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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

IN REPLY REFER TO:
1800B3-ALM

August 19, 2004

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John R. Wilner, Esquire
Bryan Cave LLP
700 13th Street, N.W.
Suite 700
Washington, D. C. 20005-3960

In re: KNWI(FM), Osceola, Iowa
Facility ID No. 37454
Modification of License
BML-20031104AAR

Dear Mr. Wilner:

The staff has under consideration the captioned application filed by Northwestern College ("College") to modify the license of KNWI(FM), Osceola, Iowa, from commercial to noncommercial, educational.[1] College has also requested a waiver[2] of the Commission's main studio requirement, 47 C.F.R. Section 73.1125, in order to operate KNWI(FM) as a satellite of its NCE station, KNWN(FM), Madrid, Iowa.[3] For the reasons set forth below, we will waive 47 C.F.R Section 73.1125 and grant College's application and request.

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,*[4] College may apply to convert the KNWI(FM) from commercial authorization to noncommercial educational FM status. College may do so by filing a license application which demonstrates 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 its educational

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[1] This letter supercedes our letter of August 4, 2004.

[2] A supplement to the College's waiver request was submitted in a July 21, 2004, amendment to its application.

[3] 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).

[4] 12 FCC Rcd 12371 (1997).

program.[5] We will accept the instant showing. An examination of College's proposal reveals that it is qualified to operate KNWI(FM) as a noncommercial educational facility and that grant thereof would serve the public interest, convenience and necessity.

Main Studio Waiver. Pursuant to section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (2) within the contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community.[6] 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.[7] A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.[8]

College's request is based on the economies of scale that 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) in these circumstances.

College proposes to operate KNWI(FM), Osceola, Iowa, as a satellite of KNWM(FM), Madrid, Iowa, approximately 35 miles from Osceola. Where there is a great distance between the 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, College has pledged to: (1) maintain an auxiliary studio in Osceola that will be capable of originating local programming that is responsive to local community needs; (2) conduct quarterly ascertainment surveys in and around Osceola; (3) respond to ascertained community needs and interests in College's news and public affairs programming; (4) appoint a local representative to serve as a liaison between Osceola and College's programming personnel; and (5) maintain a toll free telephone number between Osceola and the KNWM(FM) main studio.

In these circumstances, we are persuaded that College will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind College, however, of the requirement that it maintain a public file for KNWI(FM), Osceola, Iowa, at the main studio of the "parent" station, KNWM(FM), Madrid, Iowa. It must

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[5] *See* 47.C.F.R. § 73.1690(c)(9).

[6] *See Report and Order, Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations,* 13 FCC Rcd 15,691 (1998); *recon. granted in part,* 14 FCC Rcd 11113 (1999)(*"Reconsideration Order"*).

[7] *Id.*

[8] *Id.*

also make reasonable accommodation for listeners wishing to examine the file's contents.[9] We further remind College that, notwithstanding the grant of the waiver requested here, the public file for KNWI(FM) must contain the quarterly issues and programs list for Osceola, Iowa, as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, the application of Northwestern College to modify the construction license of KNWI(FM), Osceola, Iowa, from commercial to noncommercial educational, BML-20031104AAR, being in all respects acceptable, and its request for a waiver of 47 C.F.R. Section 73.1125, ARE HEREBY GRANTED.

Sincerely,

H. Jeff Smavelson

for Peter H. Doyle, Chief
Audio Division
Media Bureau

[9] *See Reconsideration Order,* 14 FCC Rcd 11113, 11129 at ¶45.