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Richard A. Helmick, Esq.
Cohn & Marks
Suite 300
1920 N Street, N.W.
Washington, D.C. 20036-1622

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In re: **KAPC(FM), Butte, Montana**
Facility ID # 66630
University of Montana

File No. BLED-19990222KB
Request for Waiver of 47 C.F.R. §73.1125

Dear Mr. Helmick:

The staff has under consideration the captioned application of the University of Montana ("University") for license to cover the existing authorization of Station KAPC(FM), Butte, Montana. The application includes a request for waiver of the Commission's main studio rule, 47 C.F.R. §73.1125, in order to operate station KAPC(FM) as a "satellite" of University's station KUFM(FM), Missoula, Montana.¹ For the reasons set forth below, we will grant University's request for waiver and its modification application.

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 a noncommercial educational ("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,

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 RR 2d 1554, 1562 (1964).

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 applicant must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

University'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 Butte, Montana area. The satellite operation referenced in the instant license application echoes the representation made in University's original construction permit application for KAPC(FM). *See* application no. BPED-950124ME, exhibit E-3.

We conclude that University has demonstrated "good cause" to waive 47 C.F.R. § 73.1125(a)(4) and operate KAPC(FM) as a satellite of co-owned station KUFM(FM), Missoula, Montana. Butte is approximately 85 miles from Missoula. Where there is a considerable distance between parent and satellite stations, 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, University states that it will ascertain the needs and interests of Butte residents by: (1) conducting regular, periodic interviews with identified business, civic, and governmental leaders of Butte whom University determines to be familiar with the area's needs and interests; and (2) subscribe to the *Montana Standard*, a Butte daily newspaper with circulation in and coverage of Butte and surrounding service areas. University also commits to reflecting the results of its ascertainment efforts in its programming, covering issues of local importance to Butte residents as well as presenting news and public affairs programming related to Butte as part of University's regular programming. It will, as required, produce special public affairs programming to address particular community issues in Butte as well as surrounding areas within KAPC(FM)'s service area. Finally, University states that it will keep its public inspection file in Butte and maintain a toll-free telephone line from Butte to the KUFM(FM) studio in Missoula.


In these circumstances, we are persuaded that University 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 its Butte, Montana station at the main studio of the "parent" station, KUFM(FM), Missoula, Montana. 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 University that, notwithstanding the grant of the waiver requested here, the public file for KAPC(FM) must contain the quarterly issues and programs list for Butte, Montana, required by 47 C.F.R. § 73.3527(e)(8).

We have also examined University's license application and find that it complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience, and necessity would be furthered by its grant. In accordance with these findings, and in reliance upon the representations listed above, the license application (File No. BLED-19990222KB) of

the University of Montana for station KAPC(FM), Butte, Texas, and its request for waiver of 47 C.F.R. § 73.1125, ARE GRANTED. The authorization is enclosed.

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