

WAGNR

**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554**

February 15, 2001

IN REPLY REFER TO:  
**1800B3**

Donald E. Wildmon, President  
American Family Association  
P.O. Drawer 3206  
107 Parkgate  
Tupelo, MS 38803

In re: **KBDC(FM), Mason City, IA**  
**Facility ID # 86920**

Request for Waiver of 47 C.F.R. §73.1125

Dear Mr. Wildmon:

The staff has under consideration the request of American Family Association ("AFA") for waiver of the Commission's main studio rule, 47 C.F.R. §73.1125, in order to operate station KBDC(FM), Mason City, Iowa as a "satellite" of AFA's station WAFR(FM), Tupelo, Mississippi.<sup>1</sup> For the reasons set forth below, we will grant AFA's request for waiver.

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 main studio waiver, an

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<sup>1</sup>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 RR 2d 1554, 1562 (1964).

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 Mason City, Iowa area. It also indicates that, while it originally negotiate a tower lease with Cumulus Broadcasting ("Cumulus") and was prepared to build the station during the Summer of 2000, Cumulus sold the tower to Clear Channel Communications ("Clear Channel"), which was initially unresponsive to AFA's inquiries about going forward with the tower lease. When ultimately Clear Channel mailed a lease form to AFA in the first week of February, the rent price quoted by Clear Channel was significantly higher than that which was agreed upon with Cumulus. Thus, with the KBDC(FM) construction permit expiring on February 23, 2001, AFA concluded that the only feasible recourse was to operate KBDC(FM), at least initially, as a satellite of one of its parent stations.

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 KBDC(FM) as a satellite of co-owned station WAFR(FM), Tupelo, Mississippi. Where there is a considerable distance between parent and satellite stations, and especially where the parent and satellite stations are in different states, 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 Mason City, who will provide recommendations on community needs and programming directly to AFA management; (2) it will, at least annually, conduct interviews with Mason City residents and community leaders to assess community needs and programming; (3) it will provide periodic local programming for Mason City, including coverage of significant local news and cultural events; and (4) it will provide for the broadcast of public service announcements pertinent to Mason City residents. Additionally, AFA pledges to maintain a toll-free telephone line from Mason City to the WAFR(FM) studios.

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 its Mason City, Iowa station 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 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 KBDC(FM) must contain the quarterly issues and programs list for Mason City, Iowa, required by 47 C.F.R. § 73.3527(e)(8). Accordingly, in reliance upon the representations listed above, the request of American Family Association for waiver of 47 C.F.R. §73.1125 IS GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Blair", with a long horizontal flourish extending to the right.

Linda Blair, Chief  
Audio Services Division  
Mass Media Bureau