

STAMP AND RETURN

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February 27, 2009

BY HAND DELIVERY

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Federal Communications Commission
Office of the Secretary

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Main Studio Waiver Request
Noncommercial Educational Digital Television Station WRPT
Hibbing, Minnesota, Facility Identification No. 159007
FRN: 0002-6398-54

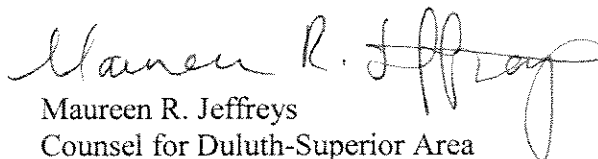
Dear Ms. Dortch:

On behalf of Duluth-Superior Area Educational Television Corporation ("Duluth-Superior"), permittee of noncommercial educational digital television Station WRPT, Hibbing, Minnesota, submitted herewith is a request for waiver of the main studio rule for Station WRPT.

Because Duluth-Superior is a noncommercial educational broadcast permittee, no filing fee is required in connection with this request.

If there are any questions concerning this matter, please let me know.

Sincerely yours,



Maureen R. Jeffreys
Counsel for Duluth-Superior Area
Educational Television Corporation

cc: Clay Pendarvis, Esq. (by hand delivery)
Mr. Allen D. Harmon (by e-mail)
Theodore D. Frank, Esq. (by e-mail)

February 26, 2009

BY HAND DELIVERY

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Main Studio Waiver Request for
Noncommercial Educational Digital Television Station WRPT, Hibbing,
Minnesota, Facility Identification No. 159007

Dear Ms. Dortch:

Duluth-Superior Area Educational Television Corporation (“Duluth-Superior”), permittee of noncommercial educational digital television Station WRPT, Hibbing, Minnesota hereby requests a waiver of Section 73.1125 of the Commission’s rules to permit Station WRPT to operate as a satellite of Station WDSE-TV/DT and, accordingly, to designate 632 Niagara Court, Duluth, Minnesota, as the main studio for Station WRPT.

Duluth-Superior is a noncommercial educational television broadcaster that operates Station WDSE-TV and its digital companion channel in Duluth, Minnesota. It recently launched service of Station WRPT, pursuant to an STA granted on December 23, 2008.¹ Station WRPT is a DTV “singleton” serving Hibbing, Minnesota and the surrounding remote areas of northern Minnesota, commonly called the Minnesota Iron Range. Station WRPT-DT is the first public television station and only the second full power television station to serve the Hibbing community.

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 from centralized operations. Thus, the Commission has indicated that it will grant waivers of the main studio requirements on a case-by-case basis to allow state and regional public television and radio networks to operate as “satellite” stations

¹ Station WRPT-DT has begun operating a reduced power facility, *see* File No. BDSTA-20080616ACV, and is in the process of installing a permanent antenna consistent with its fully authorized facilities, *see* File No. BMPEDT-20080611AAD.

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February 26, 2009
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that do not necessarily meet the main studio requirements, based upon a showing that the licensee will continue to serve the needs of its communities of license.²

Grant of this request will enable Duluth-Superior to take advantage of technological innovations that permit remote control of Station WRPT, to make better use of our limited resources, and to realize substantial cost savings. Complying with the main studio requirement, including maintaining equipment to originate programming and employing at least one manager and one staff-level employee at Station WRPT, would impose significant additional costs on Duluth-Superior and limit our ability to provide interesting and innovative programming to our viewers in the Iron Range communities. Duluth-Superior estimates that grant of this waiver will allow savings of at least approximately \$330,000 in capital costs to construct the studio, install the microwave link and acquire the studio equipment, and some \$220,000 annually in operating expense.

These costs will severely tax Duluth-Superior's ability to fulfill our mission of providing high quality, regionally-focused programming to northern Minnesota and the Iron Range. As a non-profit organization, Duluth-Superior is dependent on public and private grants and viewer support to cover the cost to construct and operate our stations. Like many public television operators, particularly those in smaller markets such as the Duluth-Superior DMA (ranked 139th, with 173,180 television households),³ our resources have been severely strained throughout the DTV transition. For instance, Duluth-Superior has been operating at a net loss since Station WDSE-DT began to broadcast in 2003. While Duluth-Superior will eliminate the costs associated with analog operations of Station WDSE-TV this year, Duluth-Superior anticipates that the current economic

² *In re Amendment of Section 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); see *University of North Carolina c/o Marcus W. Trathen, Esq., Re Request for Waiver of Main Studio Rule for a New Noncommercial Educational Station at Canton, North Carolina, File No. BPET-19960919KW, Facility ID No. 83822*, Letter, 23 FCC Rcd. 1205 (2008) (granting main studio waiver for new noncommercial educational television station to state public television network); *F. William LeBeau, Rocky Mountain Public Broadcasting Network, Inc. Esq. Re KMAS-TV, Steamboat Springs, Colorado, ID No. 20373, Application for Assignment of License, File No. BALCT-2006112AIK*, Letter, 22 FCC Rcd. 2183 (2007) (granting main studio waiver to noncommercial station serving sparsely populated, largely mountainous region of northwestern Colorado).

³ Television & Cable Factbook, 2009 edition, at A-6.

recession will continue to strain our limited funding sources. We presently project an operating deficit of \$160,000 for 2009,⁴ and, as is the case for large numbers of public broadcasters, particularly in smaller markets, we have already seen a decline of 10% in private grants and 15% in membership contributions for year-to-date 2009 as compared to the same period last year.

By saving on the costs of constructing and maintaining a separate main studio for Station WRPT-DT, Duluth-Superior will be able to continue to devote our limited resources to developing programming that serves the needs and interest of the Iron Range communities. Duluth-Superior plans to offer viewers of Station WRPT early childhood, instructional television, adult educational, cultural and entertainment and public affairs programming from the PBS National Programming Service as well as other sources that offer programming with a regional focus.⁵ Indeed, Duluth-Superior has a history of producing programs of interest to the Iron Range, including a 12-part Iron Range history from geologic ages to the present, segments in our weekly public affairs program "Almanac North," segments on artisans and attractions in our "Venture North" series, historic segments in our "Album" series, and an open invitation for Iron Range legislators to appear with Duluth legislators on our "Legislative Report" program.

Duluth-Superior also has a longstanding relationship with the schools in the Hibbing area and plans to invite representatives from the Iron Range communities to serve on our governing board and our Citizens Advisory Board. In addition, in order to ensure that Station WRPT will continue to serve the needs of Hibbing, Duluth-Superior will:

- Maintain a copy of Station WRPT's public inspection file in Hibbing, Minnesota, the station's community of license, and will make the file available upon request to members of the public who wish to review its contents;

⁴ In addition to the projected operating deficit, it also is anticipated that state funding for the year may be rescinded.

⁵ The Iron Range communities, approximately 75 miles from Duluth, have strong economic, cultural and political ties to nearby Duluth. For instance, the Iron Range communities are part of the Duluth-Superior DMA and the Duluth-Superior MSA. Many residents commute between Duluth and the Iron Range for work. The Iron Range communities also share county-level government with Duluth.

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- Maintain a toll-free telephone number and publicize that number on our website so that residents of the Hibbing community may contact Duluth-Superior, without charge, to share local views with the Duluth-Superior staff; and
- Make other efforts to reach out to viewers in the Hibbing community.

Accordingly, grant of this waiver request will serve the public interest. It will permit Duluth-Superior to delivery award-winning public television programming to residents of the Iron Range communities through centralized operations, realize substantial cost savings through those centralized operations, and devote additional resources to the production of regional public television programming. At the same time, this waiver request demonstrates that Duluth-Superior is committed to serving the needs of the Hibbing community and will implement measures to ensure that, in the absence of a local main studio, Duluth-Superior will continue to serve the Hibbing community.

For the reasons discussed above, Duluth-Superior requests that the Commission waive Section 73.1125 of the Commission's rules, permit Duluth-Superior to operate Station WRPT as a satellite of Station WDSE-TV/DT and to designate 632 Niagara Court, Duluth, Minnesota, as the main studio for Station WRPT.

Pursuant to Section 1.2002 of the FCC's rules, I certify that no party to this application is subject to a denial of benefits under Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Please refer any questions or correspondence regarding this request to our counsel, Ted Frank or Maureen Jeffreys of Arnold & Porter LLP, 555 Twelfth Street, N.W., Washington, D.C. 20004 (202-942-5000).

Sincerely,



Allen Harmon
President and General Manager