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

In Re: WRVG-FM, Georgetown, Kentucky
Educational Media Foundation
Facility ID No. 23901
Application for Assignment of License
File No. BALED-20040121ABE

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

Dear Ms. Van de Kerckhove:

The staff has under consideration the captioned application to assign the license of station WRVG-FM, Georgetown, Kentucky, from Georgetown College to Educational Media Foundation ("EMF") and its request for a waiver of the Commission's Main Studio Rule, Section 73.1125, in order to operate station WRVG-FM as a "satellite" of commonly owned noncommercial educational ("NCE") station KLVR(FM), Santa Rosa, California.[1] For the reasons set forth below, we shall grant the assignment application and the waiver request.

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.[2] However, under Section

[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 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*").

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.[3] A satellite station must, however, 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, 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 WRVG-FM, Georgetown, Kentucky, as a satellite station of KLVR(FM), Santa Rosa, California, approximately 2,037 miles from Georgetown. 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 Georgetown public affairs representative to conduct quarterly ascertainment surveys of local leaders and other residents to determine the concerns, problems and needs of Georgetown listeners, which will be covered in EMF's news and public affairs programming and broadcast by WRVG-FM; (3) maintain local representation in the Georgetown area, whereby EMF's local representative will further serve as a liaison between the residents of Georgetown and EMF's programming personnel; (4) maintain its public inspection file within the Georgetown 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 Georgetown 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.[5] We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for WRVG-FM must contain the quarterly issues and programs list for Georgetown, Kentucky, required by 47 C.F.R. Section 73.3527(e)(8).

Assignment application. We have examined the application and find that it complies with all statutory and regulatory requirements, that EMF is qualified to operate

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[3] *Id*

[4] *Id*

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

station WRVG-FM, and that routine approval of the application would further the public interest, convenience and necessity.

Accordingly, the application (File No. BALED-20040121ABE) to assign station WRVG-FM, Georgetown, Kentucky, from Georgetown College to Educational Media Foundation and the concomitant request for waiver of 47 C.F.R. Section 73.1125 ARE HEREBY GRANTED.

Sincerely,

H. Taft Snowdon

H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau

Enclosure