

AMENDED REQUEST FOR WAIVER OF MAIN STUDIO RULE

Pursuant to Section 73.1125 of the Commission's rules, 47 C.F.R. § 73.1125, KQED hereby requests a waiver of the main studio rule for Station KCAH, Watsonville, CA, to allow KQED to operate the station from the main studios of Station KTEH in San Jose, CA. As described below, grant of this request will serve the public interest because it will facilitate KQED's ability to offer a diverse, multi-cultural program service to the entire San Francisco Bay area.¹

KTEH Foundation, licensee of Station KCAH, presently has an arrangement with California State University, Monterey Bay ("CSUMB") under which it has access to studio facilities maintained by CSUMB for the purpose of producing local programs of community interest. Station KCAH has office space at CSUMB to maintain the public inspection file and a dedicated local telephone number. The agreement with CSUMB also has a significant educational component, offering CSUMB students the opportunity to produce programming to be aired on Stations KCAH and KTEH; to assist, shadow, and observe television production professionals when CSUMB production facilities are being used; and to intern for Station KCAH. In addition, Station KCAH has a part-time employee assigned to work on community relations and community outreach in Station KCAH's service area. KQED will retain all of these arrangements under the terms of its asset purchase agreement for Stations KTEH and KCAH. However, as indicated in KTEH Foundation's 2001 studio waiver request, the studio facilities do not qualify as a main studio under the FCC's rules because the facilities do not have

¹ KTEH Foundation, the current licensee of Station KCAH and the assignee here, filed a request for a temporary waiver of the main studio rule in connection with its 2001 request to modify the facilities of Station KCAH, *See* BMPET-20010404ABJ, gtd. 6/26/03. The license to cover that construction permit was granted in 2005. *See* BLET-20030728AFA, gtd. 3/5/05. A copy of that waiver request is attached. As noted in that waiver request, Station KCAH was then, and is now, operated as a satellite of Station KTEH.

a direct transmission link to the Station KCAH transmitter, and there are not two full-time KCAH employees located at the studio.

Upon grant of this application, KQED intends to search for permanent store front facilities to eventually serve as a local content origination point and to add staffing to strengthen Station KCAH's local presence. In addition, KQED's current production of award-winning local content will be extended to include and emphasize the stories and voices of the South Bay and Central Coast, as serviced by KTEH and KCAH. The operation of KCAH from the main station at KTEH will allow resources to be prioritized in order to maximize direct impacts for the region.

KQED is one of the premier stations in the public television system, producing not only national programming distributed by PBS and APT, but also a number of local public television programs, including five nights of local series produced at KQED. The "local strip" of programming includes: *The Josh Kornbluth Show*, an interview show featuring conversations with local people of note from throughout the Bay Area as well as other visiting guests; *Check, Please! Bay Area*, a restaurant review series that engages local members of the community as the reviewers; *Spark*, a Northern California Emmy award winning program showcasing the work of over 200 Bay Area artists and arts organizations that includes the development and delivery of arts education modules used by teachers throughout the KQED coverage area; *Quest*, a science program focusing on environmental topics and other local science subjects premiering this winter and include the same type of educational components free to educators and parents as those developed for the Spark series; and *This Week in Northern California*, a news and affairs program with guest reporters discussing current topics from around the region that will now include reporters from the Watsonville/Monterey area.

In addition, KQED produces the national PBS series *Jean-Michel Cousteau's: Ocean Adventures* that continues the tradition of Jean Michel's father Jacques Cousteau in providing viewers with a unique perspective on the world's oceans, their environment, ecology and beauty; *Truly California*, a monthly series for the best documentary programs about California made by independent filmmakers allowing Californians to learn more about their history, issues of concern in today's society and the many diverse communities and cultures of the Golden State; instructional cooking shows such as the James Beard award nominee *Jacques Pepin: Fast Food My Way*, and Joanne Weir's *Weir Cooking in the City*; as well as co-productions such as *Not in My Town: Northern California* that chronicled the efforts of many Northern California communities to combat hate crimes in their midst and the Northern California Emmy award winning documentary, *Coastal Clash* that gave KQED viewers a view of the complex issues facing Californians who love and want to preserve the California coast. KQED also offers the full range of PBS's children's programs and the high quality PBS national public television programs service distributed by PBS.

As indicated in the exhibit outlining its commitment to the Station KCAH area, KQED believes that its acquisition of Stations KTEH and KCAH offers a unique opportunity to enhance public television service in the entire South Bay and Central Coast area, offering more program choices and more programs serving the needs of the many distinct communities living in the area. However, realizing those objectives requires that KQED achieve operating efficiencies that will permit it to maximize the resources it can devote to programming and community outreach. Upon FCC approval of this application, KQED plans to integrate as many common functions among Stations KQED, KTEH and KCAH as feasible and practicable, including engineering and operational activities that can be provided from remote sites. Thus, while KQED plans to have a

local presence in the KCAH service area, maintaining and staffing a local studio with two full-time employees within KCAH's principal city contour will require it to divert significant resources from its programming and outreach efforts to the local studio, without offsetting benefits.

Grant of this waiver will allow KQED to devote the resources otherwise required to construct, maintain and staff a local studio in Watsonville to local program production and outreach activities in the KCAH service area. KQED will maintain a toll free telephone number to its main studios in San Francisco to facilitate the ability of residents of the area to contact KQED and will locate Station KCAH's local public records file in Watsonville or at the storefront facility with local origination possibilities it plans to maintain in the KCAH service area. KQED also plans to hire additional full-time staff to be based in the KCAH service area. In addition, it will provide information in its monthly program guide that will advise the residents of the KCAH service area about how to contact station management. KQED also maintains a comprehensive award-winning web site at www.KQED.org, which provides detailed information concerning its activities and programs. And, as noted in the exhibit outlining its commitment to the KCAH service area, KQED will add representatives of the KCAH service area to its community advisory board and to its Board in order to assure that it is aware of the needs, issues and concerns in the area.

The Commission has long recognized the financial difficulties noncommercial educational licensees have in satisfying the main studio requirements and the benefits that such stations realize by centralizing operations. Thus, the Commission has indicated that it will grant waivers of the main studio requirements on a case-by-case basis, based upon a showing that the

licensee will continue to serve the needs of its communities of license.² KQED submits that it has satisfied that requirement and that grant of this request will enhance its ability to serve Station KCAH's area by providing quality, diverse, responsive public television service to the residents of the KCAH service area. At the same time, KQED remains committed to serving the needs of the Watsonville community and surrounding area and will implement measures to ensure that, in the absence of a local main studio, KCAH will continue to serve the needs of viewers in Watsonville. Accordingly, KQED urges the Commission to grant this request and permit it to locate Station KCAH's main studio at the main studio for Station KTEH-TV in San Jose.

² *In re Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd. 5024 ¶ 30 (1988).