

WAGNER

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

DEC 08 2000

IN REPLY REFER TO:
1800B3

Jeffrey D. Southmayd, Esq.
Southmayd & Miller
Suite 400
1220 19th Street, N.W.
Washington, D.C. 20006

In re: **KBAB(FM), Kerrville, TX**
Facility ID # 79158
Houston Christian Broadcasters, Inc.

File No. BMPED-20001012AAF
Request for Waiver of 47 C.F.R. §73.1125

Dear Mr. Southmayd:

The staff has under consideration the captioned application of Houston Christian Broadcasters, Inc. ("HBCI") for modification of the existing authorization of Station KBAB(FM), Kerrville, Texas. 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 KBAB(FM) as a "satellite" of HBCI's station KHCB(FM), Houston, Texas.¹ For the reasons set forth below, we will grant HBCI'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 an NCE station seeking to operate as the

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).

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

HCBI'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 Kerrville, Texas area. It recently acquired the construction permit from American Family Association (*see* File No. BAPH-20001006AAG, granted on November 24, 2000), and it has requested waiver of Section 73.1125 in part for the station to complete construction and commence operations by December 21, 2000, its permit expiration date.

We conclude that HCBI has demonstrated "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. As noted above, HCBI proposes to operate KBAB(FM) as a satellite of co-owned station KHCB(FM), Houston, Texas. Kerrville is approximately 200 miles from Houston. 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, HCBI states that, while KBAB(FM) will primarily rebroadcast KHCB-FM, it will present programming to address the local problems, needs, and interests of Kerrville residents on KBAB(FM). HCBI states that, while KBAB(FM) will primarily rebroadcast KHCB-FM, it will present programming to address the local problems, needs, and interests of Kerrville residents on KBAB(FM). HCBI has stated that: (1) it will establish a Community Advisory Board composed of Kerrville residents, who will provide recommendations on community needs and programming directly to HCBI management;² and (2) it will supplement the board's ascertainment efforts by a local HCBI representative in Kerrville and through annual visits to the community by a management employee at KHCB-FM. Additionally, HCBI pledges to maintain its public file in Kerrville and to maintain a toll-free telephone line from Kerrville to the KHCB(FM) studios.


In these circumstances, we are persuaded that HCBI will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest. We remind HCBI, however, of the requirement that it maintain a public file for its Kerrville, Texas station at the main studio of the "parent" station, KHCB(FM) in Houston, Texas. 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 HCBI that, notwithstanding the grant of the waiver requested here, the public file for KBAB(FM) must

² HCBI notes that the board will meet periodically with a KHCB-FM management employee, and will hold at least one meeting each year that will be open to members of the public; HCBI represents that it will publicize these open meetings often and well in advance of their occurrence.

contain the quarterly issues and programs list for Kerrville, Texas, required by 47 C.F.R. § 73.3527(e)(8).

We have also examined HCBI's modification 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 application (File No. BMPED-20001012AAF) of Houston Christian Broadcasters, Inc. for modification of the permit of station KBAB(FM), Kerrville, Texas, and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization is enclosed.

Sincerely,


Linda Blair, Chief
Audio Services Division
Mass Media Bureau