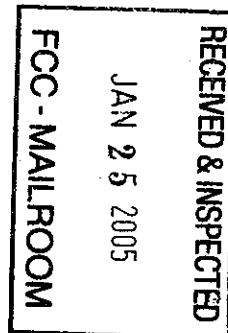


**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

JAN 24 2005

IN REPLY REFER TO:
1800B3

Donald E. Wildmon, President
American Family Association
P.O. Drawer 3206
107 Parkgate
Tupelo, MS 38803



In re: **KAPI(FM), Ruston, LA**
Facility ID # 1635
File No. BLED-20001120AAH
Request for Waiver of 47 C.F.R. §73.1125
Filed on February 5, 2001

Dear Mr. Wildmon:

The staff has under consideration the captioned application (File No. BLED-20001120AAH) of American Family Association ("AFA") for license to cover the construction permit (BPED-980427IA) for modified facilities of station KAPI(FM), Ruston, Louisiana. AFA seeks a waiver of the Commission's main studio rule, 47 C.F.R. §73.1125, in order to operate KAPI(FM) as a "satellite" of AFA's station KSJY-FM, Lafayette, Louisiana.¹ AFA amended the waiver request on November 4, 2004. For the reasons set forth below, we will grant AFA's request for waiver and its license application.

Pursuant to Section 73.1125, a station's main studio must be located either (1) within a station's principal community contour; (2) within the principal community contour of any other broadcast station licensed to its community; or (3) within 25 miles of the center of its community.² However, under Section 73.1125(b)(2), 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-

¹ 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 RR 2d 1554, 1562 (1964).

² See *Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast and radio stations*, 13 FCC Rcd 15,691 (1998); *recon. granted in part*, 14 FCC Rcd 11,113 (1999) ("Reconsideration Order").

case basis. The Commission has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus has found that "good cause" exists to waive the main studio location requirement where satellite operations are proposed.³ However, in order to receive a satellite main studio waiver, an applicant must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁴

AFA's request is based on the economies of scale which would be realized by grant of its waiver, *i.e.*, avoiding the cost of equipping, operating, and staffing a main studio in the Ruston, Louisiana area. By virtue of the November 4, 2004, AFA states that waiver is necessary, notwithstanding representations in the construction permit and license applications that the Ruston facility would comply with the main studio rules. AFA indicates that it broadcasts from facilities in Ruston with volunteers from the John Knox Presbyterian Church, but that the church has informed AFA that it can no longer ensure that the facility will be adequately staffed because it will no longer employ any full-time staff.

We conclude that AFA has demonstrated "good cause" to waive 47 C.F.R. Section 73.1125(a)(4) in these circumstances. As noted above, AFA proposes to operate KAPI(FM) as a satellite of co-owned station KSJY-FM, Lafayette, Louisiana. Ruston is approximately 90 miles from Lafayette. Where there is a considerable distance between parent and satellite stations, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests and respond to them in its programming. To that end, AFA has stated that: (1) it will add to its Community Advisory Board at least one resident from Ruston, who will provide recommendations on community needs and programming directly to AFA management; (2) it will, during each "Shareathon" pledge drive (typically held every six months) proactively solicit listener opinions regarding community issues that should be addressed during program planning and factor those responses into its program schedule; (3) it will provide periodic local programming for Ruston, including coverage of significant local news and cultural events; and (4) it will provide for the broadcast of public service announcements pertinent to Ruston residents. Additionally, AFA pledges to maintain a toll-free telephone line from Ruston to the KSJY-FM studios. In these circumstances, we are persuaded that AFA will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest.

In these circumstances, we are persuaded that AFA will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest. We remind AFA of the requirement that it maintain a public file for KAPI(FM) at the main studio of the "parent" station, KSJY-FM, Lafayette, Louisiana, and that it must make reasonable


³ *Id.*

⁴ *Id.*

accommodation for listeners wishing to examine the file's contents.⁵ Additionally, notwithstanding the grant of the waiver requested here, the public file for KAPI(FM) must contain the quarterly issues and programs list for Ruston, Louisiana, required by 47 C.F.R. Section 73.3527(e)(8).

We have also examined AFA's license application for KAPI and find that the station was constructed in accordance with the terms and conditions of its construction permit⁶ and that the application complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience, and necessity would be furthered by its grant. In accordance with these findings, and in reliance upon the representations listed above, the application (File No. BLED-20001120AAH) of American Family Association for license to cover the construction permit of station KAPI(FM), Ruston, Louisiana, and its request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The authorization is enclosed.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau

Enclosure

⁵ See *Reconsideration Order*, 14 FCC Rcd at 11129 ¶ 45.

⁶ BPED-19970427IA.