

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

October 19, 2000

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

Paul H. Brown, Esquire
Wood, Maines & Brown
1827 Jefferson Place N.W.
Washington, D. C. 20036

**In Re: KVFM(FM)(Noncomm. Ed. FM), Beeville, TX
Facility ID No. 89853**

Request for Waiver of Main Studio Rule, 47 C.F.R.
§ 73.1125

Application for Broadcast License
File No. BLED-19990625KD

Dear Mr. Brown:

This is in reference to Paulino Bernal Evangelism's ("PBE") June 25, 1999 request for waiver of 47 C.F.R. § 73.1125, the Commission's main studio rule, to permit KVFM(FM) to operate as a satellite of commonly owned PBE station KCZO(FM), Carrizo Springs, Texas. For the reasons set forth below, we shall grant PBE's request for waiver.

PBE submits that KVFM(FM) will be the first noncommercial educational station licensed to Beeville, Texas, and that the surrounding area served by KVFM(FM) has a population of approximately 21,000 persons. PBE states it wishes to address the needs and interests of KVFM(FM)'s service area through the operation of KVFM(FM), but that it is not practical to establish an independent local studio in view of the small population within the service area.

Pursuant to § 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 ("Main Studio R&O"), 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 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 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.*

PBE'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)(4) in these circumstances.

PBE proposes to operate KVFM(FM), Beeville, Texas, as a satellite of KCZO(FM), Carrizo Springs, Texas, approximately 125 miles from Beeville. The Commission expects the licensee of a satellite station to take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, PBE has pledged to: (1) ascertain the problems, needs and interests of Beeville and the surrounding community, and to address them through its programming; (2) undertake this ascertainment utilizing a PBE local representative who resides in Beeville, and to conduct quarterly management visits to Beeville; (3) periodically have its Beeville representative produce a program responsive to the local issues of public concern that are ascertained by PBE in connection with its local information gathering efforts, and broadcast the programs in Beeville; (4) maintain a toll-free telephone number for the Beeville area; and (5) continue to maintain the public inspection file for the station at a location that complies with the Commission's rules.

In these circumstances, we are persuaded that PBE will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind PBE, however, of the requirement that it maintain a public file for KVFM(FM) at the main studio of the "parent" station KCZO(FM) and make reasonable accommodation to the listeners wishing to view the contents of the file. *See Reconsideration Order*, 14 FCC Rcd at 11,129, para. 45. We further remind PBE that notwithstanding the grant of the waiver requested here, the public file for KVFM(FM) must contain the quarterly issues and programs list required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, PBE's request for waiver of 47 C.F.R. § 73.1125 IS HEREBY GRANTED. Because the license application is otherwise in full compliance with the Commission's Rules, we GRANT the license application (File No. BLED-19990625KD). The authorization is enclosed.

Sincerely,

Linda Blair, Chief
Audio Services Division
Mass Media Bureau

cc: Paulino Bernal Evangelism