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E. Joseph Knoll, III, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

In re: **New(FM), Fergus Falls, MN**
Facility ID # 92307
Minnesota Public Radio
File No. BPED-19981208MH
Request for Waiver of 47 C.F.R.
§73.1125 Filed on November
15, 1999

Dear Mr. Knoll:

The staff has under consideration: (1) the captioned application of Minnesota Public Radio ("MPR") for construction permit for a new noncommercial educational FM station in Fergus Falls, Minnesota, as amended. The application includes a request for waiver of the Commission's main studio rule, 47 C.F.R. §73.1125, in order to operate the new Fergus Falls station as a "satellite" of MPR's station KSJN(FM), Minneapolis, Minnesota. For the reasons set forth below, we will grant both MPR's request for waiver and its construction permit application.

Pursuant to Section 73.1125, a station's main studio must be located either (1) within a station's principal community contour; (2) within the principal community 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 and radio stations, 13 FCC Rcd 15,691 (1998); recon. granted in part, 14 FCC Rcd 11,113 (1999) ("Reconsideration Order").* However, under Section 73.1125(b)(2), the Commission will waive this requirement 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 by an NCE station seeking to operate as the satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus has found that "good cause" exists to waive the main studio location requirement where satellite operations are proposed. *Id.* In order to receive a satellite main studio waiver, an applica-

must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*


MPR's request is based on the economies of scale which would be realized by grant of its waiver, *i.e.*, avoiding the cost of equipping, operating, and staffing a main studio in the Fergus Falls, Minnesota area.

We conclude that MPR has demonstrated "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. Fergus Falls is approximately 177 miles from Minneapolis, the location of KSJN(FM). Where there is a considerable distance between parent and satellite stations, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests and respond to them in its programming. To that end, MPR states that it will (1) continue its policy of participation by residents of each service area, including Fergus Falls, on a regional advisory council which provides input on programming issues of interest to residents of Fergus Falls and other communities throughout the service area; (2) assign to Fergus Falls a reporter who will be responsible for the production and broadcast of "program inserts" of interest to Fergus Falls residents; and (3) assign an MPR employee to subscribe to and review local publications and solicit comments from Fergus Falls residents and community leaders on at least an annual basis concerning programming and station operation. MPR also represents that it will maintain a toll-free telephone line from Fergus Falls to directly to MPR's Listener Services Department, as well as an internet site (www.mpr.org) which both contains expansive descriptions of MPR programming and provides an additional means for Fergus Falls residents to comment on station operations. Finally, MPR emphasizes the efforts of its "Mainstreet Radio" initiative, in which a four-to five-member crew travels to and produces material from small or rural communities such as Fergus Falls for broadcast throughout the MPR network, thus ensuring that the problems and interests of Fergus Falls residents are regularly represented in MPR's (and thus on the new Fergus Falls outlet's) programming.

In these circumstances, we are persuaded that MPR will meet its local service obligations and thus that grant of the requested waiver is consistent with the public interest. We remind MPR, however, of the requirement that it maintain a public file for its Fergus Falls, Minnesota station at the main studio of the "parent" station, KSJN(FM) in Minneapolis, Minnesota. It must also make reasonable accommodation for listeners wishing to examine the file's contents. *See Reconsideration Order*, 14 FCC Rcd at 11,129 ¶ 45. We further remind MPR that, notwithstanding the grant of the waiver requested here, the public file for KCFB(FM) must contain the quarterly issues and programs list for Fergus Falls, Minnesota, required by 47 C.F.R. § 73.3527(e)(8).

We have also examined MPR's application and find that it complies with all pertinent statutory and regulatory requirements and thus that the public interest, convenience, and necessity would be furthered by its grant. In accordance with these findings, and in reliance upon the representations listed above, the application (File No. BPED-19981208MH) of Minnesota Public Radio. for construction permit for a new noncommercial educational FM station in Fergus Falls, Minnesota, and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization is enclosed.

Sincerely,


Linda Blair, Chief
Audio Services Division
Mass Media Bureau

cc: Minnesota Public Radio