

## REQUEST FOR WAIVER OF MAIN STUDIO RULE

Pursuant to Section 73.1125 of the Commission's rules, 47 C.F.R. § 73.1125, the Foundation for Public Broadcasting in Georgia, Inc. (the "Foundation"), hereby requests a waiver of the main studio rule for Station WKCX, Rome, Georgia. As described below, grant of this request will serve the public interest because it will allow the Foundation, acting in conjunction with the Georgia Public Telecommunications Commission ("GPTC"), to deliver to the residents of Rome and northwest Georgia all of the quality, non-commercial public programming other Georgians have enjoyed for many years. That programming includes statewide news coverage, classical music, unique programs such as Car Talk and A Prairie Home Companion and original, Georgia-produced programs like The Green Island Radio Show and Music Americana from Savannah, Night Music from Athens and Georgia Gazette from Atlanta. While the GPTC has attempted to provide this programming to Rome and its surrounding area, and the Georgia General Assembly endorsed the acquisition of a station in 1999, there was no suitable frequency available until the owners of Briar Creek Broadcasting decided to retire, which gave the Foundation this unique opportunity to acquire Station WKCX. Grant of this request will also allow the Foundation and the GPTC to devote their limited funds to providing additional and improved programming to the residents of Rome, Georgia. The Foundation will continue to maintain the public inspection file in the community, will maintain a toll-free telephone number and, together with the GPTC, will implement measures to ensure that the Foundation is informed about matters of concern to the local community.

As described in Exhibit 15, the Foundation is a non-profit corporation created to assist the GPTC, an agency of the state of Georgia, in connection with the funding and operating of the 23 public broadcasting stations licensed to and operated by the GPTC. The Foundation and the GPTC share common leadership. The executive director of the GPTC serves as the president of the Foundation, the other officers of the Foundation are also the officers of the GPTC, and two of the Foundation's directors are members of the GPTC. The Foundation also shares common offices with the GPTC. The Foundation is acquiring Station WKCX in furtherance of its mandate to assist the GPTC in bringing public broadcasting to Georgia because it was not practicable under state law for the GPTC to do so.

The Foundation plans to operate Station WKCX as a noncommercial educational radio station and, through its closely integrated relationship with the GPTC, to deliver the high quality public radio programming offered on the GPTC's 14 public radio stations. The Foundation's acquisition of Station WKCX will significantly enhance the diversity of radio programming in the northwest part of Georgia by serving as the only radio station offering public radio service to that part of the state. The GPTC operates its 23 public broadcasting stations from centralized facilities at its headquarters in Atlanta, Georgia, which are shared with the Foundation, and operates the stations from master origination facilities located at the headquarters.<sup>1</sup> Except for four radio stations that originate some local programming, the GPTC simulcasts its radio programming on all of its radio stations. The majority of the GPTC's employees are based at its

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<sup>1</sup> GPTC recently filed a waiver request to designate its headquarters as the main studio for each of its radio stations.

Atlanta headquarters and, except for the limited employees at four radio stations that offer some local programming, the GPTC personnel based in areas outside of Atlanta are primarily technical personnel.

By centralizing the operations of Station WKCX with the Foundation and the GPTC network headquarters, the Foundation will be able to take advantage of technological innovations that permit remote control of the station, to make better use of its limited resources, and to realize substantial cost savings. Complying with the main studio requirement for Station WKCX, including maintaining equipment to originate programming and employing at least one manager and one staff-level employee at a studio in Rome, Georgia, would impose significant additional costs on the Foundation and would prevent the Foundation from devoting its limited resources to assist the GPTC in providing interesting and innovative programming to residents of the entire State of Georgia.

The Commission has long recognized the financial difficulties noncommercial educational licensees have in satisfying the main studio requirements and the benefits that such stations realize by centralizing operations. Thus, the Commission has indicated that it will grant waivers of the main studio requirements on a case-by-case basis, based upon a showing that the licensee will continue to serve the needs of its communities of license.<sup>2</sup>

In order to continue to serve the needs of Station WKCX's community of license, the Foundation will maintain a copy of the public inspection file in Rome and will make the file available upon request to members of the public who wish to review its contents. In addition, the Foundation will maintain a toll-free telephone number, and publicize that number on the GPTC's website, so that Rome residents may contact the Foundation headquarters, without charge, to share local views with the Foundation staff. Finally, the Foundation will make efforts to reach out to listeners and viewers of the Rome community. Specifically, the GPTC has a function on its website to allow listeners and viewers throughout the state to share their views with the GPTC staff. The GPTC also will solicit comments from listeners in its regular program guide and through periodic announcements on its programming. The interim executive director of the GPTC, who is also the President of the Foundation, will ensure that the Foundation, as the licensee of Station WKCX, considers any community feedback received from listeners in the Rome community.

Grant of the Foundation's waiver request will serve the public interest because it will permit the Foundation to deliver quality public radio service -- including National Public Radio - to residents of Rome, Georgia through centralized operations with the GPTC's radio network, realize substantial cost savings through these centralized operations, and devote additional resources to the production of state and local radio programming. At the same time, this waiver request demonstrates that the Foundation is committed to serving the needs of the Rome community and will implement measures to ensure that, in the absence of a local main studio, the Foundation will continue to serve the needs of listeners in Rome, Georgia. Accordingly, the

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<sup>2</sup> *In re 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 ¶ 30 (1988).

Foundation seeks authorization to locate the station's main studio at the Foundation's headquarters at 260 14<sup>th</sup> Street, NW, Atlanta, Georgia.