

FCC MAIL SECTION
FEDERAL COMMUNICATIONS COMMISSION

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WASHINGTON, D. C. 20554

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IN REPLY REFER TO:
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Lara N. Strayer, Esq.
Fisher Wayland Cooper Leader and
Zaragoza L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D. C. 20006-1851

In re: KLVY(FM), Fairmead, California
Educational Media Foundation
BMPED-970620MC

Dear Ms. Strayer:

This is in response to the above-referenced application filed by Educational Media Foundation ("EMF") to modify the construction permit of KLVY(FM), Fairmead, California. The application also requests a waiver of the Commission's main studio rule, 47 C.F.R. § 73.1125(a), to permit KLVY(FM) to operate as a satellite of commonly owned noncommercial, educational FM radio station KLVR, Santa Rosa, California.¹ For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant EMF's application to modify the construction permit of KLVY(FM), Fairmead, California.

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

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).

waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. EMF proposes to operate KLVY(FM), Fairmead, California, as a satellite of KLVR(FM), Santa Rosa, California, approximately 175 miles from Fairmead. Where the parent and satellite station are separated by a great distance, 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: (1) to engage the services of a local Fairmead public affairs representative to conduct regular ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of Fairmead listeners and to develop news and public affairs programming in response to these surveys; (2) that the local public affairs representative will serve as a liaison between the residents of Fairmead and EMF's programming personnel; (3) to maintain an auxiliary studio within KLVY(FM) city grade contour capable of originating local programming for Fairmead; (4) to maintain a toll-free telephone number between Fairmead and the KLVR main studio in Santa Rosa; and (5) to maintain the KLVY(FM) public inspection file in Fairmead. 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 (BMPED-970620MC) to modify the facilities of KLVY(FM), Fairmead, California, being in all respects acceptable, and the associated request for a waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED.

Sincerely,

A handwritten signature in black ink that reads "Linda Blair" with a stylized flourish at the end.

Linda Blair, Chief
Audio Services Division
Mass Media Bureau