

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

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

July 1, 2005

John Crigler, Esquire
Garvey Schubert Barer
Flour Mill Building
1000 Potomac Street, N.W.
Fifth Floor
Washington, D. C. 20007-3501

**In re: KQHR(FM), Hood River, OR
KPBS Public Radio Foundation
Facility ID No. 90769**

Request For Waiver of The
Commission's Main Studio
Rule (Section 73.1125)

Dear Mr. Crigler:

The staff has under consideration KBPS Public Radio Foundation's ("Foundation") request for a waiver¹ of the Commission's main studio requirement, *see* 47 C.F.R. Section 73.1125, in order operate noncommercial educational ("NCE") radio station KQHR(FM), Hood River, Oregon, as satellite station of its NCE station, KBPS-FM, Portland Oregon.² For the reasons set forth below, we shall grant Foundation's 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.³

¹ A supplement to the waiver request was submitted on June 28, 2005.

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).

³ *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.⁴ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁵

Foundation'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. Section 73.1125(a) in these circumstances.

Foundation proposes to operate KQHR(FM), Hood River Oregon, as a satellite of KBPS-FM, Portland Oregon, approximately 80 miles from Hood River. Where there is a great distance between the 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, Foundation has pledged to: (1) ascertain the needs and issues of Hood River, on a quarterly basis, by interviewing residents and community leaders; (2) develop issue-related programming based on the ascertainment efforts; (3) cover news stories related to events in Hood River; (4) subscribe to the *Hood River News* to stay abreast of issues affecting Hood River; (5) include representatives from Hood River on Foundation's Community Advisory Board which advises Foundation on programming needs; and (6) maintain a toll free telephone number between Hood River and the KPBS-FM main studio.

In these circumstances, we are persuaded that Foundation will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind Foundation, however, of the requirement that it maintain a public file for KQHR(FM), Hood River, at the main studio of the "parent" station, KBPS-FM, Portland, Oregon. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁶ We further remind Foundation that, notwithstanding the grant of the waiver requested here, the public file for KQHR(FM) must contain the quarterly issues and programs list for Hood River, Oregon, as required by 47 C.F.R. Section 73.3527(e)(8).

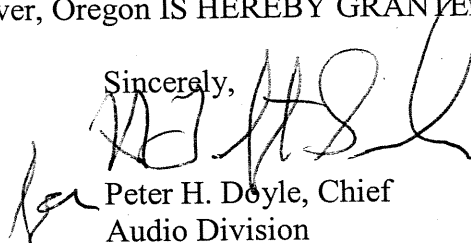
⁴ *Id.*

⁵ *Id.*

⁶ See *Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45.

Accordingly, the request for a waiver of Section 73.1125 filed by KBPS Public Radio Foundation for KQHR(FM), Hood River, Oregon IS HEREBY GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", is written over the word "Sincerely,".

Peter H. Doyle, Chief
Audio Division
Media Bureau