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In Re: **NEW(FM), Wapello, Iowa**
Educational Media Foundation
File No. BNPED-19991215AAE
Facility ID No. 122025

NEW(FM), Williamsburg, Iowa
Family Stations, Inc.
File No. BPED-19990602MX
Facility ID No. 93689

NEW(FM), Iowa City, Iowa
Broadcasting for the Challenged, Inc.
File No. BNPED-19991213AAD
Facility ID No. 121993

Joint Request for Approval of Settlement Agreements
MX Group 990611

Dear Counsel:

This is in reference to the above-captioned mutually exclusive construction permit applications for a new noncommercial educational FM station in Wapello, Williamsburg and Iowa City, Iowa and the Joint Request for Approval of Settlement Agreements ("Joint Request") filed on July 19, 2001 by Educational Media Foundation ("EMF"), Family Stations, Inc. ("Family"), as amended on July 18, 2001, and Broadcasting for the Challenged, Inc. ("BFTC").

Pursuant to the terms of the Joint Request, the applications of EMF and Family would be granted and the application of BFTC would be dismissed. The Commission has directed the Media Bureau to waive the provisions of Section 73.3525(a)(3) of the Commission's Rules and accept universal settlements that involve payments to applicants that exceed their reasonable and prudent expenses for certain applications. In light of the Commission's directive, BFTC is in compliance with the temporary waiver of the reimbursement limitations, and will not receive consideration for dismissing its application beyond that allowed. *See Reexamination of the Comparative Standards for Noncommercial Educational Applicants, Report and Order,* 15 FCC Rcd 7386 (2000), *recon. denied,* 16 FCC Rcd 5074 (2001).

We have examined the Joint Request, Settlement Agreements and declarations attached thereto. Based on this examination, we find that approval of the Joint Request would serve the public interest and that the BFTC application was not filed for the purpose of reaching or carrying out the agreement. Accordingly, the applicants have complied with the provisions of 47 U.S.C. § 311(c)(3) and 47 C.F.R. § 73.3525. Since the applicants propose to serve different communities, the parties have demonstrated that dismissal of the BFTC application would not unduly impede the objectives of Section 307(b) of the Communications Act of 1934. Accordingly, we will not require republication under 47 C.F.R. § 73.3525(b). Furthermore, we find that EMF and Family are fully qualified and that a grant of the applications would serve the public interest by expediting a new noncommercial educational FM service to Wapello, Iowa and Williamsburg, Iowa.

Main Studio Waiver Request. EMF has requested a waiver of the main studio requirement, *see* 47 C.F.R. § 73.1125, in order to operate the Wapello, Iowa station as a satellite[1] of its commonly-owned NCE station KLVR(FM), Santa Rosa, California. The proposed station will be part of a network of radio broadcast stations operated by EMF known as the "K-LOVE Radio Network." For the reasons set forth below, we will waive Section 73.1125.

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 the community of license. *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 11,113 (1999) (*"Reconsideration Order"*). However, under Section 73.1125(b)(2), the Commission will waive this requirement 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 a satellite of another NCE station is considered on a case-by-case basis.

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[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 RR 2d 1554, 1562 (1964).

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. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

EMF's request is based on the economies of scale which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. EMF proposes to operate the Wapello, Iowa station as a satellite of KLVR(FM), Santa Rosa, California, approximately 1,688 miles from Wapello, Iowa. Where there is a great distance between parent and satellite stations, 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: (1) have a local representative, who may be a volunteer, available in the community of Wapello that will work with EMF's regional managers; (2) at least on a quarterly basis, conduct interviews and surveys in an effort to ascertain the interests, concerns, and needs of the Wapello listeners; (3) address the recurrent issues, problems, and needs of the Wapello residents in K-LOVE's news and public affairs programming; (4) maintain an auxiliary studio within the Wapello station's city grade contour capable of originating local programming that is responsive to local community needs; (5) maintain a toll-free telephone number for the residents of Wapello and (6) maintain a public inspection file as required by the Commission's rules.

Under these circumstances, we are persuaded that EMF will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind EMF, that, notwithstanding its commitment to maintain a public inspection file in Wapello, it must also maintain a public file for the Wapello 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. *See Reconsideration Order,* 14 FCC Rcd at 11, 129, ¶45. We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for the station must contain the quarterly issues and programs list, as required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, pursuant to 47 C.F.R. § 0.283, the Joint Request for Approval of Settlement Agreements and the request for waiver of 47 C.F.R. § 73.1125 filed by Educational Media Foundation ARE GRANTED; the application filed by Broadcasting for the Challenged (File No. BNPED-19991213AAD) IS HEREBY DISMISSED and the applications filed by Educational Media Foundation

(File No. BNPED-19991215AAE) and Family Stations, Inc., as amended on July 18, 2001, (File No. BPED-19990602MX) ARE HEREBY GRANTED.

Sincerely,

Lisa Scanlan
for

Peter H. Doyle, Chief
Audio Division
Office of Broadcast License Policy
Media Bureau