

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

February 7, 2007

IN REPLY REFER TO:
1800B3-EEB

Karen A. Ross
Davis Wright Tremaine, LLP
1500 K Street, N.W.
Suite 450
Washington, D.C. 20005-1272

In Re: WLGY(FM), Nanty Glo, Pennsylvania
Facility ID No. 90689
Educational Media Foundation

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

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 WLGY, Nanty Glo, Pennsylvania, from American Family Association to Educational Media Foundation ("EMF"). In the application, EMF seeks a waiver of Section 73.1125 in order to operate WLGY(FM) as a "satellite" of its NCE FM station KLVR, Santa Rosa, 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

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").

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

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 Nanty Glo, Pennsylvania, 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 WLGY(FM) as a satellite of KLVR(FM), Santa Rosa, California, approximately 2,341 miles from Nanty Glo, Pennsylvania. 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 Nanty Glo 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 Nanty Glo 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 Nanty Glo and EMF's programming personnel; and (4) maintaining a toll-free number from Nanty Glo, Pennsylvania, to the KLVR(FM) studio in Santa Rosa.

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 WLGY(FM), Nanty Glo, Pennsylvania, at the main studio of the "parent" station, KLVR(FM), Santa Rosa, 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 WGLY(FM) must maintain the quarterly issues and programs list for Nanty Glo, Pennsylvania, as required by C.F.R. Section 73.3527(e)(8).

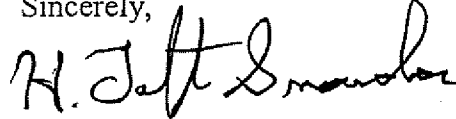
³ *Id.*

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-20061219ABQ) 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 name "H." being small and the last name "Snowdon" being larger and more 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
WLGY(FM), Nanty Glo, Pennsylvania (FIN: 90689)**

Dear Ms. Dortch:

On behalf of Educational Media Foundation ("EMF"), the proposed assignee of the broadcast license for noncommercial educational FM station WLGY(FM), Nanty Glo, Pennsylvania,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 WLGY at the main studio of EMF's co-owned station KLVR(NCE-FM) in Santa Rosa, California. The proposed studio location is approximately 3,768 kilometers (2,341 miles) outside of the 3.16 mV/m contour of WLGY.

This waiver request is contingent upon the grant of the assignment of the broadcast license for WLGY from American Family Association to EMF (see FCC File No. BALED-20061219ABQ). 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 WLGY as a "satellite" station of KLVR. WLGY will be part of a network of radio broadcast stations operated by EMF known as the "K-LOVE Radio Network." EMF is a non-profit corporation and each network station operates noncommercially and broadcasts the noncommercial educational programming carried on the K-LOVE Radio

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



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

To ensure that WLGY fulfills its local service obligations to the residents of Nanty Glo, Pennsylvania, EMF will maintain an auxiliary studio either: 1) in Nanty Glo; 2) at a location within the principal community contour of an AM, FM, or TV station licensed to Nanty Glo; or 3) within twenty-five miles from the reference coordinates of the center of Nanty Glo. 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 Nanty Glo, Pennsylvania. 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 Nanty Glo listeners. EMF will then address the recurrent issues, problems, and needs of the residents of Nanty Glo in K-LOVE's news and public affairs programming.

EMF's local representative will further serve as a liaison between the residents of Nanty Glo 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 WLGY at the main studio of its parent station, KLVR(FM), Santa Rosa, 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,



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 WLGY's main studio with KLVR's main studio, and authorize EMF to locate WLGY'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 Nanty Glo, Pennsylvania. 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,

A handwritten signature in black ink, appearing to read "Karen A. Ross". The signature is fluid and cursive, with a large initial "K" and "R".

Karen A. Ross