FCC FORM 340
Request for Waiver of Section 73.1125

The Board of Regents of the Montana University System ("MUS"), hereby requests a waiver of Section 73.1125 of the Commission's Rules in order to operate the proposed new noncommercial educational DTV stations at Kalispell, Great Falls, and Billings, Montana, as satellite/repeater stations without main studios in their respective cities of license. MUS contemplates that the proposed new DTV stations at Kalispell, Great Falls and Billings will serve as satellite/repeater stations of Station KUSM(DT), Bozeman, Montana. As demonstrated below, a waiver of Section 73.1125 would serve the public interest.

Background

MUS is a governmental institution of higher education in the State of Montana, established by the Constitution and Statutes of Montana and charged with the educational enrichment of all Montana citizens. MUS believes that the operation of the proposed facilities without separate main studios for each proposed station would be in the public interest because doing so will help fulfill MUS's mission to provide service to the entire state of Montana, in a manner consistent with the realities of the present public broadcasting funding situation.

Each of the three proposed stations will serve rural areas in Montana that are sparsely populated by citizens of modest means. For the proposed station in Kalispell, the population within the station's predicted 1 mV/m contour is only approximately 98,700 persons in a 19,415 square kilometer service area (5.1 persons per sq. km). According to 2000 U.S. Census data, the median household income in Kalispell is approximately 32% below the national average ($28,567 compared with $41,994 nationally). The proposed Great Falls station will serve 85,600 people over 11,253 square kilometers (7.6 persons per square kilometer). The median household income in Great Falls is approximately 16% below the national average ($35,147 compared with $41,994 nationally). The proposed Billings station will serve 138,500 persons over an area 12,057 square kilometers in size (11.5 persons per square kilometer). The median household income in Billings is approximately 23% below the national average ($32,436 compared with $41,994 nationally). Notwithstanding the scarce resources available in these communities, MUS believes that the residents of Kalispell, Great Falls, and Billings, Montana are entitled to enjoy the same high-quality public television offerings that are available in much larger and wealthier communities.

MUS is well-suited to the task of ensuring that residents in the rural areas MUS proposes to serve have access to valuable public programming. Given the relatively sparse population in Montana and the modest financial resources of local viewers, the operation of full-power noncommercial public television stations in Montana has always been challenging. For more than twenty years, however, MUS has met that challenge and succeeded. When MUS began operation of its first noncommercial educational television station KUSM(TV) in 1984, the limited financial resources of the Bozeman viewer base required MUS to look beyond the borders of Montana to secure public programming to serve Montana viewers. MUS was granted permission from the FCC to rebroadcast in the entirety the signal of Station KUED(TV) in Salt Lake City, Utah. MUS operated KUSM(TV) this way for the first three years of the station's life

while MUS slowly built up the resources and presence in the community to take over independent operation of the station.

Eventually, MUS's success in operating KUSM(TV) allowed the station to grow enough that a direct satellite relationship with KUED(TV) was no longer necessary and MUS commenced independent operation of the station. MUS later added Station KUFM(TV), based at the University of Montana-Missoula campus, in order to further extend public television service in the state. However, the tight resources in the largely rural state of Montana continue to make it necessary for MUS to combine resources whenever possible. Currently, MUS's two full-power television stations, KUFM(TV) (Missoula, Montana) and KUSM(TV) (Bozeman, Montana), provide a unified statewide public television service under the banner of MontanaPBS. KUSM(TV) serves as the "lead" station that provides the programming across the statewide network. The operation of KUFM(TV) and KUSM(TV) in partnership and as a network avoids costly duplication of services and allows MUS to develop and provide important public and educational television programming for the entire state. Further additions of translator stations in various communities have extended the reach of MUS's public television services to Montanans.

In light of the limited economic resources available in each of the communities that MUS proposes to serve, MUS believes that stand-alone operations in Kalispell, Great Falls, and Billings could not offer the quality of program offerings that the proposed satellite stations would provide to their respective communities. The proposed stations' programming in all areas, such as education and public affairs, both local and non-local, will be of much higher quality if MUS is permitted to operate the proposed stations as part of its statewide network of public DTV stations and translators.

Ascertainment of Community Needs and Responsive Programming

The operation of the proposed stations as satellites of KUSM(DT) will not inhibit MUS's ability to ascertain the needs of the Kalispell, Great Falls, and Billings, Montana communities and meet those needs through its programming. MUS will effectively ascertain and address the needs of the Kalispell, Great Falls, and Billings, Montana communities in the following ways:

Ascertainment of Community Needs

MUS will meet its local service obligations to Kalispell, Great Falls, and Billings, Montana. Specifically, MUS will determine local needs in the following ways:

- As required by FCC rules, MUS has established a toll-free telephone number to provide residents in Kalispell, Great Falls, and Billings easy access to the studios in Bozeman at no charge.

- MUS also provides a website, accessible at montanapbs.org, which will enable local viewers in Kalispell, Great Falls, and Billings, Montana to receive extensive information about MUS and its television services.

- MUS publishes a program guide that it distributes to members, underwriters, and selected community organizations, distributing between 8800-9000 such guides every month.

- In addition to obtaining information about MUS's broadcasting services, the MontanaPBS website features a community calendar so that individuals and organizations anywhere (including Kalispell, Great Falls, and Billings, Montana) can locate information about special events conducted by MUS in conjunction with its broadcasting activities. MUS invites local groups to contact MUS about partnering opportunities to provide additional events in the communities MUS serves.

- MUS solicits the direct participation of the community by maintaining a community advisory board called "Friends of MontanaPBS." The Friends of MontanaPBS board is composed of 34 member representatives from the various communities served by MUS's network of public television stations and translators. There are currently 2 representatives from Kalispell, 3 from Great Falls, and 3 from Billings. The Friends of MontanaPBS work to raise funds for MontanaPBS, provide advice, and give a voice to the approximately 8800 members across Montana. The board members meet monthly via met-net video sites in Bozeman, Missoula, Helena, Great Falls, Butte and Billings, Montana.

- MUS has a direct community presence in all three of the communities to be served by the proposed stations due to its operation of local university and community college campuses in each location. In Kalispell, MUS operates Flathead Community College. The proposed stations in Great Falls and Billings will encompass two of the four campuses of Montana State University, specifically, the Great Falls College of Technology in Great Falls, and Montana State University-Billings in Billings, Montana. MUS has and will continue to have a significant local presence in each community due to its operation of these campuses. Moreover, MUS's primary function as a statewide educational institution will help ensure that MUS's broadcasting activities are just as well suited to the enrichment of local citizens as its general education services are.

- MUS is deeply involved in providing educational services to Montanans both through its operation of institutions of higher learning as well as through various outreach initiatives designed to foster primary and secondary school education in Montana. These outreach activities (many of which are described in the Statewide Network credit showing attached to this application) brings MUS staff and local leaders, educators, parents and citizens together to discuss the educational needs of students and children in Montana and gives MUS the opportunity to gain valuable feedback about its services and programs directly from viewers.

- KUSM(TV) station staff monitors local community papers on a regular basis (including *The Billings Gazette* and *The Great Falls Tribune*) for issues of importance to Montanans.

Programming Responsive to Community Needs

As a public broadcaster with an existing network of stations covering various rural communities in Montana, MUS already possesses the experience necessary to ensure that the programming it provides over its network is responsive to community needs regardless of where the programming originates. Accordingly, MUS will continue to provide valuable and responsive programming to residents of Kalispell, Great Falls, and Billings, Montana, including PBS programming, and in-depth documentaries and programs devoted to exploring Montana statewide public affairs.

- KUSM(DT) provides local viewers with regionally produced public programming, and will continue to seek out ways to include the Kalispell, Great Falls, and Billings, Montana communities in these program offerings. Current offerings include:

    - *Montana Focus with Gene Brodeur* (current affairs)
    - *Montana Legislative Digest* (local government/politics)
    - *11th and Grant with Erik Funk* (local performing arts)
    - *The Backroads of Montana* (Montana history and travel)
    - *Montana Ag Live* (agricultural education)
    - *Religion & Ethics Newsweekly* (religious/moral issues)
    - *Business: Made In Montana* (profiles of local companies across Montana)

    In addition, MUS previously aired the following programs, which are representative of the types of special state and local historical and public affairs programming that MUS airs from time to time that are particularly geared toward issues affecting Montanans across the state:

    - *Meth: Dark Cloud Over the Big Sky* (current affairs)
    - *For This & Future Generations: Montana's 1972 Constitutional Convention* (history)
    - *Sacred Journey of the Nez Perce* (history)
    - *Last Stronghold: The Miles City Bucking Horse Sale* (culture/history)
    - *Evelyn Cameron: Pictures from a Worthy Life* (Montana history)
    - *The Montana Summer Symphony* (performing arts)

- *MontanaPBS Debate Night: Gubernatorial, U.S. Senate & U.S. Representative* (live debates)
- *MontanaPBS Election Night* (live coverage)
- In-depth Political Candidate profiles (i.e., Burns vs. Tester in fall 2006)

- KUSM(DT) also provides viewers with access to PBS and nationally syndicated programs such as *Sesame Street*, *Dragon Tales*, *NOVA*, *The American Experience*, *The NewsHour with Jim Lehrer*, and *BBC World News*. The provision of syndicated and nationally produced educational programming will be a great benefit to the residents of Kalispell, Great Falls, and Billings, Montana given the relatively small size and rural character of these communities. In addition, MUS provides approximately 58 hours of programming per week geared especially toward children.

MUS submits that its methods of ascertainment and the provision of KUSM(DT) programming through the proposed stations will ensure that the needs of Kalispell, Great Falls, and Billings, Montana residents will continue to be well-served notwithstanding the absence of a main studio within each community.

Conclusion

The Commission has stated, "[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." *Memorandum Opinion and Order*, 3 FCC Rcd 5024 (1988).

In sum, MUS believes that it is in the public interest to allow it to operate the proposed new DTV stations in Kalispell, Great Falls, and Billings, Montana as repeater/satellite stations, without local program origination, and respectfully requests a waiver of Section 73.1125 of the Rules.