FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

MAR 0 8 2005

IN REPLY REFER TO:
1800B3-RAB

David D. Oxenford, Esquire
Shaw Pittman, LLP
2300 N Street, N. W.
Washington, D. C. 20037-1128

In Re: WYKK-FM, Quitman, MS
Educational Media Foundation
Facility ID No. 54324
Application for Assignment of License
File No. BALH-20041201ARG

File No. BMLED-20041215AAI
To Convert to Noncommercial Educational Status

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

Dear Mr. Oxenford:

The staff has under consideration the captioned applications to: (1) assign the license of station WYKK-FM, Quitman, Mississippi, from Quitman Broadcasting Company ("Quitman") to Educational Media Foundation ("EMF"); and (2) modify the WYKK-FM license by converting it from commercial to noncommercial educational status.[1] The modification of license application also contains a request for a waiver of the Commission's Main Studio Rule, Section 73.1125, in order to operate station WYKK-FM as a "satellite" of commonly owned noncommercial educational ("NCE") station

[1] EMF is proposing to reclassify WYKK-FM from commercial to noncommercial educational status pursuant to 73.1690(c)(9).

KLVR(FM), Santa Rosa, California.[2] For the reasons set forth below, we shall grant the assignment application, the modification of license application, and the waiver request. The latter grants will become effective upon notification of consummation of the assignment application.

Main Studio Waiver. Pursuant to Section 73.1125(a), a broadcast station's 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.[3] 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 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.[4] A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.[5]

EMF's request is based on the economies of scale, which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. Section 73.1125(a)(4) under these circumstances.

EMF proposes to operate WYKK-FM, Quitman, Mississippi, as a satellite station of KLVR(FM), Santa Rosa, California, approximately 1,959 miles from Quitman. Where there is a great distance between the parent and satellite station, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, EMF has pledged to: (1) maintain an auxiliary studio at a location that complies with Section 73.1125 and that is capable of originating local programming that is responsive to local community needs; (2) engage the services of a local Quitman public affairs representative to conduct quarterly ascertainment surveys of local leaders and other residents to determine the concerns, problems and needs of Quitman listeners, which will be covered in EMF's news and public affairs programming and broadcast by WYKK-FM; (3) maintain local representation in the Quitman area, whereby EMF's local representative will further serve as a liaison between the residents of Quitman and EMF's programming personnel; (4)

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[2] 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).

[3] *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*").

[4] *Id*

[5] *Id*

maintain its public inspection file within the Quitman community; and (5) maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules.

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 the Quitman station 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.[6] We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for WYKK-FM must contain the quarterly issues and programs list for Quitman, Mississippi, required by 47 C.F.R. Section 73.3527(e)(8).

Assignment application. We have examined the application and find that it comports with all statutory and regulatory requirements, that EMF is qualified to operate WYKK-FM, and that routine approval of the application would further the public interest, convenience and necessity.

Modification of license application. 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*,[7] EMF may apply to convert the WYKK-FM commercial authorization 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. Section 73.503(a) and that the station will be used to advance EMF's educational program.[8] We will accept the instant showing. An examination of EMF's proposal reveals that EMF is qualified to operate WYKK-FM as a noncommercial educational facility and that grant thereof would serve the public interest, convenience, and necessity. We will therefore convert WYKK-FM to noncommercial educational FM status with the effective date of the grant being the date that EMF notifies the Commission of the consummation of the acquisition of the station.[9]

Actions. Accordingly, in light of the above discussion, the application (File No. BALH-20041201ARG) to assign WYKK-FM from Quitman Broadcasting Company to Educational Media Foundation IS HEREBY GRANTED. Additionally, the application (File No. BMLH-20041215AAI) to convert the WYKK-FM license from commercial to noncommercial educational status, and the concomitant request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The effective date of the latter two actions will be the date on which the Commission is notified that Educational Media Foundation has consummated its acquisition of the station.[10] The authorization to operate the station as a noncommercial educational facility will be sent at that time. In order to facilitate the

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[6] *See Reconsideration Order,* 14 FCC Rcd at 11129, Paragraph 45.

[7] 12 FCC Rcd 12,371 (1997).

[8] *See* 47 C.F.R. §73.1690(c)(9).

[9] *See* 47 C.F.R. § 1.102.

[10] *Id.*

transmission of the authorization, Educational Media Foundation and counsel are requested to send a copy of the consummation notification to both Andree Ellis, Room 2-A165, and Druscilla Smalls, Room 2-A140, at the Federal Communications Commission, 445 12th Street, S.W., Washington, D. C. 20554.

Sincerely,

for Peter H. Doyle, Chief
Audio Division
Media Bureau

Enclosure