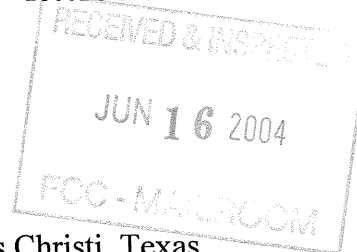


Chm 2-A320

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

JUN 09 2004

IN REPLY REFER TO:  
1800B3-MH



David Oxenford, Esquire  
ShawPittman  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

In Re: KKLM(FM) Corpus Christi, Texas  
Educational Media Foundation  
Facility ID No. 57477  
Application for Minor Change in the Licensed  
Facilities  
File No. BPED-20030129AMN

Request for Waiver of 47 C.F.R. § 73.1125  
(Main Studio Rule)

Dear Mr. Oxenford:

This letter refers to: (1) the captioned application of Educational Media Foundation ("EMF") licensee of KKLM(FM), Corpus Christi, Texas proposing to modify its license to change the effective radiated power and change the antenna to remove the beam-tilt; and (2) a January 29, 2003 request for waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, to permit KKLM(FM) to operate as a "satellite" of station KLVR(FM) Santa Rosa, California.<sup>1</sup> For the reasons set forth below, we will waive Section 73.1125 and grant EMF's application.

Main Studio Waiver. Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (2) within the 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 operations for NCE stations, given their limited funding, and thus found "good cause" exists to waive the main studio location

<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.

<sup>2</sup> 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").

requirement 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. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a)(4) Under these circumstances. EMF proposes to operate KKLM(FM) as a satellite station of KLVR(FM), Santa Rosa, California, approximately 1,611 miles from Corpus Christi, Texas. Where there is great distance between the parent and the satellite station, as here, and where the parent and the 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, EMF has pledged: (1) to maintain an auxiliary studio at a location that complies with Section 73.1125 and that is capable of origination local programming that is responsive to local community needs; (2) that it will engage the services of a local Corpus Christi public affairs representatives to conduct quarterly ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of the Corpus Christi listeners, which will be covered in EMF’s news and public affairs programming and broadcast over the KKLM(FM); (3) that its local representative will further serve as a liaison between residents of Corpus Christi, and EMF’s programming personnel; and (4) to maintain a toll-free telephone number for the use of the residents in the community and maintain a public inspection file for the station with in the Corpus Christi Community..

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 Corpus Christi, Texas at the main studio of the “parent” station, KLVR(FM), Santa Rosa, California. It must make reasonable accommodation for listeners wishing to examine the file’s contents.<sup>5</sup> We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for KKLM(FM) must contain the quarterly issues and programs list for Corpus Christi, Texas as required by 47 C.F.R. § 73.3527(e)(8).

Minor Modification application. We have reviewed application (BPED-20030129AMN) to change the effective radiated power and to change the antenna to remove the beam-tilt for KKLM(FM), Corpus Christi, Texas. We find that the application meets all pertinent technical requirements and that routine grant of the application would further public interest, convenience and necessity.

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<sup>3</sup> Id.

<sup>4</sup> Id.

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

Accordingly, the application (File No. BPED-20030129AMN) of Educational Media Foundation to modify facilities of KKLM(FM) Corpus Christi, Texas to change the effective radiated power and change the antenna to remove the beam-tilt, as well as its request for waiver of 47 C.F.R. § 73.1125, ARE GRANTED. The authorization is enclosed.

Sincerely,

  
for Peter H. Doyle, Chief  
Audio Division  
Media Bureau