

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

MAR 12 2001

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

Liliana E. Ward, Esquire
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209-3801

**In re: KAKU(FM), Springfield, MO
KBMF(FM), High Point, MO
Facility ID Nos. 1622 and 84371
Community Broadcasting, Inc.
Request For Waiver of Section
73.1125 (Main Studio Rule)**

Dear Ms. Ward:

The staff has under consideration the request for a waiver of the Commission's main studio requirement, *see* 47 C.F.R. § 73.1125, filed by Community Broadcasting, Inc. ("Community") in order for it to operate KAKU(FM), Springfield, Missouri and KBMF(FM), High Point, Missouri as satellite stations of commonly owned KSIV-FM, St. Louis, Missouri.¹ For the reasons set forth below, we will grant Community's request for waiver of 47 C.F.R. § 73.1125.

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 11113 (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 operations are proposed. *Id.* A satellite station must, however, demonstrate that it will

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 RR2d 1554, 1562 (1964).

meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

Community'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) in these circumstances.

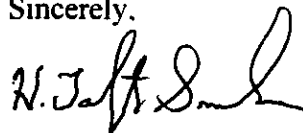
Community proposes to operate KAKU(FM), Springfield, Missouri and KBMF(FM), Highpoint, Missouri, as satellite stations of KSIV-FM, St. Louis, Missouri, approximately 200 and 130 miles, respectively, from St. Louis. Where there is a great distance between the parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite communities' needs and interests. To that end, Community has pledged to: (1) establish "mini-studios" in Springfield and Highpoint which will be capable of producing and broadcasting local programming; (2) hire a station manager for each facility who will be responsible for its operation and who will work in the community served by each station to ascertain ideas for and produce local issue-oriented programming; (3) schedule regular visits by Community's board of directors to Springfield and High Point to augment the ascertainment efforts; and (4) maintain a toll free telephone number from Springfield and High Point to the main studio of KSIV-FM in St. Louis, Missouri.²

In these circumstances, we are persuaded that Community will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind Community, however, of the requirement that it maintain separate public files for both KAKU(FM) and KBMF(FM) at the main studio of the "parent" station, KSIV-FM, St. Louis Missouri. It must also make reasonable accommodation for listeners wishing to examine the files' contents. *See Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45. We further remind Community that, notwithstanding the grant of the waiver requested here, the public file for KAKU(FM) must contain the quarterly issues and programs list for Springfield, Missouri and that maintained for KBMF(FM), must contain the quarterly issues and programs list for High Point, Missouri required by 47 C.F.R. § 73.3527(e)(8).

² As justification for its good cause waiver, Community indicates that it will place the public inspection files for KAKU(FM) and KBMF(FM) in the community of license of each station. However, pursuant to the *Memorandum Opinion and Order* in MM Docket 97-138, 64 FR 35941 (July 2, 1999), licensees of noncommercial, educational stations to maintain their public inspection files at their main studios. Accordingly, we shall expect Community to maintain the public inspection files for KAKU(FM) and KBMF(FM) at the main studio of KSIV-FM, St. Louis, Missouri.

Accordingly, the request for waiver of 47 C.F.R. § 73.1125 filed by Community Broadcasting, Inc. for stations KAKU(FM), Springfield, Missouri and KBMF(FM), High Point, Missouri IS GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Blair".

for Linda Blair, Chief
Audio Services Division
Mass Media Bureau