

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

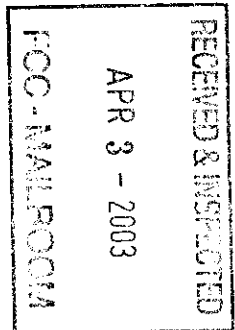
**MAR 28 2003**

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**In re: MX Group 971013**

**NEW(Ed. FM), Sidney, CO**  
Educational Communications of  
Colorado Springs, Inc.  
Facility ID No. 88717  
File No. BPED-19971014MB

**NEW(Ed. FM), Gypsum, CO.**  
Colorado Christian University  
Facility ID No. 90501  
File No. BPED-19980417MC

**NEW(Ed. FM), Sidney, CO**  
Broadcasting For The Challenged,  
Inc.  
Facility ID No. 90483  
File No. BPED-19980415MB

Dear Counsel:

The Commission currently has before it: (1) the captioned mutually exclusive applications for new noncommercial educational FM stations in Sidney and Gypsum, Colorado; (2) a July 19, 2001 Joint Request For Approval Of Settlement Agreements ("Joint Request") filed by Educational Communications of Colorado Springs, Inc. ("ECCS"), Colorado Christian University ("CCU"), and Broadcasting For The Challenged, Inc. ("BFTC"); (3) an April 17, 1998 Petition To Deny and a May 20, 1998

Motion To Dismiss both filed by CCU against the ECCS application; and (4) a request for a waiver of the Commission's Main Studio Rule, Section 73.1125, filed by ECCS in order to operate its proposed Sidney, Colorado facility as a satellite of commonly owned, noncommercial educational ("NCE") radio station KTLF(FM), Colorado Springs, Colorado.

**Joint Request:** Pursuant to the terms of the Joint Request, BFTC shall dismiss its application for Sidney, Colorado in exchange for payment of \$12,000.00 by CCU; ECCS shall reimburse CCU 50% of this expense; the applications of ECCS and CCU are to be granted; ECCS may, within 30 days of CCU receiving a construction permit for Gypsum, Colorado, acquire that construction permit in exchange for its FM translator station, K216EU, Colona, Colorado; ECCS and CCU have each amended their respective applications to eliminate the mutual exclusivity between them; and the parties have agreed to the dismissal of applications in other mutually exclusive groups. We have examined the Joint Request and the attached declarations. Based on this examination, we find that approval of the Joint Request would serve the public interest and that the applications were not filed for the purpose of reaching or carrying out the agreement. Accordingly, the applicants have complied with the provisions of 47 U.S.C. Section 311(c)(3) and 47 C.F.R. Section 73.3525. Furthermore, approval of the Joint Request would serve the public interest by providing Sidney and Gypsum, Colorado their first noncommercial educational FM radio stations.

Since the Joint Request contemplates granting of applications in both communities, no Section 307(b) questions have been presented, and no publication is required under 47 C.F.R. Section 73.3525(b).

**Petition To Deny and Motion To Dismiss:** On April 17, 1998 CCU filed a Petition To Deny the ECCS application and on May 20, 1998, it filed a Motion to Dismiss the ECCS application. On January 17, 2002, CCU withdrew its pleadings. An appropriate affidavit of no consideration was submitted on October 29, 2002. We find that the allegations contained in the pleadings raise no substantial and material questions of warranting further inquiry in this matter.

**Main Studio Waiver:** ECCS has requested a waiver of the Commission's main studio requirement, see 47 C.F.R. Section 73.1125, in order to operate the proposed Sidney, Colorado station as a satellite of its commonly owned NCE station, KTLF(FM), Colorado Springs, Colorado.<sup>1</sup> For the reasons set forth below, we will waive 47 C.F.R Section 73.1125.

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. *See*

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<sup>1</sup>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).

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 15691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order"). 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. *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.*

ECCS' 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.

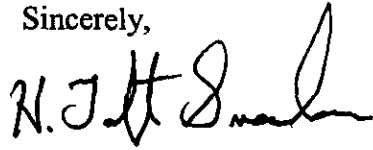
ECCS proposes to operate La Grande, Oregon station as a satellite station of KTLF(FM), Colorado Springs, Colorado which is approximately 200 miles from Sydney. Where there is a great distance between parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite station's community needs and interests. To that end, ECCS has pledged to: (1) conduct, at least quarterly, interviews with residents and community leaders of Sidney to assess community needs and the need for responsive programming, (2) ensure that the ECCS Community Advisory Board has at least one resident of Sidney who will be asked to provide recommendations on community needs and programming directly to ECCS management; (3) develop periodic local programming for Sidney residents, including coverage of significant local news and cultural events; (4) provide for the broadcast of local public service announcements; and (4) maintain a local mailing address and a toll free telephone number between Sidney, Colorado and the KTLF(FM) main studio.

In these circumstances, we are persuaded that ECCS will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind ECCS, however, of the requirement that it maintain a public file for the Sidney, Colorado station at the main studio of the "parent" station, KTLF(FM). It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45. We further remind ECCS that, notwithstanding the grant of the waiver requested here, the public file for the Sidney, Colorado station must contain the quarterly issues and programs list for Sidney, Colorado as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, the Joint Petition For Approval of Settlement Agreements IS GRANTED; the application of Broadcasting For The Challenged (BNPED-19980415M) IS DISMISSED; the CCU Petition To Deny and Motion To Dismiss the ECCS application ARE DISMISSED; and, having found ECCS and CCU fully qualified to be the licensees of noncommercial educational radio stations, the applications of Educational

Communications of Colorado Springs, Inc., (BPED-19971014MB), and its associated request for a waiver of Section 73.1125, and Colorado Christian University (BPED-19980417MC) ARE GRANTED.

Sincerely,



Peter H. Doyle, Chief  
Audio Division  
Media Bureau