

Assignee's Request for Waiver of Main Studio Location Rule

Nevada Public Radio respectfully requests a waiver of the main studio location requirements of Section 73.1125 of the FCC's Rules in connection with its proposed acquisition, through assignment, of the license for noncommercial educational ("NCE") FM station KJIV(FM) at Sun Valley, Nevada (the "Station"). Nevada Public Radio proposes to operate the Station as a satellite facility from Nevada Public Radio's existing, consolidated main studio location in Las Vegas, home to Nevada Public Radio's NCE hub station KNPR(FM), Las Vegas, Nevada (FCC Facility ID No. 79047).

Background

Nevada Public Radio was established in 1975 as an independent, not-for-profit, public benefit corporation. It originally signed on the air in 1980, serving the Las Vegas area with Nevada's first National Public Radio affiliate station. Nevada Public Radio's stated mission is to enhance the quality of life and foster civic engagement by informing, educating and inspiring its growing audiences. Nevada Public Radio seeks to be recognized as the leading independent source of information and cultural expression and a catalyst for civic engagement.

Nevada Public Radio is the licensee of seven noncommercial educational FM radio stations: KNPR in Las Vegas, Nevada; KCVN in Las Vegas, Nevada; KTPH in Tonopah Nevada; KLNR in Panaca, Nevada; KWPR in Lund, Nevada; KSGU in St. George, Utah; and KLKR in Elko, Nevada. Stations KTPH, KLNR, KWPR, KSGU, and KLKR all operate as satellite facilities from Nevada Public Radio's existing main studio in Las Vegas pursuant to main studio waivers granted by the FCC. Nevada Public Radio now proposes to also operate the Station as a satellite from its consolidated studio location in order to expand its provision of high quality news, cultural and entertainment content.

Justification

The requested waiver and satellite status will serve the public interest by permitting Nevada Public Radio to use its existing studio facilities and infrastructure to provide the highest quality and quantity of public radio offerings to the Sun Valley community. The Commission has stated that "[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," subject to a showing of good cause why the Commission should grant such a waiver.¹

There are significant public interest gains that will result from use of the consolidated studio facilities. A main studio waiver will allow Nevada Public Radio to conserve limited

¹ See *In re Main Studio and Program Origination Rules for Radio and Television and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd 5024 (1988).

financial resources and eliminate the need for unnecessary duplication of equipment and personnel. Conservation of resources is vitally important for a non-profit entity such as the assignee.

By avoiding the need for duplicative studio, personnel, and administrative costs, use of the consolidated main studio operation in Las Vegas will enhance Nevada Public Radio's ability to provide quality local and national public radio programming to listeners in the Sun Valley community. Otherwise, it would be difficult for Nevada Public Radio to both maintain a separate local studio and provide high quality programming. However, taking advantage of the existing administrative and technical facilities that Nevada Public Radio already uses as a production space will benefit listeners in Sun Valley by allowing Nevada Public Radio to provide public radio services in a cost-conscious manner.

Moreover, individual and organizational support provided by members of the local community is a vital source of funding for the broadcast operations of Nevada Public Radio as listener donations and local organization sponsorships contribute to operating revenues. In particular, the studio co-location will allow the community of Sun Valley, with slightly more than 19,000 people, to enjoy public radio service of comparable quality to that enjoyed and financially supported by larger cities and communities elsewhere in the state such as Las Vegas (population of more than 580,000).² As a state-wide noncommercial broadcaster, Nevada Public Radio is committed to providing Sun Valley residents with a similar level of noncommercial programming, and believes that it can adequately assess and serve the needs of the Station's community of license (as it does for its other satellite stations) despite the lack of a local main studio.

Thus co-locating the main studio for the Station with Nevada Public Radio's existing main studio in Las Vegas will allow Nevada Public Radio to fulfill its stated mission in a manner consistent with the realities of the current public broadcasting funding situation. Nonetheless, for the following reasons, the grant of a main studio waiver will not have an adverse effect on the ability of Nevada Public Radio to ascertain the needs of the Sun Valley community and address them through its programming.

- The residents of the Sun Valley community will be able to contact Nevada Public Radio's studios via an active toll-free telephone number.
- Nevada Public Radio maintains a website at knpr.org which invites listeners to contact station staff by various means, including internet/email, mail, fax and toll-free phone in order to comment on programming and station operation or to provide suggestions for staff. The Nevada Public Radio website also provides information on programming, schedules, local Nevada news, community events and individual stations.
- Sun Valley, Nevada is approximately 347 miles from Nevada Public Radio's main studio location in Las Vegas.

² See U.S. Census 2010 population figures for Sun Valley, Nevada, and Las Vegas, Nevada, <http://www.census.gov/>.

- Nevada Public Radio plans to conduct a quarterly ascertainment review of the needs and interests of the Sun Valley community.
- Nevada Public Radio plans to periodically review newspapers and/or online sources and other media that cover the greater Sun Valley area.
- Nevada Public Radio plans to broadcast programming responsive to local issues of interest to the Sun Valley community.
- As required by FCC rules, 47 C.F.R. § 73.3527(b)(1),³ Nevada Public Radio will maintain the Station's public inspection file at the Las Vegas main studio location, until such time as the Station completes its transition to the online public inspection file in connection with the current timeline required for noncommercial educational stations. However, while the public file is maintained in Las Vegas, Nevada Public Radio will also make available its contents to persons in the Station's geographic service area, by mail upon telephone request.

These efforts will help Nevada Public Radio, as licensee of the Station, to select and broadcast programming that is responsive to the needs of the Sun Valley community. Nevada Public Radio's connections to the Sun Valley community and its efforts to further ascertain and serve the interests of local residents will thus ensure that the programming aired over the Station serves the needs of the local community.

In sum, Nevada Public Radio submits that the grant of a main studio waiver is justified by its commitment to ascertain the needs and concerns of the Sun Valley community and to address them through high quality public radio programming, the likelihood that the Sun Valley community might not otherwise be able to support a comparable standalone noncommercial public radio outlet, and the necessity of conserving scarce financial resources for its noncommercial educational operations. For all of these reasons, Nevada Public Radio respectfully submits that the public interest will be well served by grant of a waiver of Section 73.1125 of the Commission's rules to permit the co-location of the Station's main studio at Nevada Public Radio's existing studio facilities for co-licensed NCE station KNPR(FM) in Las Vegas, Nevada.

³ See also In the Matter of Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations, *Memorandum Opinion and Order*, FCC 99-118 (Rel. May 28, 1999), at paragraph 45, clarifying that "all stations, including those operating pursuant to a main studio waiver, would be required to locate their public files at their main studios, wherever located" and that "noncommercial educational satellite stations operating under a main studio waiver...must maintain their public files at the main studios of the stations at which their programming is originated."