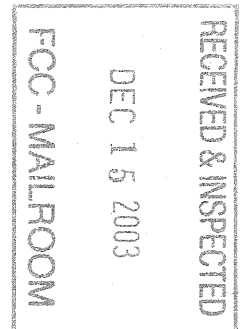


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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
December 4, 2003

IN REPLY REFER TO:
1800B3-MH

Donald E. Wildmon
President
American Family Association
P.O. Drawer 3206
107 Parkgate
Tupelo, MS 38803



In Re: KBKN(FM), Lamesa, Texas
Facility ID No. 84914
American Family Association
Application for Assignment of License
BAPED-20030815AEV

License Application to Cover
BLED-20011113ACL

Request for Waiver of 47 C.F.R. § 73.1125

Dear Mr. Wildmon:

This is in reference to the captioned applications: (1) application for assignment of construction permit for noncommercial educational ("NCE") FM station KBKN(FM), Lamesa, Texas from American Family Association ("AFA") to IHR Educational Broadcasting ("IHR") (File No. BAPED-20030815AEV), as amended; (2) license application (File No. BLED-20011113ACL) to cover KBKN's construction permit (BPED-19961219MM); and (3) a February 5, 2001, request for a waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, made by AFA.¹ AFA seeks a waiver of Section 73.1125 in order to operate KBKN(FM) as a "satellite" of its noncommercial educational ("NCE") FM station, KAVW(FM), Amarillo, Texas.² For the reasons set forth below, we will grant AFA's waiver request and the subject applications.

Assignment Application. We have reviewed the application to assign KBKN(FM) from AFA to IHR. We find that AFA and IHR are fully qualified to sell and acquire, respectively, station KBKN(FM). We also find that IHR has demonstrated its qualifications under 47 C.F.R. Section 73.503 and that it is fully qualified to be the licensee of NCE-FM station KBKN(FM) and that routine grant of the assignment application would further the public interest, convenience and necessity.

¹ AFA supplemented its waiver request on May 21, 2002.

² A "satellite" station meets all of the Commission's technical rules. However, it originates no programming and instead rebroadcasts the parent station's programming.

License Application. We have also examined AFA's license application and find that it complies with all pertinent statutory and regulatory requirements and that the KBKN(FM) facilities were constructed in accordance with the terms of its authorization. We therefore find that the public interest, convenience and necessity would be furthered by its grant.

Main Studio Waiver.³ Pursuant to 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 broadcast station licensed to its community, or (3) within 25 miles of the center of its community of license.⁴ 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 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.⁵ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁶

AFA's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. Section 73.1125(a)(4) under these circumstances. AFA proposes to operate KBKN(FM) as a satellite station of KAVW(FM), Amarillo, Texas, approximately 170 miles from Lamesa. Where there is great distance between the parent and the satellite station, as here, and where the parent and satellite stations are in different states, 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, AFA: (1) has pledged to add to its Community Advisory Board at least one resident of Lamesa who will be asked to provide recommendations on community needs and programming directly to the management of Family; (2) will, during semiannual pledge campaigns on the KBKN(FM) solicit listeners' opinions regarding community issues that should be addressed during program planning; (3) will provide periodic local programming for Lamesa, including coverage of significant local news or cultural events; (4) will provide for broadcast of local public service announcements; and (5) will maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and maintain a public inspection file for the station within the Lamesa community.

³ IHR has not requested a waiver of the main studio rule in the subject assignment application. However, we are approving assignor AFA's waiver request so that if the proposed transaction is not consummated, AFA may operate KBKN(FM) as a satellite of KAVW(FM). The waiver is not assigned to IHR.

⁴ See *Report and Order, 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").


⁵ Id.

⁶ Id.

In these circumstances, we are persuaded that AFA will meet its local service obligation and thus that grant of the requested waiver is consistent with the public interest. We remind AFA, however, of the requirement that it maintain a public file of Lamesa, Texas station at the main studio of the "parent" station, KAVW(FM), Amarillo, Texas. It must also make reasonable accommodation to listeners wishing to examine the file's contents.⁷ We further remind AFA that, notwithstanding the grant of the waiver requested here, the public file for KBKN(FM) must contain the quarterly issues and programs list for Lamesa, Texas as required by 47 C.F.R. § 73.3527 (e)(8).

Accordingly, the application to assign station KBKN(FM), Lamesa, Texas from American Family Association to IHR Educational Broadcasting (BALH-20030815ACY), the application (BLED-20011113ACI) for license to cover the construction permit of KBKN(FM), and the request for waiver of 47 C.F.R. Section 73.1125, ARE HEREBY GRANTED.

Sincerely,


Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: Dennis J. Kelly, Esq.

⁷ See *Reconsideration Order*, 14 FCC Rcd at 11129 ¶ 45.