeks a waiver of 47 C.F.R. § 73.1125, the Commission's main studio rule. AFA seeks to operate KBPW-FM in conjunction with the main studio operations of commonly-owned noncommercial educational station WAFR-FM, Tupelo, MS.¹ KBPW-FM will operate principally as a "satellite"² of WAFR-FM. For reasons set forth below, we will grant AFA's request for waiver.

Pursuant to Section 73.1125(a), a broadcast station's main studio must be located either (1) within the station's principal community contour, (2) within the 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 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 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.* A satellite station must,

¹ On April 19, 2001 the staff approved the assignment of permit of station KBPW-FM from Educational Opportunities, Inc. to AFA. This application (BAPED-20010312AAG) was consummated on May 15, 2001.

² 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).

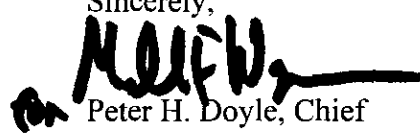
however, demonstrate that it will meet its local service obligations to satisfy the Section 73.1125 "public interest" standard. *Id.*

AFA's request is based on the economies of scale that 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) in these circumstances.

AFA proposes to operate KBPW-FM, Hampton, Arkansas in conjunction with the main studio operation of WAFR-FM, Tupelo, more than 365.7 kilometers from Hampton. Where there is a significant distance between the parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of its community's needs and interests. To that end, AFA has pledged to: (1) add to its existing Community Advisory Board at least one Hampton resident, who will provide recommendations on community needs and programming directly to AFA management; (2) conduct interviews with Hampton residents and community leaders to assess community needs and programming at least on an annual basis; (3) provide periodic local programming for Hampton, including coverage of local news and cultural events; and (4) devote a portion of AFA's programming to the news, public affairs and informational programming to the problems, needs and interests of Hampton, as determined by its ascertainment and reporting efforts. AFA also states that it will maintain a toll-free telephone number from Hampton to the WAFR-FM studio facility in Tupelo.

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 KBPW-FM at the main studio of the "parent" station, WAFR-FM in Tupelo, Mississippi. It must also make reasonable accommodation for listeners wishing to examine the files contents. *See Reconsideration Order, supra*, 14 FCC Rcd 11,129 ¶45. We further remind AFA that, notwithstanding the grant of the waiver requested here, the public file for KBPW-FM must contain the quarterly issues and programs list required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request of American Family Association, Inc. for waiver of 47.C.F.R. Section 73.1125 IS HEREBY GRANTED.

Sincerely,

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