

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

JUL 23 2001

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

Margaret L. Toby, Esquire
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Washington, D. C. 20006-1888

In re: NEW(Ed. FM), Redmond, OR
State of Oregon Acting By and
Through The State Board of
Higher Education (University of
Oregon)
Facility ID No. 90887
File No. BPED-19980605MD

Dear Ms. Toby:

The staff has under consideration the captioned application of the State of Oregon Acting By and Through The State Board of Higher Education ("State Board") for a construction permit for a new noncommercial educational ("NCE") FM station in Redmond, Oregon. The State Board has requested a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, in order to operate the proposed Redmond, Oregon station as a satellite of its NCE station KWAX(FM), Eugene, Oregon.¹ For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant the State Board's application.

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 found good cause exists to waive the main studio location

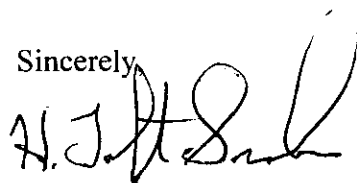
¹A "satellite" station meets all of the Commission's technical rules, however, it originates no programming and instead rebroadcasts the parent station's programming. See *Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR2d 1554, 1562 (1964).

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.*

The State Board's request is based on the economies of scale which 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. The State Board proposes to operate the Redmond, Oregon station as a satellite of commonly owned station, KWAX(FM), Eugene, Oregon, approximately 90 miles from Redmond. Where there is a great distance between 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, the State Board has pledged to: (1) conduct a semi-annual ascertainment survey of the needs and interests of the Redmond community; (2) seek advice and comments from Redmond residents using a mailing list of station supporters; (3) make special efforts to solicit and broadcast public service and community calendar announcements of particular interest to Redmond residents; (4) broadcast, periodically, other public programming responsive to local issues of concern of the Redmond community; (5) continue its operation of a site on the World Wide Web, enabling Redmond residents to view detailed programming information and to comment on the station's operations; and (6) maintain a toll-free telephone number from Redmond to the KWAX(FM) main studio. We remind the State Board, however, of the requirement that it maintain a public file for the Redmond station at the main studio of the "parent" station KWAX(FM). *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 64 Fed. Reg. 35941 (July 2, 1999). In these circumstances, we are persuaded that the State Board will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of the State of Oregon Acting By and Through The State Board of Higher Education (University of Oregon) for a construction permit for a new noncommercial, educational FM radio station in Redmond, Oregon (File No. BPED-19980605MD) being in all respects acceptable, and its request for waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED.

Sincerely,



for

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