

## MAIN STUDIO WAIVER REQUEST

*FCC Form 340*

*Exhibit 13*

The applicant hereby requests a waiver of Section 73.1125(a)(3) of the Commission's Rules to the extent necessary in order to permit the operation of the proposed noncommercial educational FM station as a satellite station with a main studio not located in the city of license. If granted the station will operate as a part of the network of public radio stations operated by the applicant, with studios at the applicant's main studio address. As will be shown, the applicant fully intends to fulfill its local service obligations to the community of license. However, for the reasons set forth, the applicant believes that the public interest would be served by a waiver of the main studio rule.

The applicant operates existing public radio stations, and associated translators, providing a variety of public radio program services. These stations broadcast program offerings from National Public Radio, Public Radio International, American Public Media, the BBC and other established public radio program sources.

Based upon its experience as a Commission licensee, the applicant has determined that it would be financially infeasible to operate the new station on a noncommercial basis from the city of license. Rather, the applicant proposes to operate the new station from its existing main studio facility, which would enable the production of a program service of higher quality than would otherwise be possible. The applicant has a professional staff that is significantly larger, and with a larger budget, than the average public radio station, which allows the production of programming developed from the many communities which the applicant serves. It is unlikely that any local studio, minimally staffed, could produce a program service with breadth or quality comparable to that which it is possible to produce from the applicant's existing main studio. News broadcasting is a particularly good example of a program service in which stringers, volunteers and program contributors from all areas, including the city of license, can help produce a wide-ranging news program which covers the issues of concern of this area. The applicant will continue its long and close associations with individuals and institutions in the city of license for the purpose of developing and producing programming from that area which is responsive to those interests and needs.

In order to better ascertain the needs and interests of the city of license and its listening area, the applicant will subscribe to the area's local newspaper, and will make periodic visits to the city of license in an effort to understand and respond to the issues and concerns of the community.

The Commission has on previous occasions waived the main studio rule for other noncommercial broadcast licensees. In Nebraska Educational Television Commission, 4 RR 2d 771 (1965) the Commission, recognizing the economic realities public broadcasting, authorized operation of a statewide network of stations in order that public broadcasting service might be provided in the most cost-effective fashion.

In order to fulfill its local program service responsibilities, and based upon its ascertainment of community needs, the applicant intends to incorporate into its news, public affairs and informational programs programming of unique concern to the residents of the city of license. In addition the applicant will cover significant events, including cultural events, political campaigns and election results, in the city of license and the immediate vicinity.

The applicant will deploy personnel to cover the problems, needs and interests of the city of license and regularly consult with local civic and community leaders as part of its ongoing ascertainment efforts and take into account the findings of such ascertainment efforts in developing the applicant's news and public affairs programs. To facilitate listener input from the city of license, the applicant will maintain a web page which solicits public feedback on applicant's programming. In compliance with the Commission's rules regarding the location of public files, the applicant will maintain the public inspection file at its main studio location and will establish a toll-free telephone number so residents from the city of license may call the applicant's main studio without incurring any toll charges and may request information from the applicant's public files. The applicant will also make available to all listeners, upon request, a copy of the Commission's "The Public and Broadcasting" free of charge.

The grant of this proposed station under the requested waiver will enable providing a new programming service for the city of license on an economic basis which is supportable by the community's residents and by the applicant and which provides the greatest amount of public service at the lowest cost. In adopting the current version of Section 73.1125 of its rules, the Commission explicitly recognized the continuing viability of the publicly interest considerations which warrant the grant of waivers of the main studio rule for noncommercial stations. See Report and Order in MM Docket 80-406, 2 FCC Rcd 3215, 3224, n.10 (1987) modified in part 65 RR2d 119, 125-26 (1988). The instant waiver request meets the good cause standard applied in previous cases and should therefore be granted.