

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
February 13, 2004

IN REPLY REFER TO:
1800B3-EB

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In Re: KARJ(FM), Kuna, Idaho
Educational Media Foundation
Facility ID No. 88927

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

Dear Counsel:

The staff has under consideration the referenced February 20, 2003, request for a waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, filed by Educational Media Foundation ("EMF"). EMF is the permittee of the noncommercial educational ("NCE") FM station KARJ in Kuna, Idaho. EMF seeks a waiver of Section 73.1125 in order to operate KARJ(FM) as a "satellite" station of its noncommercial educational FM station KLRD(FM), Yucaipa, California.¹ For the reasons set forth below we will waive Section 73.1125 and grant EMF'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 pat*, 14 FCC Rcd 1113 (1999) ("Reconsideration Order").

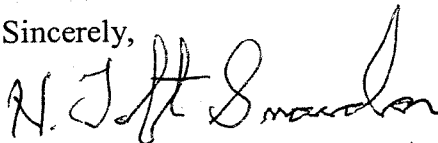
where satellite operations are proposed.³ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.⁴

EMF'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 Kuna 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, EMF proposes to operate the Kuna station as a satellite of KLRD(FM), Yucaipa, California, approximately 614 miles from Kuna, Idaho. Where there is a considerable distance between the parent and the satellite station, and where the parent and satellite station are in different states, as here, we are particularly concerned that the permittee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, EMF 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) engaging the service of a local representative, who will work with EMF's regional Managers and will conduct, on a quarterly basis, interviews, surveys and other samplings of public affairs programming; (3) maintaining a toll-free number from Kuna to the KLRD(FM) studio in Yucaipa; and (4) maintaining a public inspection file for the station within Kuna.

In these circumstances, we are persuaded that EMF will meet its local service obligation and thus 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 Kuna, Idaho, station at the main studio of the "parent" station, KLRD(FM), Yucaipa, California. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind EMF that, notwithstanding the grant of waiver requested here, the public file for KARJ(FM) must contain the quarterly issues and program list for the Kuna, Idaho, as required by C.F.R. Section 73.3527(e)(8).

Accordingly, the request made by Educational Media Foundation for waiver of 47 C.F.R. Section 73.1125, IS GRANTED.

Sincerely,



H. Taft Snowden
Supervisory Attorney
Audio Division
Media Bureau

³ *Id*

⁴ *Id*.

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