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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

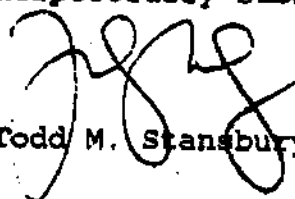
Re: KBPR(FM), Brainerd, MN
Minnesota Public Radio
Request for Waiver of the Main Studio Rule

Dear Ms. Salas:

On behalf of Minnesota Public Radio ("MPR"), enclosed for filing, in triplicate, is a request for waiver of the main studio rule, 47 C.F.R. § 73.1125, with respect to KBPR(FM), Brainerd, Minnesota. MPR is a noncommercial educational entity, therefore, no fee is required for this filing.

Please contact this office if there are any questions.

Respectfully submitted,



Todd M. Stansbury

cc: Allen Myers, Esq., FCC

November 16, 1998

Magalie Roman Salas, Secretary
Federal Communications Commission
Room 222
1919 M Street NW
Washington DC 20554

Re: KBPR (FM), Brainerd, MN

Dear Ms Salas:

Minnesota Public Radio ("MPR"), licensee of KBPR (FM) in Brainerd, MN, hereby requests a waiver of the main studio rule to operate KBPR (FM) as a satellite of KSJN (FM), Minneapolis/ Saint Paul, MN, pursuant to Section 73.1125(a)(4) of the Commission's Rules, as amended by the *Report and Order* in MM Docket No. 96-58. That studio is located at 45 East Seventh Street, Saint Paul, MN 55101. As demonstrated below, grant of the instant waiver request would be in the public interest. Because MPR is a noncommercial educational licensee, no fee is required for this submission.

MPR is a nonprofit corporation formed for the purpose of providing noncommercial educational radio service to listeners in Minnesota and surrounding states. MPR's current 29 FM and one AM operating facilities provide 24 hours-per-day quality programming accessible to 98% of Minnesota's citizens, as well as to substantial numbers of listeners in North and South Dakota, Iowa, Wisconsin, Michigan, Idaho and southern Ontario. MPR provides programming to its network of stations from its primary Minneapolis/Saint Paul stations - KSJN (FM), Minneapolis, Minnesota, and KNOW (FM), Saint Paul, Minnesota, and from many of its network stations throughout the region. KNOW (FM) is an all news/information station and KSJN(FM) is a classical music station. KBPR (FM) has been operated as a "classical music service" station in that it will primarily broadcasts KSJN (FM).

MPR therefore requests a waiver of Section 73.1125 of the Commission's Rules to permit MPR to operate its proposed noncommercial educational FM station on Channel 202 at Brainerd, MN, as a satellite station without a main studio in the community of license. As demonstrated below, grant of the instant waiver request would be in the public interest.

The Commission has issued decisions stating that the "main studio must, at a minimum, maintain full-time managerial and full-time staff personnel." Jones Eastern of the Outer Banks, Inc., FCC 91-175, released June 19, 1991, at ¶ 9; see also Salem Broadcasting, Inc., DA 91-804, released July 2, 1991.

Grant of this requested waiver is necessary to permit MPR to operate KBPR (FM) as a "satellite" because the Brainerd area could not otherwise support a wholly independent non-commercial

educational FM station. The population of Brainerd is only about 13,000. Because of this area's limited economic base, it is highly unlikely that a station with separate staff and studio could provide the same high quality public radio service that MPR provides to the area. Therefore, waiver of Section 73.1125 is necessary in this case to ensure that the residents of Brainerd area receive the diverse and important programming MPR will provide.

The Commission has recognized the advantages accruing to noncommercial broadcasters from consolidated operations:

In the past, we 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.

Main Studio Program Origination Rules, 3 FCC Rcd. 5024, 5027 (1988) (citing Nebraska Educational Television Commission, 4 R.R.2d 771 (1965)). Indeed, the Commission has previously determined that waiver of the main studio rule for other stations in the MPR network serves the public interest. See Letter from Linda Blair, Chief, Audio Services Division to Todd M. Stansbury, dated May 31, 1996 (attached hereto); see also Letter from Dennis Williams, Assistant Chief, Audio Services Division to Todd M. Stansbury, dated November 6, 1995, File No. BPED-9508101A.

Upon grant of this request, MPR will satisfy the public needs and interests of residents of Brainerd by the following means:

- MPR maintains a toll-free telephone line by which the residents of the Brainerd area can reach MPR management to express concerns about the station operations. This toll-free telephone number goes into MPR's Member Listener Services (MLS) Department. MPR currently has 6 live phone lines and 7 full-time employees who answer the phones and emails. In the past year, MLS has handled about 60,000 incoming calls on every subject you can think of related to MPR, including comments and questions about programming on both services. In addition, MLS has handled about 9,000 email messages in the past year. While the number of phone lines and employees may change with time, MPR's commitment to maintain easy access is strong.
- MPR currently has one person in Saint Paul who is responsible for the final decisions on all programming on MPR stations. MPR has a news director and a classical music director who report to this person. Listener comments from MLS go to this person, who then distributes comments about the music service to the music programming people, and comments about news programming to the news programming director. Summaries of comments about both services are widely distributed throughout the company and to the Board. The current organizational structure may change with time, but the commitment to maintain control of programming and circulate listener opinions will not change.

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- MPR has established a site on the World Wide Web (<http://www.mpr.org>) that enables local residents to receive extensive information regarding MPR's programming and provides a link for local residents to email concerns about the station operations to MPR management. The site contains descriptions of special reports, schedules for news and classical music programming, and on-line audio sources for MPR programming, including its radio series *A Prairie Home Companion*®. In addition, MPR has established a home page on the MPR Web Site for its network stations. A copy of the KBPR (FM) homepage is attached to this letter.
- MPR has an existing relationship with the Brainerd area through its 300 currently active members in the Brainerd area, all of whom identify themselves as listeners of KBPR (FM) in Brainerd (out of a total MPR membership of about 85,000). MPR actively solicits comments from its members concerning programming and station operation and ensures that member requests and recommendations are thoughtfully considered in making programming decisions.
- MPR operates the largest news organization of any radio service in the Midwest. With this extensive news resource, MPR is able to produce news programming from throughout MPR's service area and distribute it to all stations in the network. In fact, MPR currently maintains a small news room with two *Main Street Radio*® reporters (see below) in Brainerd who produce stories for broadcast on MPR's news and information station network. Both the reporters in Brainerd and the newsroom staff in Saint Paul subscribe to the local and area publications and maintain ongoing relationships with community residents and leaders, who are periodically contacted regarding local events and developments. MPR's reporters use information provided by these contacts to investigate events and to file news stories for broadcast by MPR either regionally or throughout the MPR multi-state network. If MPR at some point decides to change the location of the *Main Street Radio*® reporters, MPR will nevertheless commit to maintaining contact with the community of Brainerd.
- MPR operates a traveling *Mainstreet Radio*® crew of four persons, which gathers and produces programming material from rural and small city locations such as the Brainerd area throughout MPR's service area for broadcast through the network. As described above, two of the *Mainstreet Radio*® reporters work out of a small studio that MPR maintains in Brainerd.

All four Mainstreet reporters live and work outside of the Twin Cities of Minneapolis and Saint Paul, giving their stories a perspective that reflects their rural and small-town lifestyles - a perspective that is consciously not "metrocentric." *Mainstreet Radio*® has four goals:

- To provide listeners throughout Minnesota with compelling stories, insights and perspectives from rural people and places,
- To link the state in common understanding of rural issues and foster a sense of the shared destiny of all Minnesota
- To provide a local and regional context for issues that are global and universal
- To create a body of work that will help rural communities deal effectively with their issues

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- MPR has received a grant from the Corporation for Public Broadcasting that has been used to test a pilot program called "Local Link"™. The purpose of Local Link is to enhance local news coverage in rural and small communities. This program, which is unique in public broadcasting, is currently in the implementation and testing stages and has recently been installed at several of MPR's stations. Local Link is enabling MPR to improve news programming in its small city markets, including Brainerd. For example, one of the goals of Local Link is to allow reporters located at stations in the areas of the state outside of Minneapolis and Saint Paul to spend less time on-air reading the news and more time getting out in the region they cover working with their contacts and covering local and regional news.

For the foregoing reasons, MPR submits that it is able to ascertain and satisfy the interests and need of residents of the Brainerd area and, therefore, respectfully requests that the Commission grant this waiver of the main studio rule for this station.

Sincerely,



Mitzi T Gramling
Associate General Counsel

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

1986

IN REPLY REFER TO
190023-ALM

Todd M. Stansbury, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D. C. 20006

Re: New FM Service in Appleton, Minnesota. File No. BPED-941108MB

Dear Mr. Stansbury:

The staff has under consideration the application of Minnesota Public Radio ("MPR") to construct a new noncommercial educational ("NCE") FM station in Appleton, Minnesota (File No. BPED-941108MB). MPR requests waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125, in order to operate the Appleton station as a satellite of its NCE station KNOW(FM), St. Paul, Minnesota. For the reasons set forth below, we will waive 47 C.F.R § 73.1125 and grant MPR's application for a construction permit.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of its community of license. Amendment of Sections 73.1125 and 73.1130, 3 FCC Red 5024, 5027 (1988). However, under Section 73.1125(a)(4), the Commission will waive this requirement where "good cause" exists to do so and where the proposed studio location "would be consistent with the operation of the station in the public interest." Each waiver request by an NCE station seeking to operate as the satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus found "good cause" exists to waive the main studio location requirement where satellite operations are proposed. Id. A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. Id.

MPR's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. MPR proposes to operate the Appleton station as a satellite of KNOW(FM), St. Paul, Minnesota, approximately 110 miles from Appleton. Where there is a great distance between parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, MPR has pledged to: (1) continue its policy that residents of each service area participate on a regional advisory council which

¹In relevant part, Section 73.1125 requires each broadcast station to maintain a main studio within the station's principal community contour.

provides input to management on programming issues of interest to the residents throughout MPR's service area, including Appleton; (2) continue its existing relationship with the community of Appleton which has been established by means of its existing station KRSU(FM), Appleton, Minnesota; (3) solicit comments from MPR members in Appleton concerning programming and station operation; (4) base a "beat" reporter in Appleton who will subscribe to local and area publications and maintain ongoing relationships with community residents and leaders, who will be periodically contacted regarding local events and developments; (5) maintain a toll-free telephone number for residents of Appleton to contact MPR management in accordance with 47 C.F.R. § 73.1125(c); and (6) operate a site on the World Wide Web which enables local residents to receive extensive information and comment on MPR's programming. We also remind MPR that it must maintain a public file for the new station in Appleton, as required by 47 C.F.R. § 73.3527(d). In these circumstances, we are persuaded that MPR will meet its local service obligations and thus, that grant of the requested waiver is consistent with the public interest.

Accordingly, the application of Minnesota Public Radio for a new noncommercial educational FM station in Appleton, Minnesota (File No. BPED-94108MB) and its request for waiver of 47 C.F.R. § 73.1125 ARE GRANTED. The authorization will be forwarded under separate cover.

Sincerely,

Lisa Scanlon

Linda Blair, Chief *for*
Audio Services Division
Mass Media Bureau