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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

March 1, 2000

IN REPLY REFER TO:
1800B3-MH

Brendan Holland, Esquire
Fisher Wayland Cooper Leader & Zaragoza L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D. C. 20006-1851

In Re: KLVB-FM, San Luis Obispo, California
Educational Media Foundation.
Facility ID No. 52246
Request for Waiver of 47 C.F.R.
§ 73.1125 (Main Studio Rule)

Dear Mr. Holland:

The staff has under consideration the above referenced request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125 made by Educational Media Foundation ("EMF"). EMF seeks a waiver of 47 C.F.R. § 73.1125 in order to operate KLVB-FM, San Luis Obispo, California as a satellite of its noncommercial educational ("NCE") station, KLVR(FM), Santa Rosa, California.[1] For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant EMF's request.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of its community of license. *Amendment of Sections 73.1125 and 73.1130*, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), 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 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. *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.*

[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).

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. § 73.1125(a)(4) under these circumstances. EMF proposes to operate KLVB-FM, San Luis Obispo, California as a satellite station of KLVR(FM), Santa Rosa, California, approximately 230 miles from San Luis Obispo, California. 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, EMF has pledged to: (1) maintain an auxiliary studio within KLVB's city grade contour capable of originating local programming for San Luis Obispo; (2) engage the services of local San Luis Obispo public affairs representative to conduct regular ascertainment surveys of local community leaders and other residents to determine the concerns, problems, and needs of San Luis Obispo listeners and further serve as liaison between the residents of San Luis Obispo and EMF's programming staff; (3) address these concerns, problems, and needs in KLVR-FM's news and public affair programming; and (4) maintain a toll-free telephone number between San Luis Obispo and KLVR(FM) main studio in Santa Rosa, California. In these circumstances, we are persuaded that EMF will meet its local service obligations 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 inspection file for the San Luis Obispo station at the main studio of the "parent" station KLVR(FM). *See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 64 Fed. Reg. 35941 (July 2, 1999).

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

Sincerely,

for Linda Blair, Chief
Audio Services Division
Mass Media Bureau