

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

200 JUN 18 P 3: 32

June 15, 2001

IN REPLY REFER TO:
1800B3-MH

Brendan Holland, Esquire
ShawPittman
2300 N Street, N.W.
Washington, D.C. 20037-1128

In Re: KYLV(FM), Oklahoma City, Oklahoma
Educational Media Foundation
Facility ID No. 50169
Request for Waiver of 47 C.F.R. §73.1125
(Main Studio Rule)

Dear Mr. Holland:

The staff has under consideration the above-referenced request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by Education Media Foundation ("EMF"). EMF seeks a waiver of Section 73.1125 in order to operate KYLV(FM), Oklahoma City, Oklahoma as a satellite of its noncommercial educational ("NCE") station, KLVR(FM), Santa Rosa, California.¹ For the reasons set forth below, we will waive Section 73.1125 and grant EMF's request.

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

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). In a June 13, 2001, amendment to the waiver request, EMF stated that it had requested this waiver earlier, in connection with its acquisition of KYLV(FM). EMF continues to seek Commission authority to operate KYLV(FM) as a "satellite" of KLVR(FM).

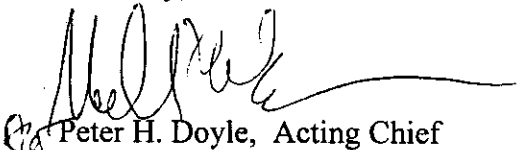
operations are proposed. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

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 KYLV(FM), Oklahoma City, Oklahoma as a satellite station of KLVR(FM), Santa Rosa, California, approximately 2241 kilometers from Oklahoma City, Oklahoma. Where there is a great distance between the parent and 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 Oklahoma City public affairs representative to conduct regular ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of Oklahoma City listeners, which will be covered in EMF's news and public affairs programming and broadcast by KYLV(FM); (3) that its local representative will further serve as a liaison between the residents of Oklahoma City and EMF's programming personnel; and (4) to maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and maintain a public inspection file for the station within the Oklahoma City 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 Oklahoma City, Oklahoma 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. *See Reconsideration Order*, 14 FCC Rcd 11,113, 11,129 at ¶45. We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for KYLV(FM) station must contain the quarterly issues and programs list for Oklahoma City, Oklahoma required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request made by the Educational Media Foundation for a waiver of 47 C.F.R. § 73.1125 IS GRANTED.

Sincerely,


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