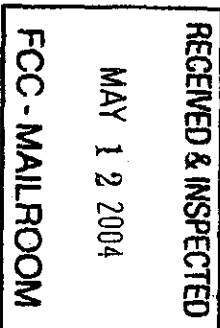


**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

May 7, 2004

IN REPLY REFER TO:
1800B3-EB



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**In Re: KAMI(AM), Cozad, Nebraska
KCVN(FM), Cozad, Nebraska
Facility ID Nos. 69845 & 69844
Community Broadcasting, Inc.
Applications for Assignment of License
File No. BAL-20040213ABN
File No. BALH-20040213ABO**

Applications to Convert to Noncommercial
Educational Status
File No. BML-20040421AFO
File No. BMLED-20040317ACR

Request for Waiver of 47 C.F.R. §73.1125
(Main Studio Rule)

Dear Counsel:

This is in reference to the above captioned applications to: (1) assign the licenses of KAMI(AM) and KCVN(FM), Cozad, Nebraska, from Vectoradio, Inc. to Community Broadcasting("CBI"); and (2) to modify KAMI(AM) and KCVN(FM) licenses by converting them from commercial to noncommercial educational status.¹ The assignment of license also contains a request for waiver of the Commission's Main Studio Rule, 47 C.F.R. Section 73.1125, in order to operate the Cozad stations as "satellites" of commonly owned noncommercial educational ("NCE") station KSIV-FM, St. Louis, Missouri.² For the reasons set forth below, we shall grant the assignment application, the modification of license application, and the waiver

¹ CBI is proposing to reclassify KAMI(AM) and KCVN(FM) from commercial to noncommercial educational status pursuant to 73.1690(c)(9).

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*, 3RR2d 1554, 1562 (1964).

request. The latter grants will become effective upon notification of consummation of the assignment applications.

Main Studio Waiver. Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license, (2) within the principal community contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community of license.³ 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 operation 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

CBI's request is based on the economies of scale which would be realized by grant of its waiver, e.g., avoiding the cost of equipping, staffing, and operating a studio in the Cozad, Nebraska area. We agree and conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. As noted above, CBI proposes to operate KAMI(AM) and KCVN(FM) as satellites of KSIV-FM, St. Louis, Missouri, approximately 544 miles from Cozad, Nebraska. Where there is considerable distance between the parent and the satellite station, and where the parent and satellite station are in different states, 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, CBI has pledged to meet its local service obligations by: (1) maintaining a copy of the stations' local public files in Cozad and updating the files periodically; (2) installing a toll-free line in Cozad and residents of that community have ready access to CBI's headquarters in Overland Park, Kansas; (3) having management-level CBI personnel travel to Cozad at least monthly to contact local community leaders and seek recommendations for programs designed to address the needs and interest of the community and; (4) installing local program origination facilities at the FM transmitter site, which will be used on an occasional basis to air programs addressing significant local issues.

In these circumstances, we are persuaded that CBI will meet its local service obligation and thus that grant of the requested waiver is consistent with the public interest. We remind CBI, however, of the requirement that it maintain a public file for stations KAMI(AM) and KCVN(FM), Cozad, Nebraska, at the main studio of the "parent" station, KSIV-FM, St. Louis,

³ See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998), recon. granted in part, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").

⁴ *Id.*

⁵ *Id.*

Missouri. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁶ We further remind CBI that, notwithstanding the grant of waiver requested here, the public for stations KAMI(AM) and KCVN(FM) must maintain the quarterly issues and programs list for Cozad, Nebraska, as required by C.F.R. Section 73.3527(e)(8).

Assignment applications. We have examined the applications and find that they comport with all statutory and regulatory requirements, that CBI is qualified to operate KAMI(AM) and KCVN(FM), and that routine approval of the application would further the public interest, convenience and necessity.

License applications. Pursuant to *Amendment of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities without a Construction Permit*,⁷ CBI may apply to convert KAMI(AM) and KCVN(FM) commercial authorizations to noncommercial educational status. It may do so by filing a license applications and a demonstration that it is a qualified educational organization pursuant to 47 C.F.R. Section 73.503(a) and that the station will be used to advance CBI's educational program.⁸ We will accept the instant showing. An examination of CBI's proposal reveals that CBI is qualified to operate KAMI(AM) and KCVN(FM) as noncommercial educational facilities and that grant therefore would serve the public interest, convenience and necessity. We will therefore convert KAMI(AM) and KCVN(FM) to noncommercial educational status with the effective date of the grant being the date that CBI notifies the Commission of the consummation of the acquisition of the stations.⁹

Actions. Accordingly, in light of the above discussion the applications (File Nos. BAL-20040213ABN and BALH-20040213ABO) to assign KAMI(AM) and KCVN(FM) from Vectoradio, Inc. to Community Broadcasting ARE HEREBY GRANTED. Additionally, the applications (File Nos. BML-20040421AFO and BMLED-20040317ACR) to convert KAMI(AM) and KCVN(FM) station licenses from commercial to noncommercial educational status, and the concomitant requests for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The effective date of the latter actions will be the date on which the Commission is notified that Community Broadcasting, Inc. has consummated its acquisition of the stations.¹⁰

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

⁷ 12 FCC Rcd 1237 (1997).


⁸ See 47 C.F.R. § 73.1690(c)(9).

⁹ See 47 C.F.R. § 1.102.

¹⁰ *Id.*

The authorization to operate the station as a noncommercial educational facility will be sent at that time. In order to facilitate the transmission of the authorization, Community Broadcasting, Inc. and counsel are requested to send a copy of the consummation notification to both Erica Porter, Room 2-B135, and Druscilla Smalls, Room 2-A140, at the Federal Communications Commission, 445 12th Street, S.W. Washington, D.C. 20554.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: Community Broadcasting, Inc.