

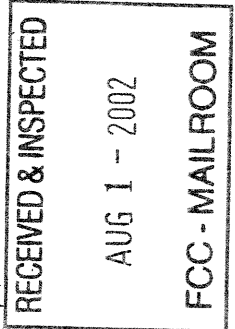
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CHRON

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELTH STREET, N.W.**  
**WASHINGTON, D.C. 20554**  
**JUL 30 2002**

IN REPLY REFER TO: 1800B3-JR

Amy L. Van de Kerchove, Esquire  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, DC 20037-1128

In re: **NEW(FM)**, Willmar, MN  
**Facility ID No. 92992**  
File No. BPED-19990311MK  
Educational Media Foundation  
Minor amendment  
Main studio waiver



Dear Counsel:

The staff has before it: (1) the application of Educational Media Foundation ("EMF") for a new noncommercial educational ("NCE") FM station at Willmar, Minnesota; (2) EMF's July 18, 2001 amendment; and (3) its request for a waiver of 47 C.F.R. Section 73.1125. For the reasons set forth below, we accept EMF's amendment and grant its waiver request and application.

*Amendment.* EMF's application was previously mutually exclusive with that of Minn-Iowa Christian Broadcasting, Inc. ("Minn-Iowa") in MX Group 980910.<sup>1</sup> On July 18, 2001, EMF submitted a minor engineering amendment to resolve the conflict with Minn-Iowa's application.<sup>2</sup> Pursuant to its March 22, 2001 *Public Notice*, "Supplements and Settlements to Pending Closed Groups of Noncommercial Educational Broadcast Applications due by June 4, 2001," 16 FCC Rcd 6893, 6894 (M.M. Bur. 2001); *modified, Public Notice*, "Deadline for NCE Settlements and Supplements Extended to July 19, 2001," 16 FCC Rcd 10,892 (M.M. Bur. 2001), the Commission will entertain technical solutions to mutually exclusive NCE application groups pursuant to which an applicant removes itself from a group to achieve a grant by making minor engineering changes to its own application without affecting the viability of any other applicants to compete for a second station. The staff has determined that EMF's amendment would do so. Thus, we find good cause to accept it.

<sup>1</sup> File No. BPED-19981215MB. The other group applicants were Des Moines Earlham, Incorporated (File No. BPED-19990310MG) and American Family Association (File No. BPED-19980925MA). None of the other Group 980910 applications are addressed herein.

<sup>2</sup> EMF proposes a new transmitter site and change in effective radiated power.

*Main studio waiver.* Pursuant to 47 C.F.R. Section 73.1125(a), a main studio must be located either: (1) within a station's principal community contour; (2) within the principal community contour of any other station licensed to its community; or (3) within 25 miles of the reference coordinates for the center of its community. *See Review of the Commission's Rules regarding the main studio and public inspection files of broadcast television and radio stations*, 13 FCC Rcd 15,691 (1998); *recon. granted in part*, 14 FCC Rcd 11,113 (1999) ("Reconsideration Order"). Pursuant to subsection (b)(2) of the rule, however, an FM main studio may be located outside the areas prescribed in subsection (a) "when good cause exists . . . and when doing so would be consistent with the operation of the station in the public interest." Waiver requests by applicants seeking to operate stations as satellites of other NCE facilities are considered on a case-by-case basis. 47 C.F.R. § 73.1125(d)(2). The Commission recognizes that NCE stations have limited funding and, thus, has found "good cause" to waive its main studio location requirements where satellite operations are proposed. *See Amendment of Sections 73.1125 and 73.1130*, 3 FCC Rcd 5024, 5027 (1998). An applicant proposing a satellite operation must, however, demonstrate that it will meet its local service obligation in order to satisfy the "public interest" standard of the rule. *Id.*

EMF requests a main studio waiver to operate the proposed Willmar station as a satellite of co-owned NCE Station KLVR(FM), Santa Rosa, California.<sup>3</sup> EMF asserts that the Willmar station will be part of its K-LOVE Radio Network ("K-LOVE"), broadcasting KLVR(FM) programming. According to EMF, co-locating the Willmar station's main studio with that of KLVR(FM) will result in economies of scale and cost savings needed to maintain K-LOVE's "high quality" NCE programming, while maintaining separate staffing and studio locations will result in a serious financial burden and divert limited K-LOVE programming resources.

EMF pledges to fulfill its local service obligations by maintaining an auxiliary studio within the Willmar station's principal community contour capable of originating local programming responsive to community needs. EMF also pledges to engage a local Willmar public affairs representative who will work with a Regional Manager<sup>4</sup> to, at least quarterly, survey community leaders and other residents to determine listener concerns, problems and needs and to address them with K-LOVE news and public affairs programming. Further, EMF pledges that its local representative will serve as a liaison between Willmar residents and its programming personnel. Finally, EMF pledges to maintain a local toll-free telephone number and a local public inspection file.

EMF's waiver request is premised on potential economies of scale. We agree, that given the circumstances, EMF will meet its local service obligations to Willmar and that there is good cause to waive Section 73.1125. Where, as here, there is a significant distance between EMF's parent and proposed satellite stations,<sup>5</sup> we are particularly concerned that the proposed licensee adequately act to maintain its awareness of the needs and interests of the satellite community.

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<sup>3</sup> EMF originally specified NCE Station KLRD(FM), Yuciapa, California. It specified KLRV(FM) in its July 18, 2001 amendment. EMF supplemented its waiver request in a February 26, 2002 amendment.

<sup>4</sup> EMF states that its Regional Managers oversee stations for which main studio waivers have been granted and oversee a number of its stations within defined geographic areas.

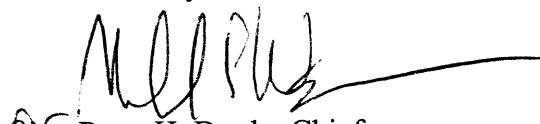
<sup>5</sup> Willmar and Santa Rosa are situated approximately 1,600 miles apart.

To that end, we credit EMF's pledges to utilize a local public affairs representative to survey community leaders and residents quarterly and to address the ascertained broadcast needs and interests of Willmar. We also credit its pledge to maintain a Willmar studio with local programming capability. Further, we determine that EMF's pledge to maintain a local public inspection file will satisfy its obligation to reasonably accommodate Willmar listeners wishing to examine the file's contents. *See 47 C.F.R. § 73.3527(c); Reconsideration Order*, 14 FCC Rcd at 11,129, ¶ 45. We do not, however, credit its toll-free telephone and local public file commitments, inasmuch as they are otherwise mandated by 47 C.F.R. Sections 73.1125(e) and 73.3527, respectively. We remind EMF that, notwithstanding grant of its waiver request, the public inspection file for its proposed facility must contain the quarterly issues and programs list for Willmar as required by 47 C.F.R. Section 73.3527(e)(8).

*Conclusions/orders.* An examination of its application reveals that EMF is qualified to be a Commission licensee. The examination further reveals that a grant thereof would benefit the public interest, convenience, and necessity.

In light of the above, and pursuant to 47 C.F.R. Section 0.283: the July 18, 2001 amendment to the application of Educational Media Foundation for a new noncommercial educational FM station at Willmar, Minnesota IS ACCEPTED; and its request for a waiver of 47 C.F.R. Section 73.1125 and its application (File No. BPED-19990311MK) ARE GRANTED. The authorization is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", with a long horizontal flourish extending to the right.

Peter H. Doyle, Chief  
Audio Division  
Media Bureau