

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

APR 20 1998

In Reply Refer to:
1800B3-MFW

Ms. Aurelia Finley
62 Broad Street
Charleston, SC 29401

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In re: South Carolina Educational Television
Commission

WNSC-FM, Rock Hill, South Carolina
BPED-960627IC

WRJA-FM, Sumter, South Carolina
BPED-960627ID

WHMC-FM, Conway, South Carolina
BPED-960627IG

WJWJ-FM, Beaufort, South Carolina
BPED-960627IH

WEPR(FM), Greenville, South Carolina
BPED-960627II

WSCI(FM), Charleston, South Carolina
File No. BPED-960627IJ

WLJK(FM), Aiken, South Carolina
BPED-960627IK

Requests for Waiver of 47 C.F.R. §73.1125

Dear Mmes. Finley and Miller:

This letter responds to the captioned applications of South Carolina Educational

Television Commission ("SCETV") for waivers of the Commission's main studio rule, 47 C.F.R. §73.1125, as amended on March 5, 1998 and March 11, 1998. Specifically, SCETV wishes to operate each of the captioned noncommercial educational FM ("NCE-FM") stations as "satellites" of SCETV station WLTR(FM), Columbia, South Carolina. Ms. Aurelia Finley filed comments in response to the amended waiver requests on March 17, 1998. For the reasons set forth below, we will grant the waiver requests without prejudice to whatever action is deemed appropriate in light of the fact that SCETV has already implemented the studio relocation for which it seeks approval here.¹

In support of its waiver request, SCETV indicates that, due to cutbacks in both federal and state funding in recent years, it cannot afford to equip and staff separate studios for each of its FM stations across the state. However, SCETV maintains that it can still determine and meet local needs in each community of license even without complying with Section 73.1125 for each of its stations. Initially, SCETV states that it will maintain an appropriate public inspection file in each station's community of license and maintain a toll-free telephone line enabling residents of each station's community of license to contact the WLTR(FM) studio at SCETV headquarters in Columbia, as required by 47 C.F.R §§73.3526(d) and 73.1125(d). Additionally, SCETV indicates that it will regularly ascertain the needs and interests of the residents of its stations' communities of license by, inter alia: (1) maintaining an Internet site ("www.scern.org") providing direct access to radio management; (2) employing periodic formal surveys of its members to gauge listener satisfaction; (3) establishing Community Advisory Boards for each community of license, which boards will be comprised primarily of residents from those communities (including community and business leaders as well as teachers), which "serve as a sounding board for ideas, a feedback mechanism, and an excellent source of funding and ideas," see March 5, 1998 amendment, at p.4; (4) establishing a "Superintendents; ETV Advisory Board -- a statewide group of school superintendents specifically formed to advise SCETV with respect to educational programming -- contains members from smaller SCETV communities of license;² and (5) establishing a "BusinessLink Advisory Board" -- designed to "extend the reach of the SCETV digital network into the workplace and to provide continuing education for employees of BusinessLink members," see id. -- which contains representatives from businesses, universities, or technical colleges located in each of the radio communities. SCETV also describes additional avenues for input from listeners, state agencies, and universities as well as a formal "outreach program"; these, however, are not specifically tailored to residents of SCETV's radio communities.

Additionally, SCETV maintains that it attempts to reflect the needs and interests of each of its radio communities in its general network programming. It states that its weekly "Speaking of Schools" program contains segments dealing with individuals, issues, and/or events in each of its radio communities. Additionally, SCETV's "Arts Calendar," which airs three times daily, regularly provides community specific information about each of the radio

¹See Letter to Ms. Aurelia Finley and Margaret L. Miller, Esq., reference 1800B3-MFW (Chief, Audio Services Division, Mass Media Bureau, January 30, 1998) (License renewal for WSCI(FM) granted without prejudice to future Enforcement action vis-a-vis violation of Section 73.1125).

²Conway, Sumter, Greenville, Rock Hill, Beaufort, and Aiken.

communities, and SCETV states that the station "regularly broadcasts cultural events from the radio communities and their coverage areas" as well as local weather information (including interrupting normal programming to provide community-specific weather bulletins and updates). See March 11, 1998 amendment, at p. 3. Finally, SCETV presents a plan to purchase additional equipment to enable local program origination from each of the seven satellite radio communities.³

Discussion. 47 C.F.R. §73.1125(a) requires each broadcast station to operate a main studio within the station's principal community contour to facilitate the station's meeting the needs and interests of the residents of its community of license. Amendment of Sections 73.1125 and 73.1130, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), the Commission may waive this requirement when "good cause" exists to do so and where the proposed studio location "would be consistent with the operation of the station in the public interest." Each waiver request by an NCE-FM station is considered on a case-by-case basis; nevertheless, the Commission has recognized the benefits of centralized operation for NCE-FM stations, given their limited funding, and has found that "good cause" exists to waive the main studio location requirement where satellite station operations are proposed. Id. In order to obtain a satellite waiver, an applicant must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. Id.

We believe that SCETV has demonstrated "good cause" justifying waiver of Section 73.1125. Because SCETV proposes to operate radio stations throughout the state as satellites of its station WLTR(FM) in Columbia, we are particularly concerned that it take adequate measures to maintain its awareness of needs and interests of each of its radio communities. In light of the funding cuts to which it has been subjected, SCETV has demonstrated an extraordinary commitment to determining the needs and interests of each of its radio communities and reflecting those needs in the network's overall programming. It has also demonstrated that it is attuned to its obligation to provide educational programming to its radio communities. While we appreciate Ms. Finley's concern, particularly with the loss of WSCI(FM) as a locally programmed and oriented station, we believe that SCETV has successfully attempted to strike an accommodation between its obligations under the Communications Act to serve the needs and interests of the residents of its radio communities and the financial necessities imposed by reliance on uncertain state and federal funding. We reiterate that such accommodations -- such as centralized operations for NCE-FM networks -- have been specifically recognized with approval by the Commission. Amendment of Section 73.1125 and 73.1130, supra, 3 FCC Rcd at 5027.

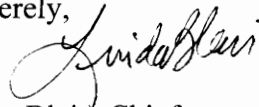
We encourage SCETV to engage in and maintain a dialogue with residents of its radio communities and to make widely known the means for contacting SCETV with input regarding the individual stations. Similarly, we encourage local residents such as Ms. Finley

³SCETV indicates that WSCI(FM), Charleston, currently broadcasts local programs of public affairs and community interest recorded at the College of Charleston and fed from Columbia to WSCI(FM) via the SCETV satellite. Additionally, SCETV states that it has the staff and facilities to provide live or taped audio programming from Rock Hill, Sumter, Spartanburg, and Beaufort, and it is currently working with universities in Conway and Aiken to develop production facilities in those communities.

to utilize SCETV's Internet site or toll-free telephone line to make her views known, and we encourage residents to contact SCETV's Community Advisory Boards, the membership of which is now known. However, in light of the record here, we believe that SCETV has demonstrated that it can and will serve the needs and interests of each of the listed radio communities, even without a main studio in each of those communities.

Accordingly, the requests for waiver of 47 C.F.R. §73.1125(a) filed by South Carolina Educational Television Commission, File Nos. BPED-960627IC - IK, ARE HEREBY GRANTED. This action is without prejudice to whatever action, if any, is deemed appropriate by the Mass Media Bureau's Enforcement Division in the pending matter involving violation of Section 73.1125 by SCETV with respect to the captioned stations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Blair".

Linda Blair, Chief
Audio Services Division
Mass Media Bureau