

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

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

MAY 2 2002

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In re: MX Group 970739

NEW(Ed. FM), Madison, FL
Public Radio, Inc.
Facility ID No. 87426
File No. BPED-19970707MA

NEW (Ed. FM), Monticello, FL
Educational Media Foundation
Facility ID No. 93356
File No. BPED-19990510MF

NEW (Ed. FM), Monticello, FL
FM91.9, Inc.
Facility ID No. 93370
File No. BPED-19990510ML

Dear Counsel:

This is in reference to the captioned, mutually exclusive, construction permit applications for new noncommercial, educational FM stations in Madison and Monticello, Florida and a July 12, 2001, Joint Request for Approval of Settlement Agreements ("Joint Request") filed by Public Radio, Inc. ("PRI"), Educational Media Foundation ("EMF"), and FM91.9, Inc ("FM91").

Joint Request: Pursuant to the terms of the Joint Request, PRI has agreed to amend their application to eliminate the mutual-exclusivity with the EMF's application and FM91 has agreed to dismiss its application in exchange for payment of \$250,000.00 by EMF.

We have examined the Joint Request and the attached declarations. Based on this examination, we find that approval of the agreement 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. § 311(c)(3) and 47 C.F.R. § 73.3525. Furthermore, approval of the Joint Request would serve the public interest by providing Madison and Monticello, Florida their first noncommercial, educational FM radio stations.

Since the Joint Request contemplates the grant of the PRI and EMF applications, no Section 307(b) questions have been presented, and no publication is required under 47 C.F.R. § 73.3525(b).

Main Studio Waiver: EMF requests a waiver¹ of the Commission's main studio requirement, *see* 47 C.F.R. § 73.1125, in order to operate the proposed Monticello, Florida facility as a satellite of commonly-owned noncommercial education ("NCE") station KLVR(FM), Santa Rosa, California.² For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant EMF's application for a construction permit.

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 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"). 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.*

EMF'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. § 73.1125(a) in these circumstances.

EMF proposes to operate the proposed Monticello, Florida station as a satellite of KLVR(FM), Santa Rosa, California, approximately 2,250 miles from Monticello,

¹ An amendment to the waiver request was filed on March 29, 2002.

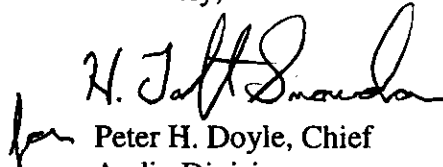
² A "satellite" station meets all of the Commission's technical rules, however, it originates no programming and instead rebroadcasts the parent station's programming. *See* Amendment of Multiple Ownership Rules, *Memorandum Opinion and Order*, 3 RR2d, 1554, 1562 (1964).

Florida. Where there is a great distance between the 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, EMF has pledged to: (1) engage the services of a local Monticello public affairs representative to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, needs, and programs for Monticello listeners, which will be covered in EMF's news and public affairs programming; (2) the EMF local representative will serve as a liaison between the residents of Monticello and EMF's programming personnel; (3) maintain an auxiliary studio within the proposed station's city grade contour which is capable of originating local programming that is responsive to local community needs; and (4) maintain a toll free telephone number between Monticello and the KLVR(FM) main studio in Santa Rosa, California.

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. We remind EMF, however, of the requirement that it maintain a public file for the Monticello, Florida station at the main studio of the "parent" station, KLVR(FM), Santa Rosa, California. 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 EMF that, notwithstanding the grant of the waiver requested here, the public file for the Monticello station must contain the quarterly issues and programs list for Monticello, Florida required by 47 C.F.R. § 73.3527(e)(8).

Conclusion: Accordingly, the Joint Request For Approval of Settlement Agreements IS GRANTED; the application filed by FM91.9, Inc. (BPED-19990510ML) IS DISMISSED; and the applications of filed by Public Radio, Inc. (BPED-19970707MA) and Educational Media Foundation (BPED-19990510MF), being in full compliance with our rules, ARE HEREBY GRANTED. Lastly, EMF's request for a waiver of 47 C.F.R. § 73.1125 IS GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "H. J. Doyle", with a stylized flourish at the end.

Peter H. Doyle, Chief
Audio Division
Office of Broadcast License Policy
Media Bureau