

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

DEC 14 2001

IN REPLY REFER TO:
1800B3-ALM

John Wells King, Esquire
Garvey, Schubert & Barer
1000 Potomac Street, Fifth Floor
Washington, D. C. 20007-3501

In re: NEW(Ed. FM), Spearman, TX
Kanza Society, Inc.
Facility ID No. 92623
File No. BPED-19990126MC

Dear Mr. King:

This is in reference to the captioned application filed by the Kanza Society, Inc. ("Kanza") for a new noncommercial educational FM station in Spearman, Texas. The application, *inter alia*, requests a waiver¹ of 47 C.F.R. § 73.1125, the Commission's main studio rule, to permit the proposed station to operate as satellite station of commonly owned NCE station, KANZ-FM, Garden City, Kansas.² For the reasons set forth below, we shall grant Kanza's application and its request for a waiver.

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.*

¹ An amendment to this waiver request was filed on November 30, 2001.

² 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 RR2d 1554, 1562 (1964).

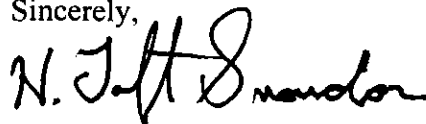
Kanza's request is based on the economies of scale that would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a) in these circumstances.

Kanza proposes to operate the proposed Spearman, Texas station, as a satellite station of KANZ-FM, Garden City, Kansas, approximately 150 miles from Spearman. Where there is a great distance between parent and satellite stations, as here, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, Kanza has pledged to: (1) utilize the services of a full-time employee, located in Amarillo, Texas to meet quarterly with community groups in Spearman to ascertain community needs; (2) add at least one person from Spearman to the Community Advisors who provide input from their communities on issues and needs and assess the overall quality of Kanza's service to the communities served; (3) conduct daily phone interviews with citizens and officials of Spearman on topics of community interest; (4) maintain a web site containing the current programming schedule, program information, other information on Kanza, as well as a "contact us" e-mail link; and (5) maintain a toll-free telephone number from Spearman to the KANZ-FM main studio.

In these circumstances, we are persuaded that Kanza will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind Kanza, however, of the requirement that it maintain a public file for the Spearman, Texas station at the main studio of the "parent" station, KANZ-FM, Garden City, Kansas. 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 Kanza that, notwithstanding the grant of the waiver requested here, the public file for the Spearman station must contain the quarterly issues and programs list for Spearman required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, having determined that application filed by Kanza Society, Inc. for a new noncommercial educational radio station at Spearman, Texas is fully in compliance with the Commission's rules, the application (BPED-19990126MC) and the request for a waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED.

Sincerely,



Peter H. Doyle, Chief
Audio Services Division
Mass Media Bureau