

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554
June 12, 2000

IN REPLY REFER TO:
1800B3-MFW

John R. Wilner, Esq.
Bryan Cave L.L.P.
700 Thirteenth Street, N.W.
Washington, D.C. 20005-3960

In re: **KENT(FM), Odessa, TX**
Facility ID # 39900
Request for Waiver of 47 C.F.R. §73.1125

Dear Mr. Wilner:

The staff has under consideration the captioned request, filed on January 12, 2000 by Family Life Broadcasting, Inc. ("FLB"), permittee of new station KENT(FM), Odessa, Texas, for waiver of the Commission's main studio rule, 47 C.F.R. § 73.1125 in order to operate KENT(FM) as a "satellite" of FLB's station KAMY(FM), Lubbock, Texas.¹ For the reasons set forth below, we will grant FLB's request for waiver.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of its community of license. Amendment of Sections 73.1125 and 73.1130, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), 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 applicant must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*


FLB'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 Odessa,

¹ 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).

Texas area. We conclude that FLB has demonstrated "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. As noted above, FLB proposes to operate KENT(FM) as a satellite of co-owned station KAMY(FM), Lubbock, Texas. The proposed Lubbock studio is approximately 127 miles outside KENT(FM)'s principal community contour. 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, FLB has stated that it will: (1) maintain an auxiliary studio in Odessa, which will be capable of originating local programming responsive to local community needs; (2) regularly conduct interviews with residents and community leaders to assess community needs and programming, which it will cover in KENT(FM)'s news and public affairs programming; (3) retain a local representative from Odessa who will further serve as a liaison between the residents of Odessa and FLB's programming personnel; and (4) provide for a toll-free telephone line from Odessa to the KAMY(FM) studio in Lubbock; and (5) maintain its public file within the community of Odessa. In these circumstances, we are persuaded that FLB will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest.

Accordingly, in reliance upon the representations listed above, the request of Family Life Broadcasting, Inc. for waiver of 47 C.F.R. §73.1125 IS GRANTED.²

Sincerely,


Linda Blair, Chief
Audio Services Division
Mass Media Bureau

² We remind FLB that the Commission has recently revised its main studio and public file rules to require that all stations, including noncommercial educational stations operating as "satellites," to maintain their public files at the specified main studio location. Accordingly, KENT(FM) must keep its public file at the KAMY(FM) studio facility. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *Memorandum Opinion and Order* in MM Docket No. 97-138, 14 FCC Rcd 11,113 (released May 28, 1999), 64 Fed. Reg. 35,941 (July 2, 1999).