

MAIN STUDIO WAIVER REQUEST

This request is part of the application for consent to assignment of the licenses for the three public television stations comprising New Hampshire Public Television from the University System of New Hampshire Board of Trustees to New Hampshire Public Broadcasting (NHPB). NHPB as the new licensee will be a non-profit, tax-exempt organization. The flagship station housing the main studio of the network is WENH-TV, Durham, and the satellite stations are WLED-TV, Littleton, and WEKW-TV, Keene, all in New Hampshire. The network has been operated in this manner since the satellite stations started broadcasting, over 30 years ago. The satellite stations provide service in lightly populated and rural areas that could not possibly support the operation of independent full-service public television stations. Littleton is a town of about 6,000 residents located at the edge of the White Mountains. Keene is a community of about 25,000 residents located near the Green Mountain National Forest. The proposed assignee requests continuation of the waiver of Section 73.1125(b)(2) that has been accorded the current licensee.

Grant of this waiver request will provide the continued network efficiencies in operation of the stations that permit the network to provide public television service to all of New Hampshire. The assignee will continue to respond to the issues and serve the needs of the entire state network service area. Current station management will remain in place after the proposed transaction and will continue long-term measures to assure that meaningful service is provided throughout the state, including staying in touch with community leaders and monitoring local news stories throughout the state to keep abreast of issues facing various communities. Local programming will continue to incorporate material featuring the various regions and communities of the State, including Keene and Littleton.

The NHPB governing board is diverse geographically as well as with respect to community elements represented. The initial board already includes a member from the Keene area and in filling remaining vacancies for the initial board NHPB will actively seek a member from the Littleton area.

NHPB will maintain a toll-free telephone number through which the residents of the Littleton and Keene areas can contact personnel at the Durham main studio in compliance with Section 73.1125 (e) of the rules. Also, in compliance with Section 73.3527(c)(2) of the rules, local viewers will be able to request documents from the stations' public inspection files via telephone, as well as through direct inspection at the main studio.

The Commission for decades has allowed the stations comprising New Hampshire Public Television and many other noncommercial educational licensees to operate in the manner proposed herein. See, *e.g.*, *Nebraska Educational Television Commission*, 4 RR 2d 771 (1965). As the Commission

stated in *Sound of Life, Inc.*, 4 FCC 2d 8273 (1989), "In so doing, the Commission recognizes the realities of public broadcasting funding and the ongoing problems of educational licensees in raising the necessary funds to expand and provide noncommercial educational programming to as many viewers as possible." In view of NHPB's commitment to ascertainment of the issues facing residents of the State, including the communities of license of the two stations that are subject of this request, its proposed plans to address those issues, and the track record of the continuing management personnel to date in providing programming responsive to Statewide interests, NHPB submits that the designation of the local studio outside of the communities of license of the two satellite stations will materially aid its operations and well serve the public interest.