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

OCT 07 2004

IN REPLY REFER TO:
1800B3-ALM

Dennis J. Kelly, Esquire
Post Office Box 41177
Washington, D. C. 20018

In re: KWG(AM), Stockton, CA
Facility ID No. 60418
IHR Educational Broadcasting
BML-20040618ABC

Dear Mr. Kelly:

The staff has under consideration the captioned application filed by IHR Educational Broadcasting ("IHR") to modify the license of KWG(AM), Stockton, California, from commercial to noncommercial, educational. IHR has also requested a waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, in order to operate KWG(AM) as a satellite of its NCE station, KIHM(AM), Reno, Nevada.¹ For the reasons set forth below, we will waive 47 C.F.R. Section 73.1125 and grant IHR's application and request.

Modification of License Application. Pursuant to *Amendments of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit*,² IHR may apply to convert the KWG(AM) from commercial authorization to noncommercial educational FM status. IHR may do so by filing a license application which demonstrates 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 its educational program.³ We will accept the instant showing. An examination of IHR's proposal reveals that IHR is qualified to operate KWG(AM) as a noncommercial educational facility and that grant thereof would serve the public interest, convenience and necessity.

Main Studio Waiver. 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

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).

² 12 FCC Rcd 12371 (1997).

³ See 47.C.F.R. § 73.1690(c)(9).

broadcast station licensed to its community, or (3) within 25 miles of the center of its community.⁴ 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.⁵ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁶

IHR'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.

IHR proposes to operate KWG(AM), Stockton, California, as a satellite of commonly-owned KJHM(AM), Reno, Nevada, approximately 134 miles from Stockton. Where there is a great distance between the parent and satellite stations, as here, and where the parent and satellite stations are in different states, 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, IHR has pledged to: (1) conduct interviews, on an annual basis, with Stockton leaders and residents, (2) form an advisory council comprised of at least one resident of the Stockton area; (3) subscribe to *The Record*, a daily newspaper; (4) develop periodic local programming for Stockton and San Joaquin County including coverage of news and local events; (5) broadcast local public service announcements of interest to Stockton and the KWG(AM) service area; (6) maintain a "contact us" feature on the IHR website and (7) maintain a toll free telephone number between Stockton, California, and the KJHM(AM) main studio.

In these circumstances, we are persuaded that IHR will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind IHR, however, of the requirement that it maintain a public file for KWG(AM), Stockton, California, at the main studio of the "parent" station, KJHM(AM), Reno, Nevada. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁷ We further remind IHR that, notwithstanding the grant of the waiver requested here, the public file for KWG(AM) must contain the quarterly issues and programs list for Stockton, California, as required by 47 C.F.R. Section 73.3527(e)(8).

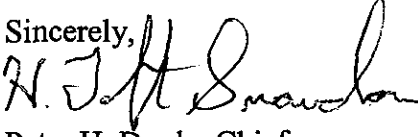
⁴ See *Report and Order, Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations*, 13 FCC Rcd 15,691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").


⁵ *Id.*

⁶ *Id.*

⁷ See *Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45.

Accordingly, the application of IHR Educational Broadcasting to modify the construction license of KWG(AM), Stockton, California, from commercial to noncommercial educational, BML-20040618ABC, being in all respects acceptable, and its request for a waiver of 47 C.F.R. Section 73.1125, ARE HEREBY GRANTED.

Sincerely,


 Peter H. Doyle, Chief
Audio Division
Media Bureau