

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

FEB 10 2004

IN REPLY REFER TO:
1800B3-VFA

Amy L Van de Kerckhove, Esquire
Shaw Pittman
2300 N Street N.W.
Washington, DC 20037-1128

In re: KVLK(FM), Belen, New Mexico
Facility ID No. 85845
Educational Media Foundation

Request for Waiver of § 73.1125
(Main Studio Rule)

Dear Ms. Van de Kerckhove:

This staff has under consideration the request of Educational Media Foundation ("EMF") for a waiver of the Commission's main studio requirement, 47 C.F.R Section 73.1125, in order to operate KVLK(FM), Belen, New Mexico, as a satellite of its commonly owned, noncommercial, educational ("NCE") KLVR(FM), Santa Rosa, California, station.¹

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's principal community of license 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.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 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

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).

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.*

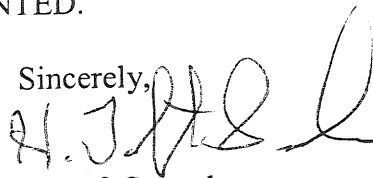
its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁴ EMF states that as a noncommercial educational licensee, it has encountered difficulty in providing financial support for the main studios required by the Commission. Therefore, EMF now seeks a waiver of C.F.R. Section 73.1125 in order to arrange its stations into a regional originating and satellite structure. EMF's request is based on the economies of scale that would be realized by grant of its waiver.

EMF proposes to operate KVLK(FM), Belen, New Mexico, as a satellite of station of KLVR(FM), Santa Rosa, California, approximately 1469 miles from Belen. 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 and address the satellite community's needs and interests. To that end, EMF has pledged to engage in a quarterly ascertainment of the community needs and interests of Belen by: (1) maintaining an auxiliary studio within KVLK(FM)'s city grade contour capable of originating local programming that is responsive to local community needs; (2) having a local representative available in the community of Belen. The local representative will work with EMF's regional manager and conduct on a quarterly basis, interviews, surveys and other samplings of public opinion, in order to ascertain the interest and needs of the proposed service area in its news and public affairs programming. EMF's local representative will serve as a liaison between the residents and Belen and EMF's programming personnel; (3) maintaining a toll-free telephone number between Belen, New Mexico, and the KLVR(FM) main studio.

Under 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 KVLK(FM) at the main studio of the "parent" station KLVR(FM). It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind EMF that, notwithstanding the grant of waiver requested here, the public file for KLVK(FM) must contain the quarterly issues and programs list, as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, the request for waiver of 47 C.F.R. Section 73.1125 filed by Educational Media Foundation IS HEREBY GRANTED.

Sincerely,



H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau

⁴ *Id.*

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