

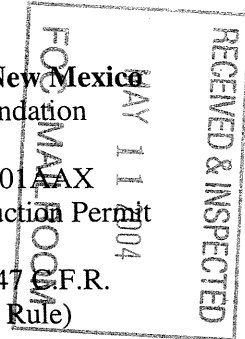
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**FEDERAL COMMUNICATIONS COMMISSION**  
**WASHINGTON, DC 20554**  
May 6, 2004

**IN REPLY REFER TO:**  
**1800B3-EB**

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**In Re: NEW(FM), Socorro, New Mexico**  
Educational Media Foundation  
Facility ID No. 122812  
File No. BPED-20000301 AAX  
Application for Construction Permit  
  
Request for Waiver of 47 C.F.R.  
§73.1125 (Main Studio Rule)



Dear Counsel:

The staff has under consideration the above-referenced application for a new a noncommercial educational ("NCE") FM station in Socorro, New Mexico, filed by Educational Media Foundation ("EMF"). In the application, EMF also seeks a waiver of the Commission's main studio requirement, 47 C.F. R. Section 73.1125, in order to operate the Socorro facility as a "satellite" station of its commonly owned NCE FM station KLRD(FM), Yucaipa, California.<sup>1</sup> For the reasons set forth below, we will waive Section 73.1125 and grant EMF's waiver request and its application.

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 its community of license.<sup>2</sup> 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 the 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

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<sup>1</sup> 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 RR2d 1554, 1562 (1964).

<sup>2</sup> *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 11113 (1999) ("Reconsideration Order").

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

EMF's request is based on the economies of scale which would be realized by grant of its waiver, e.g., avoiding the cost of equipping, staffing, and operating a studio in the Socorro 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 Socorro facility as a satellite of KLRD(FM), Yucaipa, California, approximately 582 miles from Socorro, New Mexico. Where there is considerable distance between the parent and the satellite station, 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) employing 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 opinion, in order to ascertain the interests and needs of the proposed service area in its news and public affairs programming; (3) maintaining a toll-free number from Socorro to the KLRD(FM) studio in Yucaipa; and (4) maintaining a public inspection file for the station within Socorro.

In these circumstances, we are persuaded that EMF will meet its local service obligation and thus that 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 Socorro, New Mexico 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.<sup>5</sup> We further remind EMF that, notwithstanding the grant of waiver requested here, the public file for the KLRD(FM) must contain the quarterly issues and programs list for the Socorro, New Mexico facility as required by C.F.R. Section 73.3527(e)(8).

We have reviewed EMF's application and find that it complies with all pertinent statutory and regulatory requirements. Additionally, our evaluation reveals that grant of the application will further the public interest, convenience and necessity. Accordingly, the application (File No. BNPED-20000301AAX) of Educational Media Foundation for a new noncommercial educational FM station in Socorro, New Mexico, as well as its request for waiver of 47 C.F.R. § 73.1125, IS GRANTED.

Sincerely,



Peter H. Doyle, Chief  
Audio Division  
Media Bureau

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.