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June 11, 2008

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Federal Communications Commission
Office of the Secretary

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BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Request for Waiver of Section 73.1125**
KBXO(FM), Coachella, California (Facility ID No. 85911)

Dear Ms. Dortch:

In a recently filed Form 314 Application for Consent to Assignment of Broadcast Station License (FCC File No. BALED-20080611AAB), Creative Educational Media Corp., Inc. ("Creative") proposed the assignment of KBXO(FM), Coachella, California (Facility ID No. 85911) ("KBXO") to American Public Media Group ("APMG"). For the reasons set forth below, APMG respectfully requests that, upon consummation of the proposed assignment, the Commission allow APMG to continue to operate KBXO under a waiver of the Commission's Main Studio Rule.

KBXO is a non-commercial educational station that currently operates as a satellite of Creative's KNYD(FM), Broken Arrow, Oklahoma (Facility ID No. 14429). APMG is seeking a continued waiver of Section 73.1125 of the Commission's rules so that, following consummation of proposed assignment, APMG may operate KBXO from the production facilities of KPCC(FM), Pasadena, California. APMG's subsidiary, Southern California Public Radio ("SCPR") provides programming and management services to KPCC(FM). Thus, by granting APMG's request for a waiver of the Main Studio Rule, the Commission will enable Coachella residents to receive regional programming originating in Southern California rather than the current programming that originates in Oklahoma.

APMG is a nonprofit corporation and is the licensee of WKCP(FM), Miami, Florida. Its subsidiary, SCPR, provides the Pasadena Area College District's KPCC(FM) with local, regional, national and international news. SCPR also supplies programming to KUOR-FM, Redlands, California. Through these two stations, provides Californians with in-depth coverage of issues that are important to the residents of Southern California. As a part of its effort to serve its region by

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providing substantial coverage of regional and state-wide news events, SCPR maintains staffed news bureaus in Pasadena, downtown Los Angeles, Santa Ana, Riverside and Sacramento, California. As demonstrated below, grant of APMG's request for a continued waiver of the Main Studio Rule will serve the public interest.

The Commission has stated previously that the "main studio must, at a minimum, maintain full-time managerial and full-time staff personnel." *Jones Eastern of the Outer Banks, Inc.*, FCC 91-175 ¶ 9 (rel. June 19, 1991); *see also Salem Broadcasting, Inc.*, DA 91-804 (rel. July 2, 1991). Although SCPR already has fifty-five regular contributors from the Coachella Valley, continuing the existing waiver of the Commission's Main Studio Rule is necessary, as the region cannot otherwise support KBXO as a wholly independent noncommercial educational station. The population of Coachella (22,724 according to the 2000 Census) and the surrounding area do not sufficiently support the economic base necessary to build and maintain the kind of full-time professional public radio service APMG proposes for the region. Appropriate staffing and technical facilities would be difficult, if not impossible, to sustain in this area. Therefore, waiver of Section 73.1125 is necessary in this case to ensure that the residents of the area receive the diverse and significant programming APMG seeks to provide.

The Commission has recognized the advantages accruing to noncommercial broadcasters from consolidated operations:

In the past, we have recognized the benefits of centralized operations for noncommercial educational stations, given the limited funding available to these stations, and we have granted waivers to state and regional public television and radio networks to operate "satellite" stations that do not necessarily meet the requirements of a main studio.

Main Studio and Program Origination Rules, 3 FCC Rcd 5024, 5027 (1988). APMG respectfully submits that a similar result is warranted here. Indeed, the Commission has previously determined that waiver of the main studio rule for other stations in the APMG network serves the public interest. *See* Letter from Linda Blair, Chief, Audio Services Division to Todd M. Stansbury, June 16, 2000.

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Upon grant of this request, APMG, through its subsidiary, SCPR, will satisfy the public needs and interests of residents of Coachella by the following means:

- SCPR maintains a toll-free telephone line and an email address by which residents of the Coachella area can reach SCPR/APMG management with programming suggestions and to express concerns about the station's operation. This action will be taken consistent with Section 73.1125(e) of the Commission's Rules. The toll free telephone number goes directly to SCPR's Member Benefits Department, as do emails the public sends to SCPR/KPCC and APMG. In the past year, Member Benefits has handled about 9,000 incoming calls, 10,000 email messages and about 50 mail letters from listeners on a huge range of subjects. APMG/SCPR's commitment to maintain easy access is strong.
- APMG will promote interaction between its management and local community leaders through a Regional Advisory Council ("RAC"), which is required by the Corporation for Public Broadcasting ("CPB"). KPCC's Board currently meets three times per year and provides input to news and station management on programming, which SCPR/APMG thoughtfully considers when making program decisions for the stations it programs. Following its acquisition of KBXO, the APMG/SCPR RAC will be expanded to include residents from the Coachella Valley communities. Summaries of the RAC meetings are supplied to APMG's Board of Trustees. In the past year, all of KPCC's senior programming executives have attended a RAC meeting.
- In addition to SCPR and KPCC's existing websites, APMG will establish a website for KBXO that will enable local residents to receive extensive programming information and will provide a link for local residents to e-mail concerns about the station operations to SCPR/APMG management. The site will also contain descriptions of special reports, program schedules, and online audio sources (live, and in some cases archived) for programming and news reports, and a digital version of KBXO's public inspection file.



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- SCPR operates one of the largest news organizations of any radio service in Southern California. With this extensive news resource, SCPR is able to produce original news coverage and programming from throughout Southern California. SCPR maintains ongoing relationships with community residents and leaders, who are periodically contacted regarding local events and developments, including local arts and cultural events. SCPR's staff uses information provided by these contacts to inform news coverage and programming decisions, in order to better inform the communities it serves.
- SCPR's current reporting staff already includes an Inland Empire bureau located in Riverside. In time, this bureau could grow to provide better coverage of the Coachella area. Reporters assigned to the area would subscribe to local and area publications and maintain ongoing relationships with community residents and leaders, who would be contacted on a regular basis. This information would help in the production of news stories and other programming of interest to residents of the Coachella area for broadcast on KBXO.

The Commission has relied substantially on similar representations in finding that waivers of the Main Studio Rule for other stations of another APMG subsidiary, Minnesota Public Radio ("MPR"), serve the public interest and has granted waivers where MPR has pledged to (1) continue its policy for local residents to serve on an RAC; (2) continue the relationship with the local community through membership; (3) solicit comments from residents regarding station operation and programming; (4) assign to the communities served by the satellite station a reporter or reporters, who will to produce and broadcast inserts of local interest and who will maintain periodic contact with local residents and leaders; (5) maintain a local toll-free telephone number for residents of the satellite station's community to contact APMG management in accordance with 47 C.F.R. § 73.1125(e); and (6) maintain a station website that enables local residents to receive extensive information and comment on APMG's programming. See Letter dated June 16, 2000 from Linda Blair, Chief, Audio Services Division, Mass Media Bureau, to Todd M. Stansbury, waiving the main studio rule for a new FM station at Grand Marais, MN, FCC file no. BPED-19981208MI.



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For the foregoing reasons, APMG submits that it will be able to ascertain and satisfy the interests and needs of the residents of the Coachella area, and, therefore, APMG respectfully requests that the Commission continue to waive its Main Studio Rule with respect to KBXO.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. Stansbury".

Todd M. Stansbury

Enclosure

cc: Mitzi T. Gramling, American Public Media Group

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

JUN 16 2000

IN REPLY REFER TO:
1800B3-ALM

Todd M. Stansbury, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D. C. 20006

In Re: NEW (Ed. FM), Grand Marais, MN
Minnesota Public Radio
Facility ID No. 92306
File No. BPED-19981208MI

Dear Mr. Stansbury:

The staff has under consideration the application of Minnesota Public Radio ("MPR") for a new noncommercial educational FM station in Grand Marais, Minnesota. The application requests a waiver of the Commission's main studio requirement, *see* 47 C.F.R. § 73.1125, in order to operate the proposed Grand Marais station as a satellite of its commonly owned NCE station KSJN(FM), Minneapolis, Minnesota.¹ For the reasons set forth below, we shall grant MPR's application and its request for waiver.

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.*

MPR'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.

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).


§ 73.1125(a)(4) in these circumstances.

MPR proposes to operate the proposed Grand Marais, Minnesota station, as a satellite of KSJN(FM), Minneapolis, Minnesota, approximately 220 miles from Grand Marais. Where there is a great distance between parent and satellite stations, 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, MPR has pledged to: (1) continue its policy that residents of each service area participate on a regional advisory council which provides input to management on programming issues of interest to the residents throughout MPR's service area, including Grand Marais; (2) continue its existing relationship with the community of Grand Marais which has been established by means of membership in MPR; (3) solicit comments from MPR members in Grand Marais concerning programming and station operation; (4) assign to Grand Marais a local news reporter currently based in Duluth, Minnesota who will produce and broadcast local inserts of interest to Grand Marais and who will subscribe to local and area publications and maintain ongoing relationships with community residents and leaders, who will periodically contact and update the reporter concerning matters of local interest; (5) maintain a toll-free telephone number for residents of Grand Marais to contact MPR management in accordance with 47 C.F.R. § 73.1125(c); and (6) operate a site on the World Wide Web, which enables local residents to receive extensive information and comment on MPR's programming.

In these circumstances, we are persuaded that MPR will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest. We remind MPR, however, of the requirement that it maintain a public file for the Grand Marais station at the main studio of the "parent" station KSJN(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). We further remind MPR that notwithstanding the grant of the waiver requested here, the public file for the Grand Marais station must contain the quarterly issues and programs list required by 47 C.F.R. § 73.3527(e)(8).

Accordingly, the application of Minnesota Public Radio for a new noncommercial, educational FM station at Grand Marais, Minnesota (BPED-19981208MI), being in all respects acceptable, and its request for waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED.

Sincerely,


Linda Blair, Chief
Audio Services Division
Mass Media Bureau