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

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IN REPLY REFER TO:
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In Re: **NEW(FM), Roseburg, Oregon**
Lane Community College
File No. BPED-19980205MA
Facility ID No. 89864

NEW(FM), Roseburg, Oregon
Family Stations, Inc.
File No. BPED-19980729MK
Facility ID No. 91344

Joint Request for Settlement Agreement and
Petition for Leave to Amend
MX Group 980201

Dear Counsel:

This is in reference to the above-captioned mutually exclusive construction permit applications for a new noncommercial FM station in Roseburg, Oregon and the Joint Request for Approval of Settlement Agreement and Petition for Leave to Amend ("Agreement") filed on July 12, 2001 by Lane Community College ("Lane") and Family Stations, Inc. ("Family").¹

¹ On July 12, 2001, Lane filed a Petition for Leave to Amend its application to specify operation on Channel 201.

Pursuant to the terms of the Agreement, Family agrees to dismiss its application for operation on Channel 201 in exchange for (i) a settlement payment specified in the Agreement and (ii) the assignment of noncommercial educational FM Translator K203BE, Roseburg, Oregon, from Lane to Family.² Family will also terminate operation of its FM translator station on Channel 201 (K201AI) at Roseburg upon Lane commencing operation of the new station at Roseburg. Further, Lane will amend its application to specify operation on Channel 201 and the Lane application will be granted, as amended.

We have examined the Joint Request and the Settlement Agreement attached thereto. Based on this examination, we find that approval of the Agreement would serve the public interest and that the Family application was not filed for the purpose of reaching or carrying out the Agreement. Accordingly, the applicants have complied with the provisions of 47 U.S.C. § 311(c)(3) and 47 C.F.R. § 73.3525. Since both of the applicants propose to serve the same community, no Section 307(b) questions have been presented and republication is not required under 47 C.F.R. § 73.3525(b).

Main Studio Waiver. Lane has requested a waiver of the Commission's main studio requirement, *see* 47 C.F.R. § 73.1125, in order to operate the Roseburg station as a satellite³ of its commonly-owned NCE station KLCC(FM), Eugene, Oregon. For the reasons set forth below, we will waive Section 73.1125.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of the community of license. *Amendment of Sections 73.1125 and 73.1130*, 3 FCC Rcd 5024, 5027 (1988). 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 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.*

Lane'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. Lane proposes to operate the Roseburg station as a satellite of KLCC(FM), Eugene, Oregon, approximately 56 miles from Roseburg, Oregon. The Commission expects the licensee of a

² The application (BALFT-20010712AG) to assign noncommercial educational FM Translator K203BE from Lane to Family was filed on July 12, 2001.


³ 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).

satellite station to take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, Lane has pledged to: (1) expand news coverage of activities within the service area of the proposed station; (2) encourage public service participation from the Roseburg area; (3) maintain a toll-free (800) telephone number so that residents of the Roseburg area will be able to contact the studio without charge and (4) solicit community involvement from the proposed service area.

Under these circumstances, we are persuaded that Lane will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind Lane, however, of the requirement that it must maintain a public file for the Roseburg, Oregon station at the main studio of the station at which its programming is originated, and it must provide the accommodation to listeners or residents as required under the amended rules. *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 14 FCC Rcd 11113, 11129, ¶45 (1999). Thus, in the instant case, Lane must maintain the public file at the main studio of parent station KLCC(FM), Eugene, Oregon. Furthermore, we find that Lane is fully qualified and that a grant of its application would serve the public interest by expediting a new noncommercial educational FM service to Roseburg, Oregon

Accordingly, pursuant to 47 C.F.R. § 0.283, the Joint Request for Approval of Settlement and Petition for Leave to Amend and the request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The July 12, 2001 amendment IS ACCEPTED FOR FILING. The application filed by Family Stations, Inc. (File No. BPED-19980729MK) IS HEREBY DISMISSED and the application filed by Lane Community College (File No. BPED-19980205MA) IS HEREBY GRANTED. The construction permit authorization will follow under separate cover.

Sincerely,



Peter H. Doyle, Chief ^{for}
Audio Services Division
Mass Media Bureau