

Eng. file

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

February 7, 2007

IN REPLY REFER TO:
1800B3-EEB

Karen A. Ross
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1500 K Street, N.W.
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Washington, D.C. 20005-1272

In Re: WVSO(FM), South Vienna, Ohio
Facility ID No. 92040
Educational Media Foundation

Application for Assignment of License
File No. BALED-20061219ACG

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

Dear Counsel:

The staff has under consideration the referenced application to assign the noncommercial educational ("NCE") FM station for WVSO, South Vienna, Ohio, from American Family Association to Educational Media Foundation ("EMF"). In the application, EMF seeks a waiver of Section 73.1125 in order to operate WVSO(FM) as a "satellite" of its NCE FM station KLRD, Yucaipa, California.¹ For the reasons set forth below, we shall grant both the assignment of license application and the waiver request.

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 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 operation for NCE stations, given their limited funding and, thus, found good cause exists to waive the main studio location requirement where satellite operations are

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").

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

EMF's request is based on the economies of scale which would be realized by grant of its waiver, *e.g.*, avoiding the cost of equipping, staffing, and operating a studio in the South Vienna, Ohio, area. We conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. As noted above, EMF proposes to operate WVSO(FM) as a satellite of KLRD(FM), Yucaipa, California, approximately 1,887 miles from South Vienna, Ohio. Where there is considerable distance between the parent and the satellite station, and where the parent and satellite station are in different states, 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, EMF has pledged to meet its local service obligations by: (1) maintaining an auxiliary studio at a location that complies with Section 73.1125 and that is capable of originating programming to meet local community needs; (2) engaging the services of a local South Vienna public affairs representative, who may be a volunteer, to conduct, at least on a quarterly basis, ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of South Vienna listeners, which will then be covered in EMF's news and public affairs programming; (3) ensuring that the local representative will further serve as a liaison between the residents of South Vienna and EMF's programming personnel; and (4) maintaining a toll-free number from South Vienna, Ohio, to the KLRD(FM) studio in Yucaipa.

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 WVSO(FM), South Vienna, Ohio, at the main studio of the "parent" station, KLRD(FM), Yucaipa, California. 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 WVSO(FM) must maintain the quarterly issues and programs list for South Vienna, Ohio, as required by C.F.R. Section 73.3527(e)(8).

³ *Id.*

⁴ *Id.*

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

Accordingly, finding the applicants qualified and that grant of the assignment application would serve the public interest, convenience and necessity, the application (File No. BALED-20061219ACG) to assign the license from American Family Association to Educational Media Foundation and the concomitant request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The authorization is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Taft Snowdon". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

H. Taft Snowdon
Supervisory Attorney
Audio Division

cc: Educational Media Foundation



FILED/ACCEPTED

JAN - 3 2007

Davis Wright Tremaine LLP

Federal Communications Commission
Office of the Secretary

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January 3, 2007

VIA HAND DELIVERYMarlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, DC 20554**Re: Request for Main Studio Waiver
WVSO(FM), South Vienna, Ohio (FIN: 92040)**

Dear Ms. Dortch:

On behalf of Educational Media Foundation ("EMF"), the proposed assignee of noncommercial educational FM station WVSO(FM), South Vienna, Ohio,¹ we hereby respectfully request a waiver of Section 73.1125 of the Commission's rules (hereinafter referred to as the "main studio rule") to permit the location of the main studio of WVSO at the main studio of EMF's co-owned station KLRD(NCE-FM) in Yucaipa, California. The proposed studio location is approximately 3,037 kilometers (1,887 miles) outside of the 3.16 mV/m contour of WVSO.

This waiver request is contingent upon the grant of the assignment of the broadcast license for WVSO from American Family Association to EMF (see FCC File No. BALED-20061219ACG). EMF respectfully requests that the instant waiver request be processed and granted expeditiously upon grant of the underlying assignment application, so that the parties may consummate the assignment and EMF may begin providing service to the public.

EMF proposes to operate WVSO as a "satellite" station of KLRD. WVSO will be part of a network of radio broadcast stations operated by EMF known as the "AIR-1 Radio Network." EMF is a non-profit corporation and each network station operates noncommercially and broadcasts the noncommercial educational programming carried on the AIR-1 Radio Network.

¹ On December 19, 2006, an application was filed seeking Commission consent to assign WVSO(FM) from American Family Association to EMF. See FCC File No. BALED-20061219ACG.

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By co-locating WVSO's main studio at KLRD's main studio in Yucaipa, EMF will realize valuable economies of scale and cost savings, which are needed to maintain the high quality of AIR-1's noncommercial educational programming. As a listener-supported station, WVSO will face severe financial constraints. The obligation to maintain separate staffing and studio locations for both WVSO and KLRD will place a serious financial burden on EMF and divert what limited resources are available from AIR-1's programming efforts.

To ensure that WVSO fulfills its local service obligations to the residents of South Vienna, Ohio, EMF will maintain an auxiliary studio either: 1) in South Vienna; 2) at a location within the principal community contour of an AM, FM, or TV station licensed to South Vienna; or 3) within twenty-five miles from the reference coordinates of the center of South Vienna. This auxiliary studio will be capable of originating local programming that is responsive to local community needs.

In addition to maintaining an auxiliary studio, EMF will also have a local public affairs representative, who may be a volunteer, available in the community of South Vienna. This local representative will, at least on a quarterly basis, conduct interviews and surveys of local community leaders and other residents to ascertain the interests, concerns, and needs of the South Vienna listeners. EMF will then address the recurrent issues, problems, and needs of the residents of South Vienna in AIR-1's news and public affairs programming.

EMF's local representative will further serve as a liaison between the residents of South Vienna and EMF's programming personnel. EMF will maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules. Finally, EMF will maintain a public inspection file for WVSO at the main studio of its parent station, KLRD(FM), Yucaipa, California, as required by Section 73.3527 of the Commission's rules, and make reasonable accommodation to listeners wishing to examine the file's contents.

Under Section 73.1125 of the Commission's rules, a broadcast station must maintain its main studio (a) within the station's community of license; (b) at a location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (c) within 25 miles from the reference coordinates of the center of the station's community of license, except when "good cause" exists for locating the main studio at an alternate location. The Commission traditionally considers waiver requests by noncommercial educational stations on a case-by-case basis. See Main Studio and Program Origination Rules, 3 FCC Rcd 5024 (1988); see also 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, 15695 n.18 (1998). In the context of noncommercial waiver requests, the Commission has expressly and implicitly found "good cause" to exist in numerous instances based solely upon a showing that centralized operations will provide an economic benefit to noncommercial stations which have limited funding, provided that local service obligations are met. See Letter to Roy R. Russo, Esq., dated January 24, 1994; Letter to Richard J. Bodorff, dated January 2,

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January 3, 2007
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1992; The President and Board of Trustees of the Miami University, 7 FCC Rcd 2902 (1992); The Cedarville College, 6 FCC Rcd 538 (1991); Letter to Gerald Stevens-Kittner, Esq., dated July 15, 1991; Sound of Life, Inc., 4 FCC Rcd 8273 (1989); Lift Him Up Outreach Ministries, Inc., 3 FCC Rcd 5571 (1988); Georgia State Board of Education, 70 F.C.C.2d 948 (1979), recon. denied, 71 F.C.C.2d 227 (1979); Nebraska Educational Television Comm'n, 4 R.R.2d 771 (1965).

EMF respectfully submits that the instant request presents substantially the same showing of good cause and public interest benefits as each of these waivers noted above. In each case, the Commission staff determined that the waivers were justified on the basis of the limited funding available to the stations and the increased efficiencies resulting from co-location of studios. Like these other waiver applicants, EMF will also experience financial difficulties in maintaining separate staffing and separate facilities for its "parent" and "satellite" stations. EMF will also be fully capable of fulfilling its local service obligations in the same manner as each of these other applicants.

In view of the foregoing, EMF requests that the Commission find pursuant to Section 73.1125(b)(2) of the Commission's rules that the public interest will be served by the consolidation of WVSO's main studio with KLRD's main studio, and authorize EMF to locate WVSO's main studio outside of the city grade community and contour of the station and more than 25 miles from the reference coordinates of the center of South Vienna, Ohio. As EMF is a noncommercial entity, there is no fee associated with this filing.

If there should be any questions regarding this matter, please contact the undersigned.

Respectfully submitted,



Karen A. Ross

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