

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

2 JAN 1992

IN REPLY REFER TO:
8920-MFW

Richard J. Bodorff, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

In re: Minnesota Public Radio
Requests for Waiver of 47 C.F.R.
§ 73.1125

Dear Mr. Bodorff:

This letter responds to two separate requests, filed on behalf of your client, Minnesota Public Radio ("MPR") for waiver of the Commission's "main studio" rule. Waiver would permit several MPR affiliates to operate as "satellites" of Stations KNOW-FM, St. Paul, Minnesota, and/or KSJN(FM), Minneapolis, Minnesota. Both requests were filed on August 30, 1991.

One of the subject proposals concerns six stations in Minnesota, Iowa, and Idaho.¹ MPR seeks to operate each of these stations as a satellite of KNOW-FM or KSJN(FM). In support of the waiver request, you indicate that: (i) MPR provides programming through its 19 operating FM facilities from its primary Minneapolis/St. Paul stations, KNOW-FM and KSJN(FM), the former utilizing an all-news format and the latter an arts/performance format; (ii) the licensed stations currently and the unbuilt stations in the future will receive 100% of their programming through feeds from either KNOW-FM or KSJN(FM), or both²; (iii) while MPR operates "the largest news organization or any radio service in the midwest" and maintains a travelling radio crew which gathers and produces programming from rural areas throughout MPR's service area, MPR is financially unable to meet the Commission's studio staffing requirements³. However, you indicate that MPR has installed a toll-free telephone line from each affected service area to the operating MPR studios. You also note that MPR stations maintain a regional advisory council to provide input to MPR management on programming of interest to residents throughout MPR's service area, and that a resident of each service area here will participate in such a council. Additionally, you note that MPR has an existing relationship with each community of license involved here through membership in MPR, which actively solicits comments from its members concerning programming and station operation. Finally, you state that MPR employs a full-time "issue advisor" to serve as liaison between service area residents and MPR programming management.

¹ The stations are: (i) KRSU-FM, Appleton, Minnesota; (ii) KCMN(FM), Thief River Falls, Minnesota; (iii) WIRR(FM), Virginia-Hibbing, Minnesota; (iv) KLCD(FM), Decorah, Iowa; (v) KVVL(FM), Thief River Falls, Minnesota; and KFTN(FM), Sun Valley, Idaho. These last two are as yet unbuilt construction permits.

² KRSU, WIRR, and KLCD now receive approximately 80% of their programming through KSJN and 20% from KNOW.

³ See Jones Eastern of the Outer Banks, Inc., 6 FCC Rod 3615 (1991).

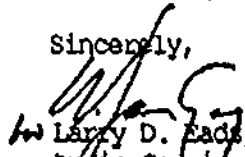
The second request seeks Commission consent to operate MPR's as yet unbuilt station in Decorah, Iowa (File No. BPED-900129MI) as a satellite of KNOW-FM, positing identical reasons in support of the waiver.

Section 73.1125 of the Commission's Rules, as revised by the Report and Order in MM Docket No. 86-406, 2 FCC Rcd 3215 (1987), reconsideration and clarification granted in part, 3 FCC Rcd 5024 (1988), requires a broadcast station to maintain its main studio in its city of license except "when good cause exists for locating the main studio outside the principal community to be served and [when doing] so would be consistent with operation of the station in the public interest." The purpose of the rule, as explained in EM Studio Moves, 27 FCC 2d 851, 852 (1971), is "to make broadcast stations readily accessible to the people in the communities which they are primarily licensed to serve." See also Multiple Ownership Rules, 3 RR 2d 1554, 1562 (1964). While satellite stations such as those proposed here are not contemplated by the FM Rules, such situations can be analogized to situations involving television satellites where main studio rules have been waived.

Despite waiver of the main studio rules in these instances, the primary obligation of any broadcast licensee, including those of satellite stations is to serve the problems, needs and interest of the community to which it is licensed. 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," Georgia State Board of Education, 70 FCC 2d 948, 956 (1978). As such, local needs can and should be met by this applicant. It is true that, in the past, the Commission has recognized the economic benefits of centralized operations for noncommercial educational stations, like the situation presented here. See Memorandum Opinion and Order, 3 FCC Rcd at 5027. Because of the limited funding available to these stations, we 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 (1965). As has been stated, however these stations, have not been permitted to ignore local service obligations. See Georgia State Board of Education, 70 FCC 2d 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 number requirement." Memorandum Opinion and Order, 3 FCC Rcd at 5027. See also 47 C.F.R. Section 73.1125(c).

We believe that you have demonstrated that waiver of the main studio rule in the circumstances presented here would serve the public interest, convenience, and necessity. MPR has clearly demonstrated that it will remain in touch with the needs and interests of the residents of each affected community here, and the toll-free telephone line will facilitate communication with MPR's central programmers. Accordingly, the requested waivers ARE GRANTED for each station listed above. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,


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