



Federal Communications Commission
Washington, D.C. 20554

DA 07-4980

Released: December 14, 2007

Sunflower Broadcasting, Inc.
c/o Jack N. Goodman, Esq.
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue, N.W.
Washington, DC 20006

Re: Petition for Waiver of Main Studio Rule

KBSL-TV, Goodland, Kansas
Fac. ID 66416

Dear Mr. Goodman:

This is in reference to the Petition for Waiver of Main Studio Rule filed by Sunflower Broadcasting, Inc. ("Sunflower") on June 15, 2007. The petition is unopposed. The petition requests a waiver of the main studio rule, Section 73.1125 of the Commission's Rules,¹ with respect to KBSL-TV, Goodland, Kansas. We will grant the request for a main studio waiver, but only on a temporary basis.

Section 73.1125(a) requires that each broadcast station operate a main studio within either the principal community contour of any station, of any service, licensed to its community of license or within 25 miles of the reference coordinates of the center of its community of license, whichever it chooses.² KBSL was previously authorized to operate as a satellite of KWCH-TV, Hutchinson, Kansas. KBSL's Grade B contour does not overlap that of KCWH and, therefore, Commission rules no longer require approval for KBSL to operate as a satellite. However, because KBSL will not maintain its own studio, Sunflower requests a waiver of Section 73.1125, the Commission's main studio rule.³

¹ 47 C.F.R. §73.1125.

² 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).

³ 47 C.F.R. §73.1125.

Sunflower reports that KBSL has had a studio in space that it rented from a Goodland radio station. However, that station is in bankruptcy and has been sold. Thus, the continuing availability of the space is in question. Sunflower has searched for suitable alternative locations to no avail. Moreover, Sunflower indicates that it has ceased operations at the Goodland studio as a result of the resignation of the two persons who operated KBSL.

Moreover, according to Sunflower, economic challenges have rendered the maintenance of a main studio for KBSL infeasible. There are no other commercial television stations licensed to Goodland, which had a population in 2006 of 5,981. The median household income in 2004 for the county was \$30,402, only 72.9 percent of the statewide average for Kansas. According to Sunflower, from 2000 to 2004, private non-farm employment in the county declined 11.6 percent.

Sunflower states that, because of the small population, recruiting and retaining qualified staff has been difficult. Furthermore, there have been declines in over-the-air viewing. While some local cable systems carry the KBSL signal, the two satellite systems carry only the signal from KBSL's parent, KWCH. Thus, Sunflower maintains, Goodland is not capable of economically supporting a full-service station, including a local main studio.

Sunflower states that, as required, it has established a toll-free telephone number for Goodland residents to reach KWCH. Sunflower pledges telephonic access to the public inspection file. KBSL also has a website enabling viewers to receive information about KBSL and its programming and this website gives users a direct e-mail link to contact KWCH.

We do not believe that Sunflower's request for a main studio waiver for KBSL is warranted. We are concerned that a distant Hutchinson studio may not be sufficiently accessible to residents of Goodland. Moreover, Sunflower's request does not claim that it has lost its studio space, only that continued availability is not certain. Indeed, Sunflower has apparently voluntarily closed the studio because of its loss of staff.

At the same time, we recognize that changed circumstances may warrant temporary relief until such time as KBSL can obtain operating staff and/or new studio space, if needed. Thus, we will grant a temporary waiver to permit Sunflower to operate KBSL without a main studio for a period not to exceed one year from the date of this letter.

ACCORDINGLY, a waiver of Section 73.1125 of the Commission's Rules with respect to KBSL's main studio, IS GRANTED for a period not to exceed twelve (12) months from the date of this letter.

FURTHERMORE, Sunflower's petition for a waiver of Section 73.1125 of the Commission's

Rules with respect to KBSL's main studio, IS GRANTED to the extent indicated, and otherwise DENIED.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau