

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

IN REPLY REFER TO:
1800B3-ALM

DEC 06 1999

Veronica D. McLaughlin, Esquire
Fisher Wayland Cooper Leader & Zaragoza L.L.P.
2001 Pennsylvania Avenue, N.W., Suite 400
Washington, D. C. 20006-1851

In Re: New (Ed. FM) West Odessa, Texas
Educational Media Foundation
Facility ID No. 85633
File No. BPED-970227MA

Dear Ms. McLaughlin:

The staff has under consideration the application filed by Educational Media Foundation ("EMF") for a new educational FM station in West Odessa, Texas. On February 16, 1999 EMF amended this application. The amendment, *inter alia*, requests a waiver of the Commission's main studio requirement, *see* 47 C.F.R. § 73.1125, in order for EMF to operate the proposed West Odessa, Texas station as a satellite of its noncommercial, educational FM station KLRD(FM), Yucaipa, California.¹ For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant EMF's application, as amended.

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 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.*

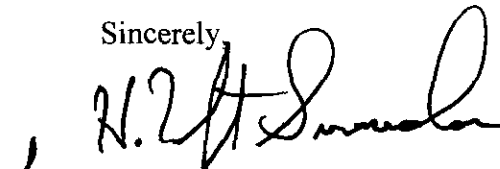
EMF's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R.

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).

§ 73.1125(a)(4) in these circumstances. EMF proposes to operate the proposed West Odessa, Texas station as a satellite of noncommercial, educational FM station KLRC(FM), Yucaipa, California, approximately 900 miles from West Odessa, Texas. 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, EMF has pledged to: (1) engage the services of a local West Odessa public affairs representative to conduct regular ascertainment surveys of local community leaders and other residents to determine the concerns, programs needs of West Odessa listeners, which will be covered in EMF's news and public affairs programming; (2) the EMF local representative will serve as a liaison between the residents of West Odessa and EMF's programming personnel; (3) maintain an auxiliary studio within the proposed station's city grade contour which is capable of originating local programming that is responsive to local community needs; and (4) maintain a toll free telephone number between West Odessa and the KLRD(FM) main studio in Yucaipa, California.² In these circumstances, we are persuaded that EMF will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of Educational Media Foundation for a new educational FM radio station in West Odessa, Texas (File No. BPED-970227MA), as amended, and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,


Linda Blair, Chief
Audio Services Division
Mass Media Bureau

² As justification for its good cause waiver, EMF indicates that it will place the public inspection file of the proposed West Odessa, Texas station in the community of license of the station. However, pursuant to the *Memorandum Opinion and Order* in MM Docket 97-138, 64 FR 35941 (July 2, 1999), licensees of noncommercial, educational stations to maintain their public inspection files at their main studios. Accordingly, we shall expect EMF to maintain the public inspection file of the West Odessa station at the main studio of KLRD(FM).