



Federal Communications Commission  
Washington, D.C. 20554

May 31, 2017

*In Reply Refer to:*  
1800B3

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**In re: KTSN-FM, Blowout, Texas**  
Facility ID No. 174329

**KCTI-FM, Gonzalez, Texas**  
Facility ID No. 91220

Request for Waiver of Section 73.1125  
(Main Studio Rule)

Informal Objection

Dear Counsel:

We have before us the February 13, 2017, request of Sun Radio Foundation ("Sun") for waiver of Section 73.1125 of the Commission's Rules (Rules),<sup>1</sup> as amended (Waiver Request), to locate the main studios of its noncommercial educational (NCE) FM stations KTSN-FM, Blowout, Texas, and KCTI-FM, Gonzalez, Texas (the Stations), at Sun's headquarters at 12600 Hill Country Boulevard, Bee Cave, Texas. We also have before us the objection to the Waiver Request filed on March 3, 2017, on behalf of Texas Public Radio (TPR), licensee of, among other stations, KCTI(AM), Gonzalez, Texas.<sup>2</sup> For the reasons set forth below, we deny the Objection and grant the Waiver Request.

*Background.* In the Waiver Request, Sun states that it operates a regional Texas NCE station network headquartered in Bee Cave and that it operates its stations throughout the region on a "satellite" basis, with the Stations operating as the "parent" stations whose programming is rebroadcast throughout Sun's system of stations. Sun now proposes to locate the Stations' main studios to its headquarters in Bee Cave, Texas, where programming for the Stations originates. It notes that the proposed Bee Cave studio location is approximately 15.9 miles outside the area in which it could locate the KTSN-FM main studio, and approximately 37.38 miles outside the area in which it could locate the KCTI-FM studio under Section 73.1125 of the Rules.

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<sup>1</sup> 47 CFR § 73.1125.

<sup>2</sup> Sun submitted a "Response" to the Objection on March 16, 2017.

Sun notes that the Commission has recognized the benefit of centralized operation for NCE station, due to their limited funding, and has granted waivers to state and regional public radio networks to operate stations that cannot necessarily meet the requirements of a main studio. It claims that the cost savings of locating the Stations' studio facilities sun headquarters for each station will amount to \$2,120 per month, for a total saving to Sun of \$50,880 per year. Sun states that it will establish a toll-free telephone number that will permit resident of the Station's communities, as well as those in the satellite communities, to contact Sun headquarters without accruing long-distance charges. It indicates that it will: (1) maintain offices in each of the Stations' communities of license; (2) maintain copies of the Stations' local public inspection file in the Stations respective communities of license; and (3) send representatives to the Stations' communities on a quarterly basis to ascertain the needs and interests of those communities.<sup>3</sup>

In its Objection, TPR does not address the merits of the Waiver Request but references a dispute with Sun regarding the allegedly invalid assignment the call sign "KTCI-FM" to the Sun station currently using that call sign. On April 11, 2017, the Media Bureau staff dismissed TPR's complaint regarding the use of call sign KTCI-FM as an untimely petition for reconsideration.<sup>4</sup> In light of that action, we will deny the objection here.

*Discussion.* Pursuant to section 73.1125(a) of the Rules, a main studio must be located either (1) within a station's principal community 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.<sup>5</sup> 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 is considered on a case-by-case basis.

Sun has demonstrated that uniquely compelling circumstances support a waiver in this case. Initially, Sun has shown that it can achieve significant and continuing cost savings in excess of \$50,000 per year by collocating the Stations' main studios at its Bee Cave headquarters. It argues that the cost savings will enhance its ability to provide quality public radio programming to its listeners. As noted in the Waiver Request, the Commission has previously recognized limited funding as a basis for permitting centralized operation for noncommercial educational stations and networks.<sup>6</sup> Moreover, on the basis of commitments Sun has made regarding a toll-free telephone line, maintenance of offices and public file, and quarterly outreach efforts, we are persuaded that the Stations will continue to meet their public service obligations to the residents of Blowout and Gonzalez, Texas, and its outreach efforts regarding the satellite communities will be unaffected. In these circumstances, we are persuaded that Sun will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

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<sup>3</sup> Sun states in an e-mail amendment to the Waiver Request dated May 1, 2017, that the relocation of the Stations' studios to its Headquarters will not affect its ongoing efforts to ascertain and meet the needs and interests of residents of the satellite communities served by the Station's programming.

<sup>4</sup> See *Dan J. Alpert, Esq. and Brad C. Deutsch, Esq.*, Decision Letter (MB Vid. Div. Apr. 11, 2017), recon. pending.

<sup>5</sup> See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, 13 FCC Rcd 15691 (1998); recon. granted in part, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").

<sup>6</sup> *Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd 5024, 5026, para 30 (1988). See also *KPSC(FM), Palm Springs, California*, 4Decision Letter, 22 FCC Rcd 12955, 12958 (MB 2007).

Finally, although Sun has pledged to maintain copies of the Stations' public inspection files in their respective communities of license, we remind it, however, of the requirement that, for now, it maintain a public file for the Stations at Sun's main studio facilities in Bee Cave, Texas, and it must make reasonable accommodation for listeners wishing to examine the file's contents.<sup>7</sup> We further remind Sun that, notwithstanding the grant of the waiver requested here, the Stations' public inspection files must contain the quarterly issues and programs list for their communities of license, as required by Section 73.3527(e)(8) of the Commission's rules.

*Conclusion/Actions.* In light of the above discussion, IT IS ORDERED, that the March 3, 2017, Objection filed on behalf of Texas Public Radio IS DENIED.

IT IS FURTHER ORDERED, that the request of Sun Radio Foundation for a waiver of Section 73.1125 of the Commission's Rules to locate the main studios of Stations KTNS(FM), Blowout, Texas, and KCTI-FM, Gonzalez, Texas, at Sun Radio Foundation Headquarters at 12600 Hill Country Road, Bee Cave, Texas, IS GRANTED.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter H. Doyle", is written over the printed name.

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

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<sup>7</sup> See *Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45.