

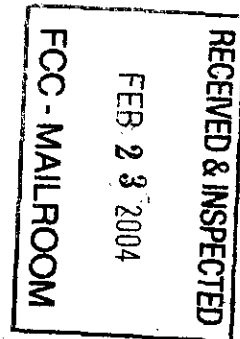
**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

FEB 19 2004

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

Cary Tepper, Esquire
Booth, Freret, Imlay & Tepper, P.C.
7900 Wisconsin Avenue, Suite 304
Bethesda, Maryland 20814-3628

In re: KIHS(FM), Adel, Iowa
Facility ID No. 92489
CSN International



Application for Minor Modification of
Construction
Permit
BMPED-20030926AOZ

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

Dear Mr. Tepper:

The staff has under consideration the referenced application filed by CSN International ("CSN") for a minor modification to the facilities of un-built noncommercial educational station KIHS(FM), Adel, Iowa. The application, *inter alia*, requests a waiver¹ of the Commission's main studio requirement, *see* 47 C.F.R. Section 73.1125, in order for CSN to operate the station as a satellite of its noncommercial, educational FM station KRSS(FM), Tarkio, Missouri.² The Commission records indicate that pursuant to the construction permit authorizing the facilities of KIHS(FM), CSN proposed to construct a main studio for the station which would be in compliance with the Commission's main studio rule. However, CSN has previously informed the Commission that over the past few years the number of stations which it owns has increased and it now desires to conserve its resources through the use of centralized operations. For the reasons set forth below, we shall grant CSN's request for waiver.

¹ Amendments to the application to supplement the waiver request were submitted on January 13, 2004, January 23, 2004, and February 6, 2004.

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).

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 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

CSN'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.

CSN proposes to operate KIHS(FM), Adel, Iowa, as a satellite station of KRSS(FM), Tarkio, Missouri, approximately 95 miles from Adel. 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, CSN has pledged to: (1) appoint a local representative in Adel who will keep CSN management abreast of local issues of interest and concern to Pontiac; (2) publicize, in advance, a quarterly meeting between residents of Adel and CSN management, to be held in Adel, for the purpose of ascertaining community issues; (3) air programming on KIHS(FM) responsive to the ascertained community issues; (4) provide for the broadcast of news, weather, and public service announcements which address the community's issues; (5) maintain information for KIHS(FM) on the website for KRSS(FM), and (6) maintain a toll-free telephone number between Adel, Iowa and the KRSS(FM) main studio.

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

³See *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").


⁴*Id.*

⁵*Id.*

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

Accordingly, the application for a minor modification of facilities for KIH5(FM), Adel, Iowa (BMPED-2030926AOZ), being in all respects acceptable, and the associated request for a waiver of 47 C.F.R. Section 73.1125, filed by CSN International ARE HEREBY GRANTED.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau