

Request for Waiver of Main Studio Location Rule

Maine Public Broadcasting Corporation (“MPBC”) respectfully requests a waiver of the main studio location requirements of Section 73.1125 of the FCC’s Rules in connection with its proposed acquisition (through assignment of license) and conversion to noncommercial educational status (“NCE”) for radio station WTQX(FM) at Boothbay Harbor, Maine (the “Station”). MPBC proposes to operate the Station as a satellite of MPBC’s co-owned NCE station WMEA(FM), Portland, Maine (FCC Facility ID No. 39655) from MPBC’s existing main studio location in Portland.

Background

MPBC was formed in 1992 through the merger of the educational radio and television stations provided by the University of Maine System and WCBB public television operated by Colby, Bates, and Bowdoin Colleges. MPBC is an independently owned and operated 501(c)(3) nonprofit organization with office and studio locations in Bangor, Portland, and Lewiston, Maine. The stated mission of MPBC is to connect the people of Maine to each other and to the world through the open exchange of information, ideas and cultural content. As Maine’s premier, independent media resource, MPBC creates exceptional opportunities for the communities it serves to engage with critical issues, compelling stories and quality entertainment.

MPBC is the licensee of nine noncommercial educational FM radio stations (WMEW, Waterville, Maine; WMEA, Portland, Maine; WMED, Calais, Maine; WMEF, Fort Kent, Maine; WMEH, Bangor, Maine; WMEM, Presque Isle, Maine; WMEP, Camden, Maine; WFYB, Fryeburg, Maine; and WRMO, Milbridge, Maine) and is licensee of five noncommercial educational television stations (WCBB, Augusta, Maine; WMEA-TV, Biddeford, Maine; WMEB-TV, Orono, Maine; WMED-TV, Calais, Maine; and WMEM-TV, Presque Isle, Maine). As noted above, MPBC proposes to operate the Station as a satellite of WMEA(FM).

Justification

The requested waiver and satellite status will serve the public interest by permitting MPBC to use its existing studio facilities and infrastructure to provide the highest quality and quantity of public radio offerings to the Boothbay Harbor community. The Commission has stated that “[we] have recognized the benefits of centralized operations for noncommercial educational stations, given the limited funding available to these stations, and we have granted waivers to state and regional public television and radio networks to operate ‘satellite’ stations that do not necessarily meet the requirements of a main studio,” subject to a showing of good cause why the Commission should grant such a waiver.¹

¹ See *In re Main Studio and Program Origination Rules for Radio and Television and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd 5024 (1988).

There are significant public interest gains that will result from use of the consolidated studio facilities. A main studio waiver will allow MPBC to conserve limited financial resources and eliminate the need for unnecessary duplication of equipment and personnel. Conservation of resources is vitally important for a non-profit entity such as the assignee.

By avoiding the need for duplicative studio, personnel, and administrative costs, use of the consolidated main studio operation in Bangor will enhance MPBC's ability to provide quality national and local public radio programming to listeners in the Boothbay Harbor community. Otherwise, it would be difficult for MPBC to both maintain a separate local studio and provide high quality programming. However, taking advantage of the existing administrative and technical facilities that MPBC already uses as a production space will benefit listeners in Boothbay Harbor by allowing MPBC to provide their public radio services in a cost-conscious manner.

Moreover, individual and organizational support provided by members of the local community is a vital source of funding for the broadcast operations of MPBC, as listener donations and local organization sponsorships contribute to operating revenues. The studio co-location will allow the community of Boothbay Harbor, a small town of fewer than 3,000 people, to enjoy the same high-quality public radio service enjoyed and financially supported by larger cities and communities elsewhere in the state such as Portland (population of more than 66,000).² As a state-wide noncommercial broadcast network, MPBC is committed to providing the same high level of noncommercial programming to residents in Boothbay Harbor that it provides to residents in the Bangor, and elsewhere in the state. Nonetheless, Boothbay Harbor is fewer than thirty-five (35) miles away from Portland, and MPBC believes that it can adequately assess and serve the needs of the Station's community of license, despite the lack of a local main studio.

Thus, co-locating the main studio for the Station with MPBC's main studio in Portland will allow MPBC to fulfill its educational mission in a manner consistent with the realities of the current public broadcasting funding situation. For the following reasons, however, the grant of a main studio waiver will not have an adverse effect on the ability of MPBC to ascertain the needs of the Boothbay Harbor community and address them through its programming.

- Boothbay Harbor, Maine is only approximately 35 miles from MPBC's main studio location in Portland, Maine.
- The residents of the Boothbay Harbor community will be able to contact MPBC's studios via an active toll-free telephone number.
- MPBC maintains a website at mainepublic.org which invites listeners to contact station staff by various means, including internet/email, mail, fax and phone (toll-free) in order to comment on programming and station operation or to provide suggestions for staff. The MPBC website also provides information on programming, schedules, Maine news,

² See U.S. Census 2010 Population Figures for Boothbay Harbor, Maine, and Portland, Maine, <http://www.census.gov/>.

community events and individual stations.

- MPBC plans to conduct a quarterly ascertainment review of the needs and interests of the Boothbay Harbor community.
- MPBC plans to periodically review newspapers and/or online sources and other media that cover the greater Boothbay Harbor area.
- MPBC plans to broadcast programming responsive to local issues of interest to the Boothbay Harbor community.
- As required by FCC rules, 47 C.F.R. § 73.3527 (b)(1),³ MPBC will maintain the Station's public inspection file at the Portland main studio location, until such time as the Station completes its transition to the online public inspection file in connection with the timeline required for noncommercial educational stations. However, while the public file is maintained in Portland, MPBC will also make available its contents to persons in the Station's geographic service area, by mail upon telephone request.

In sum, MPBC submits that the grant of a main studio waiver is justified by its commitment to ascertain the needs and concerns of the Boothbay Harbor community and to address them through high quality public radio programming, the likelihood that the Boothbay Harbor community might not otherwise be able to support a comparable standalone noncommercial public radio outlet, and the necessity of conserving scarce financial resources for its noncommercial educational operations. For all of these reasons, MPBC respectfully requests a waiver of Section 73.1125 of the Commission's rules to co-locate the main studio for the Station at MPBC's existing studio facilities in Portland, Maine. MPBC respectfully submits that the public interest will be well served by authorizing the Station as a satellite of MPBC's co-licensed NCE station WMEA(FM).

³ See also In the Matter of Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations, *Memorandum Opinion and Order*, FCC 99-118 (Rel. May 28, 1999), at paragraph 45, clarifying that "all stations, including those operating pursuant to a main studio waiver, would be required to locate their public files at their main studios, wherever located" and that "noncommercial educational satellite stations operating under a main studio waiver...must maintain their public files at the main studios of the stations at which their programming is originated."