

EXHIBIT 6
FCC Form 302-FM Noncommercial Status Application

Request for Waiver of Main Studio Location Rule
Station KQVO(FM), Calexico, CA (FIN: 8175)

The Board of Trustees for San Diego State University (“SDSU”) requests a waiver of Section 73.1125 of the FCC’s Rules for Station KQVO(FM), Calexico, California, to allow SDSU to locate the main studio for KQVO(FM) at the studio location of its hub station KPBS-FM, only 96 miles to the west on SDSU’s campus in San Diego.

Background

SDSU is the licensee of noncommercial radio Station KPBS-FM, San Diego, California, and the proposed assignee of Station KQVO(FM), Calexico, California (FCC File No. BALH-20041110AAB).¹ KQVO(FM) will operate as a complete repeater of SDSU Station KPBS-FM, re-broadcasting 100% of that station’s programming.

SDSU is a state governmental institution of higher learning, dedicated to educating and enriching the lives of citizens in the communities it serves. SDSU currently operates a main university campus in San Diego, as well as a satellite campus located in Calexico, California, the KQVO(FM) community of license. SDSU’s academic faculty recognized early on that the university’s educational services could be greatly enhanced by the addition of broadcasting programs to the community. Thus, beginning in 1960 with the genesis of KPBS-FM (then called KEBS), SDSU took a leadership role in providing high-quality educational public radio (and later television) programming to the San Diego community.² A vital component of SDSU’s educational services, KPBS-FM’s mission is “to educate, inform, entertain and empower [its] audience by acquiring, producing, and delivering high quality programming which is of value and worthy of support.”³ KPBS-FM shares a main studio with SDSU’s public television station, KPBS-TV, located at SDSU’s main campus in San Diego.

Use of the KPBS facilities as the main studio for KQVO(FM) will serve the public interest because it will allow SDSU, a state governmental entity, to conserve valuable resources while providing high-quality public radio programming that the Calexico community otherwise would not be able to enjoy. Moreover, as demonstrated below, SDSU will undertake appropriate efforts in order to ascertain the needs and concerns of the Calexico community and to respond to those issues through its programming.

¹ As of November 21, 2004, SDSU is providing programming to Station KQVO pursuant to a Programming Agreement. In the instant application, SDSU is seeking to convert KQVO to noncommercial educational status.

² See KPBS web site, *available at* www.kpbs.org (last visited Dec. 2, 2004).

³ *Id.*

Justification

A main studio waiver will serve the public interest by permitting SDSU to operate KQVO(FM) from its existing KPBS-FM main studio and to provide the highest possible quality of public radio programming to the Calexico community. The Commission has stated that “[w]e 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.⁴

A main studio waiver is justified in this instance because the resulting collocation of studio facilities will allow SDSU to conserve valuable financial resources and eliminate the need for unnecessary duplication of equipment and personnel. Conservation of resources is vitally important for state educational institutions such as SDSU. Furthermore, SDSU’s pursuit of a waiver in this case is prompted by its desire to expand the reach of its high-quality educational programming services into a rural area of California that otherwise lacks the economic wherewithal to support such a high-quality public radio service. Finally, SDSU’s existing ties to Calexico through its Imperial Valley satellite university campus, combined with SDSU’s commitment to serve the educational needs of the community through high-quality educational programming, will ensure that KQVO(FM) will serve the needs of its community of license despite the lack of a main studio location within the city itself.

SDSU proposes to collocate the main studio for KQVO(FM) with KPBS-FM in San Diego so that it may fulfill its educational mission in a manner consistent with the realities of the public broadcasting funding situation. As noted above, SDSU is a public institution of higher learning dependent upon the state of California for a portion of its operating revenue. The recent economic downturn and sluggish recovery have had taken a serious toll on California’s state budget, with widespread cuts in funding, including funding for education.⁵ Consequently, it is critical for SDSU to conserve financial resources wherever possible, while taking into account the entirety of its educational mission.

By eliminating duplicative studio, personnel, and administrative costs, a consolidated main studio operation in San Diego will enhance SDSU’s capability to provide quality national and local public radio programming to listeners throughout the Imperial Valley. Without this mode of operation, it would be difficult for KQVO(FM) to both maintain a separate local studio, and provide high quality programming in the current funding climate. SDSU already utilizes its San Diego studio as performing space for live local programming and as a recording studio and production space. Thus, allowing KQVO(FM) to take advantage of the administrative and technical facilities currently on-hand in San Diego will be of particular benefit as SDSU strives to provide varied public radio programming to Imperial Valley in a cost-conscious manner.

⁴ 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).

⁵ See Alexa H. Bluth, “Huge Deficit Still Menaces State,” *The Sacramento Bee* (Nov. 18, 2004), available at <http://www.sacbee.com/content/politics/ca/budget/story/11459614p-12373721c.html> (last visited Dec. 2, 2004).

Another vitally important source of funding for public broadcasting comes from individual and organizational support provided by members of the local community. The studio collocation will allow the community of Calexico, a rural town of 27,109 people, to enjoy the same high-quality public radio service enjoyed and supported by the much-larger community of San Diego (population 1,223,400).⁶ Even apart from the difference in terms of the numbers of people to be served (and, correspondingly, the numbers of potential donors and sponsors), the Calexico community is less able to provide needed support for the station. Calexico is located in the Imperial Valley region of Southern California, an impoverished rural area of 6.2 square miles near the U.S.-Mexico border.⁷ Industries providing employment in the region include: Educational, Health and Social Services (21.4%), Retail Trade (18.0%), Agriculture, Forestry, Fishing and Hunting, and Mining (12.4%).⁸ According to the 2000 U.S. Census, Calexico's per capita income is only \$9,981 per year, and more than 25% of Calexico's total population is living below the poverty line.⁹ Given the high level of poverty in the Calexico community, it is highly unlikely that this community would be able to support a completely independent noncommercial educational radio station of the quality that SDSU will provide.

In fact, the total number of broadcast stations licensed to Calexico is small, indicating that the local economy is not robust enough to support additional stations. According to the Commission's CDBS database, in addition to KQVO(FM), there are only three broadcast stations of any type licensed to Calexico: one commercial AM station (KICO(AM)), one Spanish-language noncommercial FM station (KUBO(FM)), and one low-power UHF translator (K36FO). Additionally, there are also four FM translator stations for which permits have been granted but stations not yet built. The fact that these stations are unbuilt radio translators rather than full-power stations, further illustrates the limitations of the local economy to support additional stations. Nevertheless, as a state institution of higher learning, SDSU is committed to providing the same high-quality educational programming to citizens in Calexico that it provides to San Diego metro area citizens, even though such programming could not ordinarily be produced in the community by a stand-alone public radio station.

For the following reasons, the grant of a main studio waiver will not have an adverse effect on the ability of SDSU to connect with and serve the citizens of the Calexico community:

- Calexico is only 96 miles from San Diego, and SDSU has concrete ties with the community through a satellite SDSU campus (the Imperial Valley campus) located in Calexico. The Imperial Valley Campus is a two-year upper division campus of San

⁶ See 2000 U.S. Census figures for Calexico, CA, and San Diego, CA, *available at* <http://factfinder.census.gov> (last visited Dec. 2, 2004) ("2000 U.S. Census").

⁷ See 2 Rand McNally Commercial Atlas and Marketing Guide 2004 133 (2004).

⁸ See <http://www.ivedc.com/calexico.php> (Imperial Valley Economic Development Corporation.)

⁹ The 2000 Census figures for San Diego, by comparison, show a per capita income of \$23,609 per year. See 2000 U.S. Census, *supra* note 3.

Diego State University serving the desert area of southeastern California.¹⁰ Interactive television provides students in Calexico the opportunity to participate in various classes broadcast live from the campus in San Diego.

- Local citizens can contact SDSU and the proposed KQVO studio location via an active toll-free number which permits residents throughout the KQVO listening area to reach the studio and offices without long-distance charges. In addition, SDSU has an active listener comment line.
- Moreover, SDSU maintains an up-to-date web site at www.kpbs.org, which enables listeners and viewers for all of SDSU's stations to contact SDSU, comment on programming via e-mail, and obtain extensive information about SDSU's radio network schedules, programs and events. In addition to offering the opportunity for listener comment and reaction, SDSU's kpbs.org web site also provides extensive information about programming and community events.
- SDSU also provides a free monthly newsletter/program guide to members and to the public via the kpbs.org website.
- SDSU's existing ties to the Calexico community through its satellite campus, and plans for increased interaction, will help SDSU to determine the community's local needs and respond to them.
 - In addition to SDSU's presence in Calexico as a local educational institution, KPBS's outreach department plans to provide a series of workshops in Imperial County for Parents and Childcare Providers of children ages 0-5. Some of the workshops, which will be coordinated with PBS, will cover topics such as Early Literacy and Challenging Behaviors and will tie in with SDSU's children's programming through its noncommercial television and radio operations.
 - SDSU and KPBS also performs workshops to educate the public as part of its Project Q-Kids: Raising Quality Children, focusing on how parents can best nurture their children's physical, emotional and cognitive growth. SDSU plans to expand its Project Q Kids program to provide Imperial Valley parents with information and assist to help ensure that their children will be ready to learn when they enter kindergarten by training and paying the employees in the community to facilitate its workshops there. SDSU has already scheduled workshops in January 2005 for that purpose.
 - SDSU will also increase its community involvement in the Calexico area in order to ascertain issues of local importance by participation in local

¹⁰ The Imperial Valley Campus is accredited as an integral division of SDSU and operates under the same academic calendar, offering the last two years of undergraduate education, graduate programs, and fifth year credential programs for teacher preparation.

community events. For instance, SDSU and KPBS will host a booth at an annual community event (Children's Resource Fair) in Imperial County in February, 2005.

Such interaction and involvement with the KQVO local community will help SDSU, as licensee of KQVO(FM), select programming that will be responsive to the needs of the Calexico community. As a result of the KQVO(FM) programming agreement that took effect in November, SDSU became the sole provider of English-language noncommercial public radio programming in the Imperial Valley region.¹¹ In recognition of its role in and responsibility to the community, SDSU will also address community needs through its programming as follows:

- As licensee of KQVO(FM), SDSU plans to provide listeners with access to NPR news programming and programs such as *Morning Edition*, *All Things Considered*, *Car Talk*, *Day to Day*, *On the Media*, and *A Prairie Home Companion*, among many others.
- KQVO(FM) will also offer area listeners regionally-produced talk and public affairs programming such as *The California Report*, *California Connected*, *A Way With Words* and *These Days*, that will address issues of concern and interest to area residents.
- SDSU will continue to produce and air programs of direct importance and interest to residents of the Calexico community. In fact, since the year 2000, KPBS has produced over 18 programs focused on the Imperial Valley region served by KQVO(FM) on a broad range of subjects including: Water issues, Political Representation, Transportation Jobs, the Environment, Energy, Home ownership and Education.

Therefore, SDSU's ties to the Calexico community and its ongoing ascertainment efforts, will help SDSU to ensure that the programming aired by SDSU on KQVO(FM) will serve the needs of Calexico residents.

SDSU submits that its commitment to ascertain and serve the needs of the Calexico community by providing high quality public radio programming, the inability of Calexico to otherwise support a stand-alone noncommercial public radio outlet, and the necessity of conserving resources in the current economic climate provide adequate justification for the grant of a main studio waiver in this case. Accordingly, SDSU respectfully requests waiver of Section 73.1125 of the Commission's rules to locate the main studio for KQVO(FM) in Calexico, California. For the above reasons, the public interest would be served by authorizing KQVO(FM) as a satellite/repeater station without a local main studio, as part of the collocated operation at the studios of noncommercial educational station KPBS-FM.

¹¹ See Preston Turegano, "KPBS Brings Public Radio To The Imperial Valley," *The San Diego Union-Tribune* (Nov. 20, 2004), available at <http://www.signonsandiego.com/news/features/20041120-9999-1c20kpbs.html> (last visited Dec. 2, 2004).