

332W

FCC MAIL SECTION

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

APR 27 3 49 PM '93

APR 23 1993

IN REPLY REFER TO:
1800B3-MFW

DISPATCHED BY

Charles M. Firestone, Esq.
Suite 700
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036

In re: KCRU-FM, Oxnard, California
Santa Monica Community District
Request for Waiver of Section
73.1125

Dear Mr. Firestone:

This letter refers to the request, filed on August 5, 1992 and amended on November 20, 1992, for waiver of the Commission's main studio rule, 47 C.F.R. § 73.1125. Specifically, KCRU-FM permittee Santa Monica Community District "SMCD") proposes to operate KCRU-FM as a satellite of its station KCRW-FM, Santa Monica, California.

In support of the waiver request, SMCD indicates that, as a noncommercial educational FM station financially dependent on listener contributions and charitable grants, it is not able to justify operating a separate studio within the KCRU-FM principal community contour. However, SMCD indicates that KCRU will adequately cover the needs and interests of the Oxnard area, because: (i) KCRW-FM's programming includes "regular public network fare, original radio drama, cultural programming, and other highly regarded locally originated programming, much of which will address the needs and interests of the new station's listeners," waiver request, at 2; (ii) the mix of programming will include programming of specific interest to Oxnard residents, such as broadcast of Oxnard City Council meetings; and (iii) other local programs can be originated at the KCRW-FM studio, approximately one hour away from the KCRU-FM principal community contour. SMCD indicates that it will maintain its public file at the Oxnard Public Library, and states that grant of a waiver would better enable it to provide cultural and educational fare than if it needed to incur the expenses of operating a studio in Oxnard.

On November 20, 1992, at the request of the FM Branch staff, SMCD (through counsel) filed an amendment to its waiver request. The permittee indicated that it would "conduct periodic telephone surveys" of the Oxnard service area in order to insure that it is apprised of the needs and interests of Oxnard residents.

A "satellite" station has been defined by the Commission as one "operating on a channel specified in the rules, but one which usually originates no local programming....It rebroadcasts the programming of the parent station." Multiple Ownership Rules, 3 RR 2d 1554, 1562 (1964). In the past, the Commission has recognized the economic benefits of centralized operations for noncommercial educational stations, such as the one proposed here. See

Memorandum Opinion and Order in MM Docket 86-406, 3 FCC Rcd 5024, 5027 (1988). Because of the limited funding available to those stations, we have granted waivers to state and regional public television and radio networks to operate "satellite" stations that do not necessarily meet the main studio requirements. See Nebraska Educational Television Commission, 4 RR 2d 771 (1956), and Sound of Life, Inc., 4 FCC 2d 8273 (1989). However, these stations have not been permitted to ignore local service obligations. See Georgia State Board of Education, 70 FCC 2d 948 (1979). The Commission has never "indicated, directly or indirectly, that licenses were granted to state educational networks for the purpose of providing statewide service and not local service." Id., at 956. Waivers generally have been granted "only upon a showing that the local community would be served. . . [and] such stations will be subject to the local/toll-free telephone requirements." 3 FCC Rcd at 5027. See also 47 C.F.R. §73.1125(c).

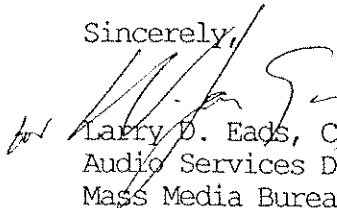
We find that the waiver request, as amended, provides barely sufficient information to satisfy the primary obligation of a "satellite" station, which is to serve the problems, needs, and interests of the community to which it is licensed irrespective of whether or not the station will maintain a studio in compliance with Section 73.1125. The promise to conduct regular telephone surveys of Oxnard residents is an excellent beginning; however, the only firm commitment to broadcast programming of direct concern to Oxnard residents is to broadcast Oxnard City Council meetings. This alone is not sufficient. Notwithstanding this concern, we believe that, on balance, grant of a waiver of Section 73.1125, with certain conditions, will serve the public interest in providing a new noncommercial educational broadcast voice to Oxnard.

Accordingly, the request for waiver of 47 C.F.R. § 73.1125, to operate station KCRU-FM as a satellite of station KCRW-FM, Santa Monica, California, IS GRANTED subject to the following conditions:

1. That the permittee install a toll-free telephone line from Oxnard to the KCRW-FM studio in Santa Monica, in compliance with 47 C.F.R. § 73.1125(c);
2. That the permittee conduct regular (we suggest quarterly) interviews, wither in person or via telephone, with Oxnard community leaders and residents and maintain the results of those meetings in the KCRU-FM public inspection file, in accordance with 47 C.F.R. § 73.3527(a) (7); and
3. That the permittee periodically provide programming of specific interest to the people of the Oxnard area in addition to broadcasts of Oxnard City Council meetings.

This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,


Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau