

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

MAY 10 1999

IN REPLY REFER TO:
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FCC MAIL SECTION
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Mr. Robert J. Flotte, President
Southern New Mexico Radio Foundation
230 Glacier Drive
Alamogordo, New Mexico 88310

In Re: NEW (Ed-FM), Cloudcroft, NM
Southern New Mexico Radio
Foundation
ID Facility No. 89990
File No. BPED-980209MA

Dear Mr. Flotte:

The staff has under consideration the above referenced application of Southern New Mexico Radio Foundation ("SNMRF") for a construction permit for a new noncommercial educational ("NCE") FM station in Cloudcroft, New Mexico. SNMRF has requested a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, in order to operate the proposed Cloudcroft station as a satellite of its NCE station KUPR(FM), Alamogordo, New Mexico.¹ For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant SNMRF'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 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.*

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).

SNMRF'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. SNMRF proposes to operate the Cloudcroft, New Mexico station as a satellite of KUPR(FM), Alamogordo, New Mexico, approximately 15 miles from Cloudcroft. 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, SNMRF has pledged to: (1) ascertain Cloudcroft community needs through an annual survey of the Cloudcroft audience and include the results in the quarterly issues and program reports; (2) conduct community meetings to determine and discuss issues of importance to Cloudcroft; (3) develop programming for Cloudcroft and include it in the KUPR(FM) program schedule; (3) secure news stringers in Cloudcroft and air local news reports from that community; (4) add a position on the SNMRF Board of Directors from Cloudcroft; (5) create a community advisory board and include members from Cloudcroft and the surrounding area; (6) receive the "Cloudcroft Monthly" newspaper; (7) maintain the proposed station's public inspection file in Cloudcroft; and (8) maintain a toll free telephone number between Cloudcroft and the KUPR(FM) main studio in Alamogordo. In these circumstances, we are persuaded that SNMRF will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of Southern New Mexico Radio Foundation for a construction permit for a new noncommercial, educational FM radio station in Cloudcroft, New Mexico (File No. BPED-980209MA), and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,



Linda Blair, Chief ^{for}
Audio Services Division
Mass Media Bureau