SNG. FILE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, DC 20554

May 23, 2000

In Reply Refer to:
1800B3-MFW

Brendan Holland, Esq.
Shaw Pittman Potts & Trowbridge
2001 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-1851

In re: **KQDY(FM), Bismarck, ND**
Facility ID No. 2204
Application for Modification of License
File No. BMLED-19991026ACR

WYLT(FM), Byhalia, MS
Facility ID No. 859
Application for Modification of License
File No. BMLED-19991213ABH

Dear Mr. Holland:

This letter concerns the captioned license modifications, which seek to convert the operation of stations KQDY(FM), Bismarck, North Dakota and WYLT(FM), Byhalia, Mississippi, from commercial to noncommercial educational operation. The applications were filed on behalf of Educational Media Foundation ("EMF"), approved assignee of the radio stations.[1] The applications each also seek a waiver of the Commission's main studio rule, 47 C.F.R. §73.1125 to operate KQDY(FM) and WYLT(FM) as "satellites" of EMF station KLVR(FM), Santa Rosa, California. For the reasons set forth below, we will approve the applications, effective upon consummation of the assignment applications by which the staff approved EMF's acquisition of the two stations.

License applications. Pursuant to *Amendments of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit*, 12 FCC Rcd 12,371 (1997), EMF may apply to convert the KQDY(FM) and WYLT(FM) commercial authorizations to noncommercial educational FM status. It may do so by filing a license application and a demonstration that it is a qualified educational organization pursuant to 47 C.F.R. § 73.503(a) and that the station will be used to advance EMF's educational program.

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[1] *See* Application No. BALED-19991004AAR, granted November 29, 1999 (approval of EMF acquisition of KQDY(FM) from Anderson Broadcasting Company), and Application No. BAPED-19991129AAK, granted February 1, 2000 (approval of EMF acquisition of WYLT(FM) from Estate of Albert L. Crain).

Bismarck and Byhalia to the KLVR(FM) studios and to maintain the stations' public files in their community of license, as required by 47 C.F.R. §§ 73.1125(d) and 73.3527, respectively.[2]

EMF's waiver request is based on economies of scale. Given the circumstances, there is "good cause" to waive § 73.1125(a). EMF proposes to distribute the signal of its NCE Station KLVR(FM). Where, as here, there is a significant distance between parent and proposed satellite stations, and where they are situated in different states,[3] we are particularly concerned that the licensee adequately act to maintain its awareness of the needs and interests of the satellite community. To that end, we note EMf's pledges to: (1) maintain auxiliary studios within the geographical limits specified in Section 73.1125, which studios will be capable of originating local programming for Bismarck and Byhalia; (2) engage a local representative to conduct regular ascertainment surveys of community leaders and residents; address local concerns with news and public affairs programming; and (4) maintain a local toll-free telephone number to the Santa Rosa studio.

It appears that inasmuch as EMF will meet its local service requirements, grant of the requested waiver is in the public interest. We remind EMF, however, of the requirement that it maintain a public file for both KQDY(FM) and WYLT(FM) at the main studio of the "parent" station, KLVR(FM), and it must accommodate reasonable requests for inspection of documents contained in those files. *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 11,113 (1999) at ¶ 45, 64 Fed. Reg. 35,941 (July 2, 1999).

Accordingly, in light of the above discussion, the request of Educational Media Foundation for a waiver of 47 C.F.R. § 73.1125 and its application to modify the license of Station KQDY(FM), Bismarck, North Dakota, to specify noncommercial operation (File No. BMLH-19991026ACR) ARE GRANTED. Additionally, the request of Educational Media Foundation for a waiver of 47 C.F.R. § 73.1125 and its application to modify the license of Station WYLT(FM), Byhalia, Mississippi, to specify noncommercial operation (File No. BMLH-19991213ABH) ARE GRANTED.

The effective date of the actions taken herein will be the date on which the Commission is notified that EMF has consummated its acquisition of the stations. *See* 47 C.F.R. § 1.102(b)(1). The authorizations to operate the stations as noncommercial educational facilities will be sent at that time. In order to facilitate the transmission of the authorizations, EMF and

[2] Notwithstanding this representation, and as discussed below, the Commission has recently revised its main studio and public file rules to require that all stations, including NCE facilities operating as "satellites," maintain their public files at the specified main studio locations. Accordingly, EMS will be required to keep the KQDA(FM) and WYLT(FM) public files at the KLVR(FM) studio facility in Santa Rosa. It must also make reasonable accommodations for listeners wishing to examine the contents of the files.

counsel are requested to send a copy of the consummation notification to both Michael Wagner, Room 2-A523, and Druscilla Smalls, Room 2-A140 at the Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

Sincerely,

Linda Blair, Chief
Audio Services Division
Mass Media Bureau

cc: Educational Media Foundation