FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

February 21, 2007

IN REPLY REFER TO:
1800B3-EEB

David D. Oxenford
Davis Wright Tremaine LLP
1500 K Street NW Suite 450
Washington DC 20005-1272

In Re: WWTB(FM), Swansboro, North Carolina
Facility ID Nos. 67339
Educational Media Foundation

Application for Assignment of License
File No. BALED-20070108ABA

Application to Convert to Noncommercial
Educational Status
File No. BMLED-20070123AAX

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

Dear Counsel:

The staff has under consideration the referenced applications to: (1) assign the license for FM station, WWTB, Swansboro, North Carolina, from Sea-Comm, Inc. ("Sea-Com") to Educational Media Foundation ("EMF"); and (2) to modify WWTB(FM)'s license by converting it from commercial to noncommercial educational status ("NCE").[1] In the application, EMF seeks a waiver of Section 73.1125 in order to operate WWTB(FM), as a "satellite" of its NCE FM station KLVR, Santa Rosa, California.[2] For the reasons set forth below, we shall grant both the assignment of license application and the modification of license application. The latter grant will become effective upon notification of consummation of its acquisition of the station.

We have reviewed the application to assign the license of station WWTB(FM) from Sea-Comm, Inc. to Educational Media Foundation. We find that Sea-Com and EMF are fully qualified to sell and acquire, respectively, the license for WWTBA(FM). We also find that EMF is fully qualified to be the licensee of WWTB(FM) and that the grant of the application would further the public interest, convenience and necessity. We will, therefore, grant the application below.

---

[1] EMF is proposing to reclassify WWTB(FM) from commercial to noncommercial educational status pursuant to 73.1690(c)(9).

[2] 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).

Pursuant to *Amendment of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities without a Construction Permit*,[3] EMF may apply to convert WWTB(FM), from commercial authorization to noncommercial educational status. It may do so by filing a license application and a demonstration 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 EMF's educational program.[4] We will accept the instant showing. An examination of EMF's proposal reveals that EMF is qualified to operate WWTB(FM) as noncommercial educational facility and that grant of its application would serve the public interest, convenience and necessity. We will convert WWTB(FM) to noncommercial educational status with the effective date of the grant being the date that EMF notifies the Commission of the consummation of the acquisition of the station.[5]

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.[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 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.[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]

EMF's request is based on the economies of scale which would be realized by grant of its waiver, *e.g.*, avoiding the cost of equipping, staffing, and operating a studio in the Swansboro, North Carolina, area. We conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. As noted above, EMF proposes to operate WWTB(FM) as a satellite of KLVR(FM), Santa Rosa, California, approximately 1,933 miles from Swansboro, North Carolina. 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 permittee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, EMF has pledged to meet its local service

---

[3] 12 FCC Rcd 1237 (1997).

[4] *See* 47 C.F.R. § 73.1690(c)(9).

[5] *See* 47.C.F.R. § 1.102.

[6] *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*").

[7] *Id.*

[8] *Id.*

obligations by: (1) maintaining an auxiliary studio at a location that complies with Section 73.1125 and that is capable of originating programming to meet local community needs; (2) engaging the services of a local Swansboro public affairs representative, who may be a volunteer, to conduct, at least on a quarterly basis, ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of Swansboro listeners, which will then be covered in EMF's news and public affairs programming; (3) ensuring that the local representative will further serve as a liaison between the residents of Swansboro and EMF's programming personnel; (4) maintaining a toll-free number from Swansboro, North Carolina, to the KLVR(FM) studio in Santa Rosa.

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 Homer 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.[9] We further remind EMF that, notwithstanding the grant of the waiver requested here, the public file for WWTB(FM) must contain the quarterly issues and programs list for Swansboro, North Carolina, as required by 47 C.F.R. Section 73.3527(e)(8).

Accordingly, in light of the above discussion the application (File No. BALED-20070108ABA) to assign the license from Sea-Comm, Inc. to Educational Media Foundation, IS HEREBY GRANTED. Additionally, the application (File No. BMLED-20070123AAX) to convert WWTB(FM)'s station license from commercial to noncommercial educational status and the concomitant request for waiver of 47 C.F.R. Section 73.1125, ARE GRANTED. The effective date of the latter action will be the date on which the Commission is notified that EMF has consummated its acquisition of the station.[10] The authorization to operate the station as a noncommercial educational facility will be sent at that time. In order to facilitate the transmission of the authorization, EMF and counsel are requested to send a copy of the consummation notification to both Erica Porter, Room 2-A110, and Druscilla Smalls, Room 2-A140, at the Federal Communications Commission, 445 12th Street, S.W. Washington, D.C. 20554.

Sincerely,

H. Taft Snowdon
Supervisory Attorney
Audio Division

---

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

[10] *Id.*