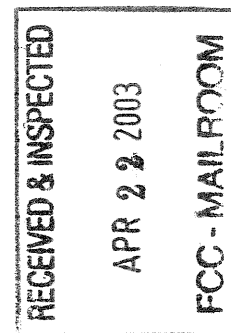


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**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

APR 17 2003

IN REPLY REFER TO:
1800B3-MAT



Margaret L. Miller, Esq.
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Ave., NW
Washington, D. C. 20036-6802

In Re: **NEW(FM), Farmington, MO**
Board of Regents, Southeast Missouri State
University
File No. BPED-19980306MC
Facility ID No. 90232
Request for Waiver of Main Studio Rule

Dear Counsel:

The staff has under consideration the above-captioned application filed by Board of Regents, Southeast Missouri State University ("SEMO") for a construction permit for a new noncommercial educational ("NCE") FM station in Farmington, Missouri. SEMO has requested a waiver of the main studio requirement, 47 C.F.R. § 73.1125, in order to operate the Farmington, Missouri station as a satellite¹ of its commonly-owned NCE station KRCU(FM), Cape Girardeau, Missouri. For the reasons set forth below, we will waive Section 73.1125 and grant the SEMO application for a construction permit.

Pursuant to Section 73.1125(a), 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 the community of license.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 a satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized

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 Television and Radio Stations*, Report and Order, 13 FCC Rcd 15691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").

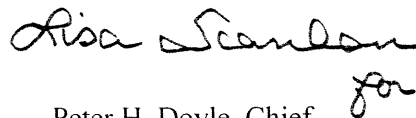
operations for NCE stations, given their limited funding, and thus found good cause exists to waive the main studio location requirement where satellite operations are proposed. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

SEMO's request is based on the economies of scale which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. SEMO proposes to operate the Farmington station as a satellite of KRCU(FM), Cape Girardeau, Missouri, approximately 59 miles from Farmington. Where there is a considerable distance between parent and satellite stations, as here, 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, SEMO has pledged to: (1) expand the KRCU(FM) Community Board (which provides recommendations on community needs and programming directly to KRCU(FM) management) to include representatives from the Farmington area; (2) establish a toll-free telephone number to allow Farmington residents to call the main studio in Cape Girardeau; (3) establish a public file in Farmington and (4) ascertain the community needs of Farmington on a regular basis.

Under these circumstances, we are persuaded that SEMO will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind SEMO that, notwithstanding its commitment to maintain a public inspection file in Farmington, it must also maintain a public file for the Farmington station at the main studio of the parent station KRCU(FM), Cape Girardeau, Missouri. It must also make reasonable accommodation for listeners wishing to examine the file's contents.³ We further remind SEMO that, notwithstanding the grant of the waiver requested here, the public file for the station must contain the quarterly issues and programs list, as required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application of Board of Regents, Southeast Missouri State University for a construction permit for a new noncommercial educational FM station in Farmington, Missouri (BPED-19980306MC), and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,

A handwritten signature in black ink that reads "Lisa Scanlon". The signature is fluid and cursive, with a small "for" written below it.

Peter H. Doyle, Chief
Audio Division
Office of Broadcast License Policy
Media Bureau

³ See *Reconsideration Order*, 14 FCC Rcd at 11129, ¶45.