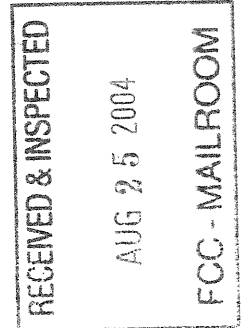


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**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

AUG 20 2004

**In Reply Refer To:
1800B3-MAT**



Lee Peltzman, Esq.
Shainis & Peltzman, Chartered
1850 M Street, NW
Suite 240
Washington, D. C. 20036

In Re: NEW(FM), Leadville, CO
Educational Communications of Colorado
Springs, Inc.
File No. BPED-19990903MB
Facility ID No. 94202

Dear Counsel:

The staff has under consideration the above-captioned application filed by Educational Communications of Colorado Springs, Inc. ("ECCS") for a construction permit for a new noncommercial educational ("NCE") FM station in Leadville, Colorado. ECCS has requested a waiver of the main studio requirement, 47 C.F.R. § 73.1125, in order to operate the Leadville, Colorado station as a satellite¹ of its commonly-owned NCE station KTLF(FM), Colorado Springs, Colorado. For the reasons set forth below, we will waive Section 73.1125.

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 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.³ A satellite station must,

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*, 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*, 13 FCC Rcd 15691 (1998), recon. granted in part, 14 FCC Rcd 11113 (1999) ("Main Studio Reconsideration Order").

³ *Id.*

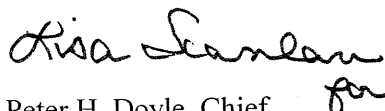
however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.⁴

ECCS' 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. ECCS proposes to operate the Leadville, Colorado station as a satellite of KTLF(FM), Colorado Springs, Colorado, approximately 84 miles from Leadville, Colorado. Where there is a considerable distance between parent and satellite stations, 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, ECCS has pledged to meet its local service obligations by: (1) conducting annually interviews with residents and community leaders to assess community needs and the need for responsive programming; (2) ensuring that its community advisory board has at least one resident of Leadville, who will be asked to provide recommendations on community needs and programming directly to ECCS' management; (3) developing periodic local programming for Leadville residents, including coverage of significant local news and cultural events; (4) providing for the broadcast of local public service announcements and (5) maintaining its public file within the community of license and maintaining a local toll free telephone number and mailing address for the benefit of Leadville residents.

Under these circumstances, we are persuaded that ECCS will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind ECCS that, notwithstanding its commitment to maintain a public inspection file in Leadville, Colorado, it must also maintain a public file for the Leadville station at the main studio of the parent station, KTLF(FM), Colorado Springs, Colorado. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind ECCS 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 Educational Communications of Colorado Springs, Inc. for a construction permit for a new noncommercial educational FM station in Leadville, Colorado (File No. BPED-19990903MB) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

⁴ *Id.*

⁵ See *Main Studio Reconsideration Order*, 14 FCC Rcd at 11129.