

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

APR 27 2005

IN REPLY REFER TO:
1800B3-EB

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In Re: KWFL(FM), Roswell, New Mexico
Facility ID Nos. 57715
Family Life Broadcasting System

Request for Waiver of 47 C.F.R. §
73.1125 (Main Studio Rule)

Dear Counsel:

The staff has under consideration the referenced June 20, 2004, request for a waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, filed by Family Life Broadcasting System ("FLBS"). FLBS seeks a waiver of Section 73.1125 in order to operate KWFL(FM) as a "satellite" station of its noncommercial educational ("NCE") FM station KFLQ(FM), Albuquerque, New Mexico.¹ For the reasons set forth below we will waive Section 73.1125 and grant FLBS's request.

Pursuant to Section 73.1125(a), main studio must be located either (1) within a station's community of license, (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 of license.² 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 a satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized operation for NCE stations, given their limited funding, and thus found good cause exists to waive the main studio location requirement

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 to Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR2d 1554, 1562 (1964).

² See *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 1113 (1999) ("Reconsideration Order").

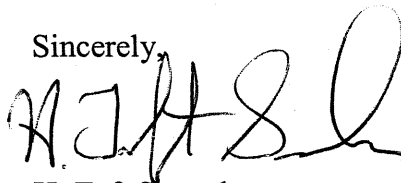
where satellite operations are proposed.³ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.⁴

FLBS's request is based in the economies scale which would be realized by grant of its waiver, *e.g.*, avoiding the cost of equipping, staffing and operating a studio in the Roswell area. We agree and conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. As noted above, FLBS proposes to operate KWFL(FM) as a satellite of KFLQ(FM), Albuquerque, New Mexico, approximately 169 miles from Roswell. Where there is a considerable distance between the parent and the satellite station, 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, FLBS has pledged to meet its local service obligations by: (1) maintaining an auxiliary studio at a location that complies with Section 73.1125 and that is capable of originating programming to meet local community needs; (2) having its local representative further serve as a liaison between the residents of Roswell and FLBS's programming personnel; (3) conducting quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of Roswell, New Mexico listeners, which will be covered in FLBS's news and public affairs programming; (4) maintaining a toll-free number from Roswell to the KFLQ(FM) studio in Albuquerque; and (5) maintaining a public inspection file for the station within Roswell.

In these circumstances, we are persuaded that FLBS will meet its local service obligation and thus grant of the requested waiver is consistent with the public interest. We remind FLBS, However, of the requirement that it maintain a public file for KWFL(FM) at the main studio of the "parent" station, KFLQ(FM), Albuquerque, New Mexico. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind FLBS that, notwithstanding the grant of waiver requested here, the public file for KWFL(FM) must contain the quarterly issues and program list for Roswell, New Mexico, as required by C.F.R. Section 73.3527(e)(8).

Accordingly, the request made by Family Life Broadcasting System for waiver of 47 C.F.R. Section 73.1125, IS GRANTED.

Sincerely,



H. Taft Snowdon
Supervisory Attorney
Audio Division

³ *Id*

⁴ *Id.*

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