

WILEY, REIN & FIELDING

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WASHINGTON, D. C. 20006
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June 20, 1997

WRITER'S DIRECT DIAL NUMBER

(202) 828-4948

DUPLICATE
Stansburg - 11

KLCD, KNSW, KNSR,
KLNI, KWRV public

FACSIMILE
(202) 429-7049
files (Ps/licenses)

RECEIVED

JUN 20 1997

Federal Communications Commission
Office of Secretary

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington D.C. 20554

Re: Minnesota Public Radio
Emergency Alert System

Dear Mr. Caton:

On December 5, 1996, Minnesota Public Radio ("MPR"), by its attorneys, requested a waiver of the emergency alert system ("EAS") requirements for eleven noncommercial educational FM radio stations licensed to MPR. The request (copy attached) noted that the operations of these stations are directed from the remote control center located at the main studio for MPR's principal Minneapolis/St. Paul stations, KSJN(FM) and KNOW-FM, which have full EAS capabilities. MPR also explained that the stations for which waivers were requested receive approximately 88% of their programming from either KSJN or KNOW-FM and approximately 12% of their programming from other MPR-licensed regional stations, which similarly have EAS equipment. Accordingly, the stations would be able to rebroadcast a national alert at all times.

By letter dated March 3, 1997 (copy attached), the Commission denied the request, but granted MPR a one year extension of time either to come into compliance with the EAS rules or to provide additional information justifying a waiver. The letter further noted that the extension applied only to the facilities reflected in MPR's request.

The purpose of this letter is to clarify certain matters in the FCC's response. First, MPR's original letter included a request for waiver for KLCD(FM), Decorah, Iowa. The reference line in the Commission's response, however, recited "KLDC(FM), Decorah, Iowa."

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MPR assumes that this was merely a typographic error, and that the Commission intended to grant a one year extension to KLCD.

Second, MPR's letter included a request for waiver for KNSR(FM), Collegeville, Minnesota. MPR explained that KNSR is operated by remote control from the Minneapolis/St. Paul studios, and receives approximately 88% of its programming from KNOW-FM and approximately 12% of its programming from KRSD(FM), Sioux Falls, South Dakota, another full service station licensed to MPR with complete EAS capabilities. MPR intended, however, for the waiver to be directed to KNSW(FM), Worthington, Minnesota, which operates in the same manner as described for KNSR. Accordingly, MPR respectfully requests that the extension of time be deleted for KNSR and granted with respect to KNSW.

Third, MPR's letter noted, at footnote 4, that two stations licensed to MPR, KLNI(FM), Decorah, Iowa, and KWRV(FM), Sun Valley, Idaho, operate as 100% repeaters of KSJN(FM). MPR stated its belief that, upon consultation with the Commission's staff, KLNI and KWRV were exempt from the EAS requirements pursuant to Section 11.11 of the Commission's Rules. MPR now understands that waivers of the EAS requirements for these two stations are necessary. Accordingly, consistent with the terms of the Commission's March 3, 1997 letter, MPR respectfully requests a one year extension of the EAS requirements for KLNI and KWRV.

Please contact this office if there are any questions.

Respectfully submitted,



Todd M. Stansbury

cc: James Keats, FCC

WILEY, REIN & FIELDING

776 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 429-7000

Stansbury - 1/1

December 5, 1996

WRITER'S DIRECT DIAL NUMBER

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DEC 5 1996

Facsimile

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Re: Minnesota Public Radio
Request for Waiver of EAS Rules

Dear Mr. Caton:

On behalf of Minnesota Public Radio ("MPR"), a noncommercial educational licensee, this is to request a waiver of the Emergency Alert System Rules, 47 C.F.R. Part 11, for the following eleven FM radio stations:

- KLCD(FM), Decorah, IA
- KXLC(FM), LaCrescent, MN
- KNSR(FM), Collegeville, MN
- KRSW(FM), Worthington, MN
- KBPR(FM), Brainard, MN
- KNTN(FM), Thief River Falls, MN
- KQMN(FM), Thief River Falls, MN
- WIRR(FM), Virginia/Hibbing, MN
- KRSU(FM), Appleton, MN
- KNCM(FM), Appleton, MN (unbuilt CP)
- WIRN(FM), Buhl, MN (unbuilt CP)

MPR is a nonprofit corporation formed for the purpose of providing noncommercial educational radio service to listeners in Minnesota and surrounding states. MPR currently is the licensee or permittee of 30 radio stations, which provide 24 hours-per-day quality

programming accessible to 96% of Minnesota's citizens, as well as substantial numbers of listeners in North Dakota, South Dakota, Iowa, Wisconsin, Michigan and southern Ontario. MPR operates most of its stations, including all of the stations referenced above, primarily as satellites of its "flagship" stations -- KSJN(FM), Minneapolis, and KNOW-FM, St. Paul.¹ Certain MPR stations, including the stations listed above, also receive a small percentage of programming from regional feeds originating from other MPR-licensed stations. KSJN/KNOW-FM and all "regional" stations that provide programming to the stations for which waivers are requested will be furnished with all necessary EAS equipment.

The stations referenced above receive (or with respect to KNCM and WIRN will receive) approximately 88% of their programming from KSJN and/or KNOW-FM, and approximately 12% from another MPR station. The program sources for each of the stations are summarized in Attachment 1.

Because all of the stations for which waivers are requested serve small communities, the facilities must function with low operating budgets. Indeed, consistent with its policies which recognize the benefits of efficient operations for noncommercial educational licensees, the Commission has previously granted MPR waivers of the main studio rule, 47 C.F.R. § 73.1125, so that the stations may be operated as satellites of the Minneapolis/St. Paul facilities.²

In justifying the waivers, MPR demonstrated that it maintains the ability to provide high quality public service to each of its communities of license. MPR has an extensive news organization that delivers information of national, state and local interest throughout its listening area. MPR maintains several regional advisory councils that provides input to MPR management on programming issues of local interest. In addition, MPR's members, as well as the general population, can provide input to station management regarding MPR operations, including through use of MPR's website (<http://www.mpr.org>).

All of the stations referenced above also currently operate pursuant to waivers of the Commission's existing EBS rules. Copies of the orders granting the waivers are included at Attachment 2. Indeed, the Commission has found that MPR's system "will enhance the

¹ KSJN distributes an arts/classical music format; and KNOW-FM is an all news/information station.

² The remote control point for all stations is located at the main facilities for KSJN and KNOW-FM in Minneapolis/St. Paul.

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national level EBS while providing satisfactory state and local level EBS coverage." Letter from Richard M. Smith, Chief, Field Operations Bureau to David N. Roberts, Oct. 3, 1990 (attached). MPR believes that continuing the waivers with respect to the Commission's EAS rules would further the public interest.

At all times, the stations will be able to broadcast a national level message. Thus, the stations will always be retransmitting the signal, including any EAS message, of a station with complete EAS capabilities -- either KSJN/KNOW-FM or the "regional" station providing the remainder of the station's programming.

Continuation of the waivers also would have no impact on existing operation of the emergency system in the areas served by the stations. The stations currently on-air have operated with waivers of the EBS rules for three to six years.³ To MPR's knowledge, such operations have not adversely affected the efficient functioning of the EBS system in the stations' areas.

Moreover, even though the new emergency alert system is designed to operate automatically, the cost of outfitting 30 stations with the necessary EAS equipment will be substantial. Thus, even upon grant of the requested waivers, MPR will be required to furnish 17 radio stations with EAS equipment.⁴ As a noncommercial educational licensee, grant of the waivers would enable MPR to conserve scarce resources that could otherwise be used to address the programming and service needs of its listeners, without any detrimental effect on emergency services.

³ WIRN in Buhl and KNCM in Appleton are newly authorized stations. Both facilities are partially completed.

⁴ Two stations licensed to MPR -- KLNI(FM), Decorah, Iowa, and KWRV(FM), Sun Valley, Idaho -- operate as 100% translators of KSJN(FM). In consultation with the Commission's staff, MPR understands that KLNI and KWRV are exempt from the EAS requirements pursuant to Section 11.11 of the Rules.

William F. Caton
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Therefore, MPR respectfully requests waivers of the EAS requirements for the stations listed above.

Respectfully submitted,



Todd M. Stansbury

cc: Frank Lucia, FCC (by hand)
David Sturdivant, FCC (by hand)

ATTACHMENT I

<u>Station, Location</u>	<u>Primary Program Source (88%)</u>	<u>Secondary Program Source (12%)</u>
KLCD(FM), Decorah, IA	KSJN, Minneapolis, MN	KLSE(FM), Rochester, MN
KXLC(FM), LaCrescent, MN	KSJN, Minneapolis, MN	KZSE(FM), Rochester, MN
KNSR(FM), Collegeville, MN	KNOW-FM, St. Paul, MN	KRSD(FM), Sioux Falls, SD
KRSW(FM), Worthington, MN	KSJN, Minneapolis, MN	KRSD(FM), Sioux Falls, SD
KBPR(FM), Brainard, MN	KSJN, Minneapolis, MN	KSJR(FM), Collegeville, MN
KNTN(FM), Thief River Falls, MN	KNOW-FM, St. Paul, MN	KCCD(FM), Moorhead, MN
KQMN(FM), Thief River Falls, MN	KSJN, Minneapolis, MN	KCCM(FM), Moorhead, MN
WIRR(FM), Virginia/Hibbing, MN	KNOW-FM and KSJN*	WSCD(FM), Duluth, MN
KRSU(FM), Appleton, MN	KNOW-FM and KSJN**	KRSD(FM), Sioux Falls, SD
KNCM(FM), Appleton, MN	KNOW-FM, St. Paul, MN	KRSD(FM), Sioux Falls, SD
WIRN(FM), Buhl, MN	KNOW-FM, St. Paul, MN	WSCN(FM), Cloquet, MN

*Upon construction of WIRN(FM), Buhl, MN, WIRR will rebroadcast only KSJN(FM) and WSCD(FM).

**Upon construction of KNCM(FM), Appleton, MN, KRSU will rebroadcast only KSJN(FM) and KRSD(FM).

ATTACHMENT 2
PRIOR WAIVERS OF EBS RULES

FEDERAL COMMUNICATIONS COMMISSION
Field Operations Bureau
Washington, DC 20554

OCT 03 1990

Mr. David N. Roberts
Fletcher, Heald & Hildreth
Suite 400
1225 Connecticut Ave. N.W.
Washington, DC 20036

Dear Mr. Roberts:

This is in response to your September 26, 1990, letter requesting that Minnesota Public Radio (MPR) be granted a waiver of certain Emergency Broadcast System (EBS) requirements under Part 73, Subpart G, of the Commission's Rules and Regulations.

Your request on behalf of MPR and their affiliated stations has been reviewed by my staff. Based on the review, we find that the proposal will enhance the national level EBS while providing satisfactory state and local level EBS coverage.

Therefore, we grant Minnesota Public Radio permission to generate the EBS Attention Signal; and we grant the 18 affiliated stations listed in Enclosure One a waiver of Section 73.933 (Emergency Broadcast System operation during a National level emergency) during those times when they are under network control. This authorization is subject to the conditions listed in Enclosure Two.

Please post this letter and the Enclosures at the network control point of MPR and at the operator control points of the 18 affiliated stations. This authorization is subject to modification or cancellation at any time without the right to hearing. Please inform the office listed below of any changes to the enclosed conditions or of any additions or deletions of affiliated stations.

Again, thank you for your interest and participation in the EBS. If you have any questions concerning the above or about the EBS, please contact the EBS staff at (202) 632-3906.

Sincerely,



Richard M. Smith
Chief, Field Operations Bureau

Enclosures

MINNESOTA PUBLIC RADIO LICENSEES AND PERMITTEES

Minnesota Public Radio holds licenses and construction permits for the following noncommercial radio stations:

KBPR FM	Brainerd, Minnesota	90.7 MHz
KCCM FM	Moorhead, Minnesota	91.1 MHz
KCRB FM	Bemidji, Minnesota	88.5 MHz
KGAC FM	Saint Peter, Minnesota	90.5 MHz
KLCD FM	Decorah, Iowa	89.5 MHz
KLSE FM	Rochester, Minnesota	91.7 MHz
KNSR FM	Collegeville, Minnesota	88.9 MHz
KRSD FM	Sioux Falls, South Dakota	88.1 MHz
KRSU FM	Appleton, Minnesota	91.3 MHz
KRSW FM	Worthington/Marshall, Minnesota	91.7 MHz
KSJR FM	Collegeville, Minnesota	90.1 MHz
KXLC FM	LaCrescent, Minnesota	91.1 MHz
KZSE FM	Rochester, Minnesota	90.8 MHz
WGGL FM	Houghton, Michigan.	91.1 MHz
WIRR FM	Virginia/Hibbing, Minnesota	90.9 MHz
WSCD FM	Duluth, Minnesota	92.9 MHz
WSCN FM	Cloquet, Minnesota	100.5 MHz
KQMN FM	Thief River Falls, Minnesota	91.5 MHz

This list does not include the following MPR licenses:

KNOW AM	Minneapolis/Saint Paul, Minnesota	1330 kHz
KSJN FM	Saint Paul/Minneapolis, Minnesota	97.7 MHz

These are the originating stations of the MPR network and a waiver of 47 C.F.R. Section 73.933 is not sought for these stations.

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Conditions for Minnesota Public Radio Waiver October, 1991

The Minnesota Public Radio (MPR) network (hereinafter referred to as the "network") is granted permission to generate the EBS Attention Signal, and their affiliated stations are granted a waiver of Section 73.933 of the FCC rules during those times when the affiliates are under network control.

1. The network would use an FCC type accepted EBS encoder (see enclosed list) to transmit the EBS two-tone Attention Signal and Presidential programming from the network control point to the affiliated stations during those times that the stations are under network control. Transmission of the EBS Signal shall comply with Section 73.906(c) of the rules, wherein each of the tones shall be calibrated separately to modulate the affiliated station transmitter at no less than 40%.
2. The network is affiliated with AP Radio and AP Wire, both of which are Participating national level EBS networks.
3. The network would conduct its own on-air EBS tests. These tests should be conducted as described on page 9 of the enclosed EBS Checklist, include use of the EBS encoder, and be conducted during hours when the affiliates are under network control. The words "Minnesota Public Radio", can be substituted for the words "this station," in the test script.
4. The network control point would be manned by an operator who is trained in the operation of the EBS equipment and procedures. The operator should record or log all EBS tests or alerts transmitted or received. These records or logs should be given to the affiliated stations. The FCC may inspect the records or logs.
5. The network control point would be equipped with an EBS decoder/receiver tuned to the Metropolitan Minnesota (Minneapolis) EBS Operational Area CPCS-1, Radio Station WCCO. This will provide the network control point with a backup method of receiving the national level EBS.
6. Each affiliated station EBS decoder/receiver would automatically record EBS messages and alert a local on-call person when it receives an EBS test or alert. The network control point operator need only be contacted for EBS alerts. The local on-call person would listen to the EBS message and determine if the message should be broadcast. The recorded message can then be replayed on the air once personnel reach the main studio facility. An option to the above automatic recording of EBS messages is for the local on-call person at each station to carry an EBS decoder/receiver. The decoder/receiver shall be tuned to the appropriate local EBS CPCS-1 station. The on-call person would be alerted by the decoder/receiver, listen to the EBS message, and determine if the message should be broadcast.
7. Each affiliated station will continue to comply with all parts of the EBS rules for hours when they are not under network control. This includes: transmitting and receiving their own weekly EBS tests and alerts, logging EBS actions, and EBS monitoring of the local CPCS-1 station.

FEDERAL COMMUNICATIONS COMMISSION
FIELD OPERATIONS BUREAU

MAR 23 1993

RECEIVED
MAR 23 1993
MINNESOTA PUBLIC RADIO



Mr. Thomas J. Kigin
Vice-President
Minnesota Public Radio
45 East Seventh St.
Saint Paul, MN 55101

Dear Mr. Kigin:

Thank you for informing us of the addition of broadcast stations KCCD(FM), Moorhead, KINGA(FM), St. Peter, KNTN(FM), Thief River Falls, #920609MA, Bemidji, Minnesota; KLNJ(FM), Decorah, Iowa; and KNRV(FM), Sun Valley, Idaho; to the Minnesota Public Radio network.

Your request to have these stations integrated into the Emergency Broadcast System (EBS) plan for Minnesota Public Radio (MPR) is granted subject to the conditions listed in the enclosure.

These stations are also granted a waiver of Section 73.933 (Emergency Broadcast System operation during a National level emergency) when they are under the control of the network. Please post this letter and the enclosure at the operator control points of KCCD(FM), KINGA(FM), KNTN(FM), #920609MA, KLNJ(FM) and KNRV(FM).

Again, thank you for your interest and participation in the EBS. If you have any questions concerning the above or about EBS, please contact the EBS staff at (202) 632-3906.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Smith".

Richard M. Smith
Chief, Field Operations Bureau

Enclosure

Conditions for Minnesota Public Radio Waiver

The Minnesota Public Radio (MPR) network (hereinafter referred to as the "network") is granted permission to generate the EBS Attention Signal, and their affiliated stations are granted a waiver of Section 73.933 of the FCC rules during those times when the affiliates are under network control.

1. The network would use an FCC type accepted EBS encoder to transmit the EBS two-tone Attention Signal and Presidential programming from the network control point to the affiliated stations during those times that the stations are under network control. Transmission of the EBS Signal shall comply with Section 73.906(c) of the rules, wherein each of the tones shall be calibrated separately to modulate the affiliated station transmitter at no less than 40%.
2. The network is affiliated with AP Radio and AP Wire, both of which are Participating national level EBS networks.
3. The network would conduct its own on-air EBS tests. These tests should be conducted as described on page 9 of the EBS Checklist, include use of the EBS encoder, and be conducted during hours when the affiliates are under network control. The words "Minnesota Public Radio", can be substituted for the words "this station," in the test script.
4. The network control point would be manned by an operator who is trained in the operation of the EBS equipment and procedures. The operator should record or log all EBS tests or alerts transmitted or received. These records or logs should be given to the affiliated stations. The FCC may inspect the records or logs.
5. The network control point would be equipped with an EBS decoder/receiver tuned to the Metropolitan Minnesota (Minneapolis) EBS Area CPCS-1, Radio Station WCCO. This will provide the network control point with a backup method of receiving national level EBS.
6. Each affiliated station EBS decoder/receiver would automatically record EBS messages and alert a local on-call person when it receives an EBS test or alert. The network control point operator need only be contacted for EBS alerts. The local on-call person would listen to the EBS message and determine if the message should be broadcast. The recorded message can then be replayed on the air once personnel reach the main studio facility. An option to the above automatic recording of EBS messages is for the local on-call person at each station to carry an EBS decoder/receiver. The decoder/receiver shall be tuned to the appropriate local EBS CPCS-1 station. The on-call person would be alerted by the decoder/receiver, listen to the EBS message, and determine if the message should be broadcast.
7. Each affiliated station will continue to comply with all parts of the EBS rules for hours when they are not under network control.