

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C. 20554

DEC 18 2000

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2000 DEC 19 P 1:51

MAIL ROOM

Patrick J. Vaughn, Esquire
Assistant General Counsel
American Family Association
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Tupelo, Mississippi 38803

In re: KAYP(FM), Burlington, IA
Facility ID No. 86561
American Family Association
Request for Waiver of 47 C.F.R.
§ 73.1125 (main studio rule)

Dear Mr. Vaughn:

The staff has under consideration the above referenced request of American Family Association ("AFA") to operate KAYP(FM), Burlington, Iowa as a satellite of its NCE station KAYA(FM), Hubbard, Nebraska.¹ For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant AFA's request.

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


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).

AFA's request is based on the economies of scale, which would be realized by grant of its waiver. It notes that it had originally planned to operate KAYP(FM) with a main studio in compliance with the Commission rules, but has been unable to arrange for a manager for the station. AFA expects this situation to be temporary and anticipates having a manager for the station in the spring of 2001. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a)(4) under these circumstances. AFA proposes to operate KAYP(FM), Burlington, Iowa as a satellite of KAYA(FM), Hubbard, Nebraska, approximately 300 miles from Burlington, Iowa. 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 community's needs and interests. To that end, AFA has pledged to: (1) add to its Community Advisory Board at least one resident of Burlington, who will be asked to provide recommendations on community needs and programming directly to AFA; (2) conduct, on at least an annual basis, interviews with Burlington residents and community leaders to assess community needs and programming; (3) provide periodic local programming for Burlington, including coverage of significant local news or cultural events; (4) provide for the broadcast of local public service announcements; and (5) maintain a toll-free telephone number between Burlington, Iowa and the KAYA(FM) main studio. 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.

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 Faith, however, of the requirement that it maintain a public file for KAYP(FM) at the main studio of the "parent" station, KAYA(FM), Hubbard, Nebraska. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45. We further remind AFA that, notwithstanding the grant of the waiver requested here, the public file for KAYP(FM) must contain the quarterly issues and programs list for Burlington, Iowa required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the request of American Family Association for a waiver of 47 C.F.R. § 73.1125 IS HEREBY GRANTED.

Sincerely,


for Linda Blair, Chief
Audio Services Division
Mass Media Bureau