

## **EXHIBIT 13**

### **Request for Waiver of Main Studio Location Rule**

New Noncommercial Educational FM Station, Sedro-Woolley, Washington

Pacific Lutheran University (“PLU”) requests a waiver of Section 73.1125 of the FCC’s Rules for a new noncommercial educational FM station in Sedro-Woolley, Washington (the “Station”) to allow PLU to operate the Station as a satellite of PLU’s non-commercial educational station, KPLU-FM, with a main studio at PLU’s main campus in Tacoma, Washington.

### **Background**

PLU is the licensee of noncommercial radio stations KPLU-FM in Tacoma, Washington, KVIX in Port Angeles, Washington, and KPLI in Olympia Washington, plus a network of FM Translator stations.. The Station will operate as a complete repeater of KPLU-FM, re-broadcasting 100% of that station’s programming.

Pacific Lutheran University was founded in 1890 by a group of mostly Norwegian Lutherans from the Puget Sound region. Today PLU provides about 3,500 students with an education focused on integrating liberal arts studies and professional preparation. PLU is listed consistently in U.S. News & World Report’s top 15 universities in the Western region. PLU currently operates a main university campus in Tacoma, Washington and PLU has a long history in the area of public broadcasting. Station KPLU-FM was licensed in Washington in 1966 and is the NPR-affiliate in Tacoma. KPLU-FM is best known for its jazz programming and is now one of the most listened to NPR-affiliate radio stations in the country.

The mission of KPLU-FM has been to extend the university’s reach as a beacon of education and enlightenment beyond the classroom. KPLU-FM provides an avenue to get the word out about various programs, classes and activities taking place in the community. It educates the community about the major events of the day. It provides a source of entertainment and education about America’s classical music, the art of jazz.

PLU’s main studio is located on PLU’s campus in Tacoma. PLU has already been granted a waiver of the main studio rules for its satellite station KVIX in Port Angeles. Use of the KPLU-FM facilities as the main studio for the Station will serve the public interest because it will allow PLU, a non-profit organization, to conserve valuable resources while providing high-quality public radio programming that the Sedro-Woolley community might not otherwise be able to enjoy. Moreover, as demonstrated below, PLU will undertake appropriate efforts and establish appropriate practices in order to ascertain the needs and concerns of the Sedro-Woolley community and to respond to those issues through its programming.

### **Justification**

PLU submits that operating the new station as a satellite station of KPLU-FM and without a separate main studio in Sedro-Woolley will serve the public interest. Permitting PLU to operate the Station from the existing main studio of KPLU-FM will allow PLU to provide the

highest quality and quantity of public radio offerings to the Sedro-Woolley 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.<sup>1</sup>

In this case, there are significant public interest gains that will result from collocation of the studio facilities. Specifically, a main studio waiver is justified in this instance because a waiver will allow PLU to conserve valuable financial resources and eliminate the need for unnecessary duplication of equipment and personnel. Conservation of resources is vitally important for non-profit organizations that are private universities such as PLU. Furthermore, PLU’s pursuit of a waiver in this case is prompted by its desire to provide its high-quality educational programming services to the Sedro-Woolley community which might not otherwise be able to support this level of programming. Finally, PLU’s commitment to serve the educational needs of the community through high-quality educational programming, will ensure that the Station serves the needs of its community of license despite the lack of a main studio location within the city itself.

Collocating the main studio for the Station with KPLU-FM in Tacoma will allow PLU to fulfill its educational mission in a manner consistent with the realities of the public broadcasting funding situation. PLU is a non-profit organization, consequently, it is vitally important for PLU to conserve financial resources wherever possible, as an extra expense in one area of its operations means fewer resources available for other, no less important or valuable, programs.

By eliminating the need for duplicative studio, personnel, and administrative costs, a consolidated main studio operation in Tacoma will enhance PLU’s capability to provide quality national and local public radio programming to listeners throughout Sedro-Woolley and the surrounding community. Without this mode of operation, it would be difficult for PLU to both maintain a separate local studio, and provide high quality programming. PLU already utilizes its Tacoma studio as a recording studio and production space for KPLU-FM. Thus, allowing the Station to take advantage of the administrative and technical facilities currently on-hand in Tacoma will be of particular benefit to PLU as it strives to provide varied public radio programming to Sedro-Woolley and the surrounding community in a cost-conscious manner.

A 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 Sedro-Woolley, a city of 8,658 people at the 2000 census,<sup>2</sup> to enjoy the same high-quality public radio service enjoyed and financially supported by the much-larger listenership of KPLU-FM, numbered at over 3 million people.<sup>3</sup> As a non-profit organization,

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<sup>1</sup> 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).

<sup>2</sup> See U.S. Census Population Estimates for Sedro-Woolley, *available at* <http://factfinder.census.gov> (last visited October 14, 2007).

<sup>3</sup> See KPLU-FM website [http://www2.allblues.org/campaign/case\\_for\\_support.html](http://www2.allblues.org/campaign/case_for_support.html)

PLU is committed to providing the same high-quality educational programming to residents in Sedro-Woolley that it provides to its existing listener base.

For the following reasons, the grant of a main studio waiver will also not have an adverse effect on the ability of PLU to ascertain the needs of the Sedro-Woolley community and address them through its programming:

- Sedro-Woolley is approximately 105 miles from Tacoma, Washington.
- Sedro-Woolley citizens will be able to make contact with KPLU-FM via an active toll-free number, 1-800-NPR-KPLU, that permits residents throughout KPLU-FM's listening areas to reach the KPLU-FM office without long-distance charges. In addition, KPLU-FM has an active listener comment telephone line and e-mail address.
- PLU will subscribe to the print edition and/or monitor the online edition of Sedro-Woolley's local newspaper, The Skagit Valley Herald, or another appropriate regional newspaper.
- KPLU-FM has a staff of reporters and stringers in many parts of its listening areas, and sends reporters out from its Tacoma main studio to cover news throughout its listening area, including Sedro-Woolley.
- KPLU-FM maintains an up-to-date website at [www.kplu.org](http://www.kplu.org), which enables listeners for KPLU-FM to comment on programming via e-mail, and obtain extensive information about KPLU-FM's network schedules, programs and events.
- KPLU-FM's website also provides an interactive community calendar that allows individuals and organizations anywhere (including Sedro-Woolley) to submit information about events.

These efforts will help PLU, as licensee of the Station, to select programming that is responsive to the needs of the Sedro-Woolley community. In addition, PLU will also address community needs through its programming. PLU will offer area listeners regionally-produced talk and public affairs programming such as a weekly Q&A with Art Thiel, a Seattle Post-Intelligencer Sport columnist and a weekly show with Nancy Leson, a Seattle Times restaurant critic. KPLU-FM also broadcasts "The Learning Curve" a news program reporting on Education in Washington State. These shows address issues of concern and interest to area residents.

KPLU-FM hosts a community forum on its website. "Around the House with KPLU-FM" is a place where KPLU-FM listeners can connect with experts and each other on matters relating to their homes, their communities, and their environment. The website maintains a community calendar advertising events such as "Solar Energy for Your Home," and the "Tacoma Fall Home and Garden Show." The website also provides a list of area businesses related to the homes and landscaping. The Station will serve Sedro-Woolley residents by providing access to experts and forums already available to other Puget Sound area homeowners in the KPLU-FM listening area.

The Station will be responsive to the needs of the Sedro-Woolley community by giving Sedro-Woolley listeners access to the vote for the KPLU-FM Listener Request Concert. KPLU-FM and the Seattle Repertory Jazz Orchestra cooperatively present a concert featuring eight pieces selected entirely by the listening audience of KPLU-FM. Listeners vote via e-mail.

PLU will also provide listeners with access to NPR news programming and programs such Morning Edition, All things Considered, Bob Edwards Weekend, Car Talk, Fresh Air and This American Life, among others.

PLU's efforts to ascertain and serve the needs of Sedro-Woolley residents, will thus ensure that the programming that PLU provides on KPLU-FM serves the needs of Sedro-Woolley residents.

PLU submits that its commitment to ascertain and serve the needs of the Sedro-Woolley community by providing high quality public radio programming, the likelihood that the Sedro-Woolley community might not otherwise be able to support a comparable standalone noncommercial public radio outlet, and the necessity of conserving financial resources provide adequate justification for the grant of a main studio waiver in this case.

Accordingly, PLU respectfully requests waiver of Section 73.1125 of the Commission's rules to locate the main studio for the Station in Tacoma, Washington. PLU submits that the public interest will be served by authorizing the Station as a satellite station without a local main studio, as part of a collocated operation at the studios of PLU's noncommercial educational station, KPLU-FM.