



Federal Communications Commission
Washington, D.C. 20554

September 7, 2011

Better Life Television, Inc.
c/o Donald E. Martin, P.C.
P.O. Box 8433
Falls Church, Virginia 22041

Re: Request for Waiver of Main Studio Rule
KTVC(TV), Roseburg, Oregon
Facility ID No. 31437

Dear Counsel:

This concerns the above-referenced request for a permanent waiver of Section 73.1125(a) of the Commission's rules,¹ the main studio rule, filed by Better Life Television, Inc. ("Better Life"). Specifically, Better Life seeks to close the main studio of station KTVC(TV), Roseburg, Oregon, and use the studio of commonly-owned station, KBLN(TV), Grants Pass, Oregon, located approximately 60 miles away, for both stations. For the reasons discussed below, we deny the request for permanent waiver, and grant a temporary waiver, subject to the conditions set forth herein.

Background. The main studio rule requires that each broadcast station maintain a main studio at one of the following locations: (a) within the station's community of license; (b) at any location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (c) within twenty-five miles from the reference coordinates of the center of its community of license.² However, Section 73.1125(b)(2) permits a station to locate its main studio outside the locations specified above when good cause exists, and when so doing would be consistent with the operation of the station in the public interest.³

In support of its permanent waiver request, Better Life asserts that its finances are limited and the savings to be realized from reduced requirements on the premises at KTVC(TV) would help the organization in its system-wide efforts to provide a high quality of service to the public. In this regard, Better Life states that the Commission has recognized the benefits of centralized operations for regional groups of stations operated in the noncommercial mode, given their limited funding. Better Life further asserts that such benefits have been deemed adequate "good cause" to justify waiver of the main studio requirement. Better Life, a nonprofit corporation, states that it operates KBLN(TV), and intends to operate KTVC(TV), in the noncommercial mode.

¹ 47 C.F.R. § 73.1125(a).

² 47 C.F.R. § 73.1125(a).

³ 47 C.F.R. § 73.1125(b)(2).

In addition, Better Life explains that KTVC(TV) is licensed to the relatively small community of Roseburg, Oregon, which is located in the Eugene, Oregon DMA, the 119th ranked DMA. Better Life notes that the population of Roseburg as of mid-2008 was estimated at 20,681 persons. Better Life notes that in addition to KTVC(TV), two other full-service television stations are licensed to Roseburg, Oregon, KPIC(TV) and KTCW(TV). Better Life contends that it is extremely difficult for a community of this size to support three full-service television stations. Moreover, Better Life asserts that, under the present allocation of its resources, it is not able to provide the minimum staffing required for maintaining the main studio for KTVC(TV) in the community of license. Better Life states that it has taken the station off the air pending Commission action on the instant request.

However, Better Life asserts that it will be able to provide service to the Roseburg community from its nearby facilities at KBLN(TV). Better Life “acknowledges” that as the licensee of KTVC(TV), it has certain local service obligations to the station’s community of license and service area. Accordingly, Better Life proposes to: (1) always have at least one resident of the Roseburg community serve on its board; (2) periodically broadcast local programming for the Roseburg community with coverage of local events of local interest; (3) broadcast local public service announcements on the Roseburg station; (4) maintain an email address for receipt of communications from residents in the communities served by KTVC(TV); (5) maintain a toll-free telephone number for service between Roseburg and the main studio at KBLN(TV); and (6) broadcast announcements on KTVC(TV) on at least a weekly basis to inform the public about how to view the public inspection file for the station, and how to contact Better Life via email and phone.

Discussion. The main studio rule is rooted in Section 307(b) of the Communications Act of 1934, as amended (the “Act”), which mandates the Commission to “make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide for a fair, efficient, and equitable distribution of radio service to each of the same.”⁴ Section 307(b) of the Act creates a “bedrock obligation” of each broadcast licensee to serve the needs and interests of its community.⁵ A central component of this scheme requires a station’s main studio to be reasonably accessible to its community of license.⁶ Accordingly, the main studio rule maintains broadcasters’ obligations under Section 307(b) to provide service to their community of license by ensuring the main studio’s connection to the community of license.⁷

We find that Better Life’s waiver request is predicated primarily on the benefits of economic efficiencies, *i.e.*, the use of an existing studio and staff in Grants Pass, Oregon. However, Better Life cites to no precedent for the proposition that a waiver is warranted in order to simply benefit a

⁴ 47 U.S.C. § 307(b).

⁵ See *Review of the Commission’s Rules Regarding the Main Studio Rule and Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, 13 FCC Rcd 15691, 15692 (1998) (“*Main Studio Report and Order*”), *recon. granted in part*, 14 FCC Rcd 11113 (1999).

⁶ *Main Studio Report and Order* at 15695.

⁷ *Main Studio Report and Order* at 15696.

broadcaster through financial and administrative efficiencies, and we are aware of none. In fact, the Commission has specifically rejected an argument based on economic efficiency in the context of a waiver request by a commercial station.⁸ Better Life states that the Commission has recognized the benefits of centralized operations for regional groups of stations operated in the noncommercial mode, given their limited funding, and that such benefits have been deemed ‘good cause’ to justify waiver of the main studio location requirement. To support this proposition, Better Life cites to a 1988 discussion of main studio waiver grants for “satellite” stations that are part of noncommercial educational networks.⁹ The Commission has not accorded similar treatment to commercial stations.¹⁰

Moreover, there are two other full-service television stations licensed to Roseburg, KPIC(TV) and KTCW(TV), and both stations have established main studios. The Commission has traditionally required stations that qualify as “satellites” to construct a main studio in markets that already have an operating full-service station, because the satellite would have an unfair competitive advantage.¹¹ Here, the possibility of a competitive imbalance is even greater because Better Life is a full-service commercial licensee. We see no reason to grant the instant waiver request in order to allow Better Life to continue to operate in violation of its present license authority, thereby enjoying a competitive advantage over two other stations in the community that comply with our main studio rule.

While finding that the facts presented do not justify a permanent main studio waiver, we recognize that certain facts may justify a temporary waiver in this case. Station KTVC(TV) was acquired out of bankruptcy in 2009, and since that time Better Life has filed several requests for Special Temporary Authority (“STA”), with the most recent STA (*request for silent authority*) accepted for filing on December 6, 2010.¹² In that request, Better Life indicated that station KTVC(TV) has been off of the air since December 1, 2010. Better Life explained that its transmitter suffered a general failure of undetermined origin, and sought authority to remain silent for 60 days in order to purchase a new replacement transmitter. Better Life has yet to notify the Commission that the station is back on the air. Furthermore, Section 312(g) of the Communications Act provides that:

If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at

⁸ *Maines Broadcasting, Inc.*, 8 FCC Rcd 5501, 5502 (1993) (rejecting main studio waiver request on financial considerations).

⁹ *Amendment of Sections 73.1125 and 73.1130 of the Commission’s Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd 5024, 5027 (1988).

¹⁰ *Main Studio Report and Order*, 13 FCC Rcd at 15,695 n. 18 (“noncommercial stations have been given distinct treatment from commercial stations.”)

¹¹ See *KMTR, Inc.*, 7 FCC Rcd 1025 (1992); *KFBB Corporation*, 6 FCC Rcd 4637 (1991); *Hector Nicolau*, 5 FCC Rcd 6370 (1990).

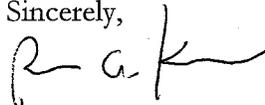
¹² See BLSTA-20101206AAA.

the end of that period, notwithstanding any provision, term or condition of the license to the contrary...¹³

Thus, we will grant a temporary waiver of the main studio rule until November 30, 2011. Better Life must return station KTVC(TV) to the air and operate pursuant to its license authority¹⁴ by **December 1, 2011**, or the license shall expire by operation of law. In the meantime, we will require that Better Life meet the following commitments: (1) maintain a toll-free phone number; (2) advertise the toll-free phone number on air and in the local phone book; and (3) maintain a copy of the public file in Grants Pass, Oregon, for viewers to inspect.

ACCORDINGLY, the request for a permanent waiver of Section 73.1125 of the Commission's Rules for station KTVC(TV), Roseburg, Oregon, **IS DENIED**. Better Life Television, Inc. is **GRANTED** a temporary waiver until November 30, 2011, subject to the conditions specified above.

Sincerely,



Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹³ 47 U.S.C. § 312(g); *See also* 47 C.F.R. 73.1635(a)(4).

¹⁴ *See* File No. BLCDT-20060721AAR.