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Brendan Holland, Esquire  
ShawPittman, PLLC  
2399 N Street, N.W.  
Washington, D. C. 20037-1128

**In Re: KLVB(FM), Red Bluff, CA**  
Facility ID No. 40829  
Assignment of Broadcast License  
File No. BALH-20000728ABZ  
  
Modification of License  
File No. BMLED-20001109ABP

Dear Mr. Holland:

This is in reference to the captioned applications to: (1) assign the license of KLVB(FM), Red Bluff, California from McCarthy Wireless, Inc. ("MWI") to Educational Media Foundation ("EMF"); and (2) modify the KLVB(FM) license by converting it from commercial to noncommercial educational status. The license modification application, *inter alia*, requests a waiver of 47 C.F.R. § 73.1125, the Commission's main studio rule, to permit KLVB(FM) to operate as a satellite of commonly-owned EMF's station KLVR-FM, Santa Rosa, California. For the reasons set forth below, we shall grant the assignment application and EMF's request for waiver as well as the modification of license application, the latter grants becoming effective upon consummation of the assignment application.

Assignment application. We have reviewed the application to assign station KLVB(FM) from MWI to EMF. We find that MWI and EMF are fully qualified to sell and acquire, respectively, station KLVB(FM). We also find that EMF is fully qualified to be the licensee of station KLVB(FM) and that routine grant of the assignment application would further the public interest, convenience and necessity.

Modification of license application: "Satellite" Main Studio Waiver. Pursuant to *Amendments of 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 the KLVB(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). An examination of the application reveals that it is qualified to operate KLVB(FM) as a noncommercial educational facility. An examination of the application also reveals that, except for the matters discussed

immediately below, routine grant thereof would serve the public interest, convenience, and necessity.

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) 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 found that "good cause" exists to waive the main studio location requirement where satellite 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 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.


EMF proposes to operate KLVB(FM), Red Bluff, California as a satellite of KLVR-FM, Santa Rosa, California, more than 25 miles from Red Bluff. The Commission expects the licensee of a satellite station to take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, EMF has: (1) pledged to assess community needs and problems of Red Bluff through hiring of a local Red Bluff public affairs representative to conduct regular ascertainment surveys of Red Bluff Community leaders to determine the problems and needs of Red Bluff listeners; (2) stated that its local representative will further provide a liaison between local community leaders and EMF's programming personnel to enable residents to comment on the Red Bluff station's programming; and (3) stated that it will maintain an auxiliary studio at a location that complies with Section 73.1125, which studio will be used to originate programming responsive to local needs, as determined in consultation with the local representatives. EMF also states that it will maintain a toll-free telephone number from Red Bluff to the KLVR-FM main studio.

In these circumstances, we are persuaded that EMF will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind University, however, of the requirement that it maintain a public file for KLVB(FM) at the main studio of the "parent" station KLVR-FM in Santa Rosa. It must also make reasonable accommodation for listeners wishing to examine the files contents. See Reconsideration Order, published at 64 Fed. Reg. 35941 (July 2, 1999). We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for KLVB(FM) must contain the quarterly issues and programs list required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application to assign KLVB(FM) from McCarthy Wireless, Inc., to Educational Media Foundation (BALH-20000728ABZ), IS HEREBY GRANTED.

Additionally, the application of Educational Media Foundation to modify the license of Station KLVB(FM), Red Bluff, California to specify noncommercial educational operation (File No. BMLEL-20001109ABP), and the concomitant request for waiver of 47.C.F.R. Section 73.1125, ARE GRANTED. The effective date of these actions will be the date on which the Commission is notified that Educational Media Foundation has consummated its acquisition of the station. See 47 C.F.R. §1.102(b)(1). The authorization to operate the station as a noncommercial educational facility will be sent at that time. In order to facilitate the transmission of the authorization, Educational Media Foundation and counsel are requested to send a copy of the consummation notification to both Michael Wagner, Room 2-A523, and Druscilla Smalls, Room 2-A140, at the Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554.

Sincerely,

  
Per Linda Blair, Chief  
Audio Services Division  
Mass Media Bureau

cc: McCarthy Wireless, Inc.  
Educational Media Foundation  
David Tillotson, Esq.