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FEDERAL COMMUNICATIONS COMMISSION
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FEDERAL COMMUNICATIONS COMMISSION

Harry C. Martin, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street – 11th Floor
Arlington, Virginia 22209-3801

In Re: KWTD(FM), Ridgecrest, CA
Noncommercial Educational ("NCE") Station
Facility ID No. 86917

Application for Minor Modification of
Construction Permit
BMPED-20040419AAD

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

Dear Mr. Martin:

The staff has under consideration: (1) the captioned application of Living Proof, Inc. ("LPI") to modify the construction permit of station KWTD(FM), Ridgecrest, California; and (2) the request for waiver of the Commission's Main Studio Rule, Section 73.1125, in order to operate station KWTD(FM), Ridgecrest, California, as a "satellite" of commonly owned NCE station KWTW(FM), Bishop, California.¹ For the reasons set forth below, we will waive Section 73.1125 and grant LPI's application and the requested waiver.

Main Studio Waiver. Pursuant to Section 73.1125(a), a broadcast station's 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

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*, Memorandum Opinion and Order, 3 RR2d 1554, 1562 (1964).

miles of the center of its community of license.² 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.³ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 “public interest” standard.⁴

LPI’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.

LPI proposes to operate station KWTD(FM), Ridgecrest, California, as a satellite station of KWTW(FM), Bishop, California, approximately 136 miles from Ridgecrest. Where there is a great distance between the parent and satellite station, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community’s needs and interests. To that end, LPI has pledged to: (1) have management-level LPI personnel to travel to Ridgecrest at least monthly to contact local community leaders and seek recommendations for programs designed to address the needs and interests of the community; (2) install local program origination facilities at the FM transmitter site, which will be used on an occasional basis to air programs addressing significant local issues; (3) continue to locate a copy of the station’s local public inspection file in Ridgecrest and update the file periodically; and (4) install a toll-free telephone line in Ridgecrest so residents of that community have ready access to LPI’s headquarters in Bishop, California, as required by Section 73.1125(d) of the rules.

In these circumstances, we are persuaded that LPI will meet its local service obligation and thus, that grant of the requested waiver is consistent with the public interest. We remind LPI, however, of the requirement that it maintain a public file for the Ridgecrest station at the main studio of the “parent” station, KWTW(FM), Bishop, California. It must also make reasonable accommodation for listeners wishing to examine the file’s contents.⁵ We further remind LPI that, notwithstanding the grant of the waiver requested here, the public file for KWTD(FM) must contain the quarterly issues and programs list for Ridgecrest, California, as required by 47 C.F.R. Section 73.3527(e)(8).

Minor modification application. We have examined the application (BMPED-20040419AAD) for minor modification of the construction permit for KWTD(FM), Ridgecrest, California. We find that the application complies with all pertinent statutory and regulatory

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)(“*Reconsideration Order*”).

³ *Id.*

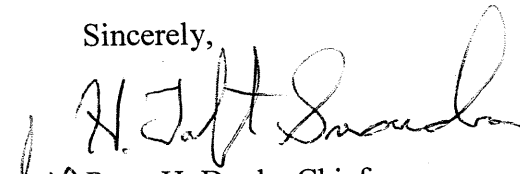
⁴ *Id.*

⁵ See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

requirements and thus that the public interest, convenience, and necessity would be furthered by its grant.

Accordingly, LPI's request for waiver of 47 C.F.R. Section 73.1125 and its application BMPED-20040419AAD, ARE HEREBY GRANTED. The authorization is enclosed.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

Enclosure