

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

APR 19 2002

**IN REPLY REFER TO:
1800B3-ALM**

Ernest T. Sanchez, Esquire
2000 L Street, N.W., Suite 200
Washington, D. C. 20036

In re: KTBR(AM), Roseburg, OR

Facility ID No. 33247
Assignment of License
BAL-20011228AAT
Modification of License
BML-20020328AAB

KTBR(FM), Myrtle Point, OR

Facility ID No. 33248
Assignment of License
BALH-20011228AAU
Modification of License
BMLED-20020410AAO

Dear Mr. Sanchez:

The staff currently has before it the above-referenced applications to assign the licenses of KTBR(AM), Roseburg, Oregon and KTBR-FM, Myrtle Point, Oregon from K/S Riggs Broadcasting Inc. ("K/S Riggs") to JPR Foundation, Inc. ("JPRF") and to reclassify them from commercial to noncommercial educational status pursuant to 47 C.F.R. § 73.1690(c)(9). JPRF has also requested waivers of the Commission's Main Studio Rule, 47 C.F.R. § 73.1125, to operate the stations from JPRF's existing studio in Ashland, Oregon. For the reasons stated below we will grant the referenced applications and JPR's request for a waiver of Section 73.1125.

Assignment Applications: We have examined the subject assignment applications and find that they fully comply with all pertinent statutory and regulatory requirements. Additionally, we find that K/S Riggs is fully qualified to assign, and JPRF is fully qualified to be the licensee of, the subject stations. Grant of the assignment applications would further the public interest, convenience, and necessity, and we will take that action below.

Conversion to NCE status: Pursuant to Amendments of Parts 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit, 12 FCC Rcd 12,371 (1997), JPRF has filed license applications for KTBR(AM) and KTBR-FM which demonstrate that it is a qualified educational organization pursuant to 47 C.F.R. § 73.503(a); that the station will be used to advance

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JPRF's educational program; and that grant of these license applications would serve the public interest, convenience, and necessity.

Main Studio Waiver: JPRF seeks waiver of 47 C.F.R. § 73.1125 to operate KTBR(AM) and KTBR-FM from an existing studio complex at 1250 Siskiyou Blvd. in Ashland, Oregon, approximately 86 miles from the stations. JPRF does not propose to operate KTBR(AM) and KTBR-FM as "satellite" stations, but rather it proposes independent programming to the stations from the Ashland studio. JPRF does not specifically commit to originating any programming for these stations. Rather, it states that it plans to program service "on a contracted basis," drawing on the resources of National Public Radio, Public Radio International, the WFMT Fine Arts Network, and other established public radio sources.

Pursuant to section 73.1125(a), a main studio must be located either (1) within a station's principal community contour, (2) within the contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community. *See Report and Order, Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations*, 13 FCC Rcd 15,691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order"). However, under Section 73.1125(b)(2), the Commission will waive these requirements 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 is considered on a case-by-case basis.

JPRF has demonstrated that uniquely compelling circumstances support a waiver in this case. Initially, JPRF has shown that it can achieve significant and continuing cost savings by utilizing its current studio facilities in Ashland, Oregon in lieu of establishing studios to serve Roseburg and Myrtle Point, Oregon. JPRF states in an April 12, 2002 amendment that installing, operating and maintaining a studio in Roseburg, even with a minimal staffing of one full-time employee at a "moderate wage" would require that it invest \$172,000.00 annually beyond committed transmission/programming costs. This sum, states JPRF, substantially exceeds the financial support available in Roseburg, a community of 20,000 persons. The Commission has previously recognized limited funding as a basis for permitting centralized operation for noncommercial educational stations and networks. *See Amendment of Section 73.1125*, 3 FCC Rcd 5027, 5027 (1988). *See also* letter from Chief, Mass Media Bureau dated February 6, 1996 in re WMKV(FM), Reading, Ohio (reference 1800B3-PHD).

Moreover, on the basis of commitments JPRF has made, we are persuaded that the stations will meet their public service obligations to the residents of Roseburg and Myrtle Point. To that end JPRF has pledged to (1) make periodic visits to Roseburg and Myrtle Point and consult with local civic and community leaders in an effort to understand and respond to the issues and concerns of these communities; (2) provide coverage of significant events in Roseburg and Myrtle Point including news, public affairs, cultural events, and political campaigns based upon JPRF's quarterly ascertainment efforts; (3) subscribe to daily newspapers serving Roseburg and Myrtle Point in an effort to

understand and respond to issues and concerns of the community; (4) maintain a web page to solicit public feedback on JPRF programming; and (5) maintain toll-free telephone numbers between Roseburg, Myrtle Point and the JPRF studio in Ashland, Oregon.

In these circumstances, we are persuaded that JPRF will meet its local service obligations and thus, that grant of the requested waivers are consistent with the public interest. We remind JPRF, however, of the requirement that it maintain a public file for KTBR(AM) and KTBR(FM) at the JPRF Ashland, Oregon studio. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd 11113, 11129 at ¶45. We further remind JPRF that, notwithstanding the grant of the waiver requested here, the public file for KTBR(AM) must contain the quarterly issues and programs list for Roseburg, Oregon and the file for KTBR-FM must contain the quarterly issues and programs list for Myrtle Point as required by 47 C.F.R. § 73.3527(e)(8).

Conclusions: Accordingly, the application filed by K/S Riggs Broadcasting, Inc. to assign the licenses of KTBR(AM), Roseburg, Oregon and KTBR-FM, Myrtle Point Oregon (BAL-20011228AAT, BALH-20011228AU) to the Jefferson Public Radio Foundation, Inc., being in full compliance with the Commission's rules, IS HEREBY GRANTED. Additionally, the applications, filed by Jefferson Public Radio Foundation, Inc., to modify the licenses of KTBR(AM) and KTBR-FM from commercial to noncommercial education and the requests for waivers associated with the applications ARE GRANTED, effective upon notification that the assignment of KTBR(AM) and KTBR-FM to JPRF has been consummated. The stations will be reclassified as noncommercial educational stations and the new authorizations will be mailed promptly at that time. In order to facilitate transmission of the authorizations, JPRF and counsel are requested to send copies of the consummation notification to Ms. Druscilla Smalls, Room 2-A140 and Ms. Penelope Dade, Room 2-A362, at the Federal Communications Commission, 445 12th Street, S.W., Washington, D. C. 20554.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Office of Broadcast License Policy
Media Bureau

cc: Dennis Kelly, Esquire