

X-Mailer: Novell GroupWise 5.5.2
Date: Mon, 01 Oct 2001 13:36:47 -0400
From: "Peter Doyle" <PDOYLE@fcc.gov>
To: <mgramling@mpr.org>
Cc: "Barbara Kreisman" <BKREISMA@fcc.gov>
Subject: Re: concert

This responds to your email. So long as MPR does not solicit donations to the relief fund, we conclude that the broadcast would violate no Commission rule. However, Section 73.503 of the Commission's rules is waived to permit such solicitations by stations airing this programming. The waiver is limited to this specific concert and shall expire at 11:59 p.m. on October 8, 2001. Any additional waiver of the Commission's rules must be requested separately and will require separate Commission action.

Peter H. Doyle, Chief
Audio Services Division
Mass Media Bureau

>>> Mitzi T Gramling <mgramling@mpr.org> 10/01/01 12:35PM >>>
Dear Mr Doyle:

Minnesota Public Radio ("MPR") is the licensee of a number of non-commercial radio stations in the Upper Midwest, and is a producer of programming distributed nationally on public radio stations around the country.

Eight local arts organizations, consisting of the Minnesota Orchestra, Saint Paul Chamber Orchestra, the Minnesota Chorale, the Dale Warland Singers, the chorus of the Plymouth Music Series, and performers from the Minnesota Opera and Guthrie Theater, are putting on a concert next Monday (10/8/01) to remember the victims of the terrorist attacks of Sept 11. Admission to the concert is free, but the sponsors are asking for a donation of \$10, all of which will go to the Liberty Disaster Relief Fund of the American Red Cross.

MPR is going to broadcast the concert on our network of 15 classical music stations. We also are working on distribution of the program to other public radio stations in the US.

The concert is consistent with our regular programming on our classical music stations. In fact, MPR regularly broadcasts concerts of most of the participating arts groups. The content of the concert will be classical music such as Barber's Adagio for Strings, two works by Aaron Copeland, and a portion of Mahler's Symphony No. 2 "Resurrection".

The event will be broadcast live, except that we will allow any stations on the West Coast who carry the program to broadcast it 2 hours later.

We do not expect any actual fund-raising to take place, other than a

description of the purpose of the concert, probably with a mention of a website or phone number that can be contacted for information about how to donate to the American Red Cross. As a part of our routine forward promotions of upcoming broadcasts, we will be telling our listeners about the concert, its broadcast and its purpose.

This concert is intended to be a one-time event.

Under the circumstances, it appears to us that a waiver from the Commission is not needed for this broadcast event, but I would like to confirm that is your interpretation as well. If you believe a waiver of the non-commercial fundraising rules is necessary, then we respectfully request a waiver for this program.

After the event, MPR will gladly advise the Commission what stations we believe carried the broadcast event, although a complete list will probably not be possible (the program will be offered for free to any public radio station that cares to broadcast it, and we are dependent on their report back to us that they are carrying it.)

Thank you.

Mitzi T Gramling
Associate General Counsel
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