FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

July 1, 2005

IN REPLY REFER TO:

1800B3-KLJ

Amy L. Van de Kerckhove
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2300 N Street, N.W.
Washington, D.C. 20037-1128

In Re: KKLU(FM), Lubbock, Texas
Facility ID No. 5174
Educational Media Foundation ("EMF")

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

Dear Counsel:

The staff has under consideration the referenced April 13, 2004, request for waiver of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, filed by Educational Media Foundation. In the request, EMF seeks a waiver of Section 73.1125 in order to operate KKLU(FM), Lubbock, Texas as a "satellite" of its noncommercial educational ("NCE") FM station KLVR, Santa Rosa, California.[1] For the reasons set forth below, we shall grant waive Section 73.1125 and grant EMF 's 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 proposed.[3] A satellite station must, however,

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[1] A "satellite" 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"*).

[3] *Id.*

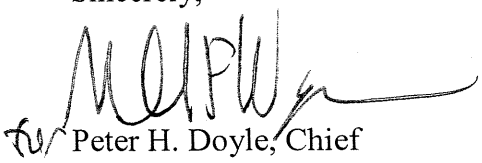
demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.[4]

EMF's request is based on the economies of scale and cost savings 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) under these circumstances. As noted above, Educational Media Foundation ("EMF") proposes to operate KKLU(FM) as a satellite of KLVR (FM), Santa Rosa, California approximately 1,207 miles outside of the 3.16 mV/m contour of KKLU. 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, KKLU has pledged to meet its local service obligations by: (1) continuing to maintain an auxiliary studio, capable of originating local programming that is responsive to local community needs, (2) engaging the services of a local Lubbock public affairs representative to conduct quarterly ascertainment surveys of local community leaders and others to determine the concerns, problems and needs of Lubbock listeners, (3) continuing to have a local representative, who may be a volunteer, available in the community of Lubbock, Texas. The local representative will work with EMF's Regional Managers and will, at least on a quarterly basis, conduct interviews and surveys in an effort to ascertain the interests, concerns, and needs of the Lubbock listeners. The local representative will further serve as a liaison between the residents of Lubbock and EMF's programming personnel, and (4) continuing to maintain a toll-free telephone number between Lubbock and the KLVR(FM) studio in Santa Rosa, as required by Section 73.1125(d) of the Commission's rules. Finally, EMF will maintain its public inspection file for KKLU at the main studio of its parent station, KLVR, 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.

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 that, notwithstanding the grant of waiver requested here, the public file for KKLU(FM) must maintain the quarterly issues and programs list for Lubbock, Texas as required by C.F.R. Section 73.3527(e)(8).

Accordingly, the request made by Educational Media Foundation for waiver of 47 C.F.R. Section 73.1125 IS GRANTED.

Sincerely,



for Peter H. Doyle, Chief
Audio Division
Media Bureau

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[4] *Id.*

cc: Educational Media Foundation