

FEDERAL COMMUNICATIONS COMMISSION

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IN REPLY REFER TO:
1800B3-ALM

Donald E. Martin, Esq.
Law Offices of Donald E. Martin, P.C.
6060 Hardwick Place
Falls Church, Virginia 22041

Re: New FM Service in Nile, Washington, BPED-960918MC

Dear Mr. Martin:

The staff has under consideration the application of LifeTalk Broadcasting Association ("LifeTalk") for a construction permit for new noncommercial educational ("NCE") FM station in Nile, Washington (File No. BPED-960918MC). LifeTalk has requested a waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the proposed Nile station as a satellite of its NCE station KSOH(FM), Wapato, Washington.¹ For the reasons set forth below, we will waive 47 C.F.R. § 73.1125 and grant LifeTalk's application for a construction permit.

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.

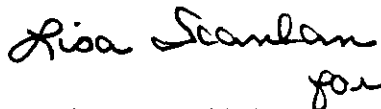
LifeTalk's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. LifeTalk proposes to operate the Nile station as a satellite of KSOH(FM), Wapato, Washington, approximately 40 miles from Nile. The Commission expects the licensee of a satellite station to take adequate measures to maintain

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).

its awareness of the satellite community's needs and interests. To that end, LifeTalk has pledged to: (1) develop and maintain local contacts with community leaders in the Nile service area and will ascertain local needs and interests; (2) programming will be aired to address the local needs and interests of the Nile service area; (3) establish a community advisory board, consisting of residents of the proposed station's service area, which will convene periodically to discuss the needs and interests of the service area, to advise the applicant's management team regarding those needs and interests, and to suggest how the station might address them in its programming; (4) provide coverage of events and institutions of local interest in the service area, such as local civic and professional groups, churches, political activities, school functions, and weather; (5) establish a toll free telephone number between Nile and KSOH(FM) main studio; and (6) maintain the proposed station's Public Inspection File in Nile. In these circumstances, we are persuaded that LifeTalk will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of LifeTalk Broadcasting Association for a construction permit for a new noncommercial, educational FM station in Nile, Washington, BPED-960918MC, and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization will be forwarded under separate cover.

Sincerely,

A handwritten signature in cursive script that reads "Linda Blair" followed by a small flourish.

Linda Blair, Chief
Audio Services Division
Mass Media Bureau