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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

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In Re: **NEW(FM), Pagosa Springs, CO**
Educational Communications of Colorado
Springs, Inc.
File No. BPED-19990916ME
Facility ID No. 94189
Request for Waiver of Main Studio Rule

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 Pagosa Springs, Colorado. ECCS has requested a waiver of the Commission's main studio requirement, *see* 47 C.F.R. § 73.1125, in order to operate the Pagosa Springs 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 and grant ECCS's application for a construction permit.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of the community of license. *Amendment of Sections 73.1125 and 73.1130*, 3 FCC Rcd 5024, 5027 (1988). 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. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

ECCS's 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 Pagosa Springs station as a satellite of KTLF(FM),

¹A "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 RR 2d 1554, 1562 (1964).

Colorado Springs, Colorado, approximately 162 miles from Pagosa Springs, Colorado. Where there is a great distance between parent and satellite stations, as here, 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: (1) conduct interviews with residents and community leaders to assess community needs and the need for responsive programming; (2) ensure that its Community Advisory Board has at least one resident of Pagosa Springs, who will be asked to provide recommendations on community needs and programming directly to ECCS's management; (3) develop periodic local programming for Pagosa Springs residents, including coverage of significant local news and cultural events; (4) provide for the broadcast of local public service announcements and (5) maintain its public file within the community of license and maintain a local toll free telephone number and mailing address for the benefit of Pagosa Springs 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, however, of the requirement that it maintain a public file for the station at the main studio of the station at which its programming is originated, and it must provide the accommodation to listeners or residents as required under the amended rules. *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 14 FCC Rcd 11113, 11129, ¶45 (1999). Thus, in the instant case, ECCS must maintain the public file at the main studio of parent station KTLF(FM), Colorado Springs, Colorado.

Accordingly, the application of Educational Communications of Colorado Springs, Inc. for a construction permit for a new noncommercial educational FM station in Pagosa Springs, Colorado (BPED-19990916ME), and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization will be forwarded under separate cover.

Sincerely,



Peter H. Doyle, Chief
Audio Services Division
Mass Media Bureau

for