



Federal Communications Commission
Washington, D.C. 20554

September 8, 2011

Board of Regents of the Montana State University System
c/o Scott S. Patrick, Esq.
Dow Lohnes PLLC
1200 New Hampshire Ave., N.W., Suite 800
Washington, DC 20036

Re: Request for Waiver of Main Studio Rule
DTV Channel 46, Kalispell, Montana
File No. BNPEDT-20060809AJQ
Facility ID No. 169027

Dear Counsel:

This is in reference to the request of the Montana State University System ("MUS") for a waiver of Section 73.1125(a), the Commission's main studio rule,¹ to operate the proposed new noncommercial, educational, digital television station at Kalispell, Montana, without a main studio. Specifically, MUS proposes to operate the new DTV station as a satellite/repeater station of KUSM(DT), Bozeman, Montana. As discussed below, we will grant the requested waiver based on MUS's showing that doing so will allow it to provide quality, noncommercial educational programming in accordance with the needs and interests of Kalispell residents.

MUS is a governmental institution of higher education in the State of Montana, established by the Constitution and Statutes of Montana and charged with the educational enrichment of all Montana citizens. MUS avers that the operation of the Kalispell station without a main studio would be in the public interest because it would help fulfill MUS's mission to provide service to the entire state of Montana, in a manner consistent with the realities of the present public broadcasting funding situation.

In this regard, MUS asserts that the station will serve a rural area in Montana that is sparsely populated by citizens of modest means. MUS explains that in Kalispell, the population within the station's predicted 1 mV/m contour is only approximately 98,700 persons in a 19,415 square kilometer service area (5.1 persons per sq. km). Moreover, according to 2000 U.S. Census data, the median household income in Kalispell is approximately 32% below the national average (\$28,567 compared with \$41,994 nationally). Nevertheless, MUS believes that it is well-suited to the task of providing Kalispell residents the same high-quality over-the-air public television offerings that are available in much larger and wealthier communities. MUS contends that for more than twenty years it has met this challenge and succeeded.

MUS explains that when it began operation of its first noncommercial educational television station, KUSM(TV), Bozeman, Montana, in 1984, the limited financial resources of the Bozeman viewer base required MUS to look beyond the borders of Montana to secure programming to serve

¹ 47 C.F.R. § 73.1125(a).

Montana viewers. MUS was granted permission from the Commission to rebroadcast in the entirety the signal of station KUED(TV), located in Salt Lake City, Utah. MUS operated KUSM(TV) this way for the first three years of the station's existence, until the station became successful enough to operate independently. MUS later added station KUFM(TV), Missoula, Montana, based at the University of Montana-Missoula campus, in order to further extend public television service in the state. However, MUS asserts that the tight resources in the largely rural state of Montana continue to make it necessary to combine resources wherever possible.

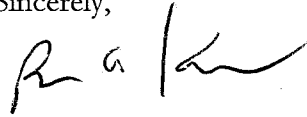
Currently, MUS's two full-power television stations, KUFM(TV), Missoula, Montana, and KUSM(TV), Bozeman, Montana, provide a unified statewide public television service under the banner of MontanaPBS. The operation of KUFM(TV) and KUSM(TV) in partnership and as a network avoids costly duplication of services, and allows MUS to develop and provide important public and educational television programming for the entire state. Moreover, additional translator stations in various communities have extended the reach of MUS's public television service across the state. In light of the limited economic resources available in the proposed community, MUS believes that stand-alone operations in Kalispell could not offer the quality of program offerings that the proposed satellite station would provide to the community.

Based upon MUS's showing, we are persuaded that a grant of a waiver of Section 73.1125(a) of the Commission's rules will serve the public interest by allowing MUS to provide quality noncommercial educational programming in accordance with the needs and interests of Kalispell residents. The Commission has traditionally allowed noncommercial educational broadcast systems to operate in the manner proposed. The Commission has also 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 full-service stations that do not meet the requirements of the Commission's main studio rule. These stations, however, have not been permitted to ignore their local service obligations, and waivers generally have been granted only upon a showing that the local community will be served.

MUS avers that it will meet its local service obligations to Kalispell in numerous ways. First, MUS has established a toll-free telephone number to provide residents in Kalispell easy access to the studio at Bozeman. Second, MUS states that it provides a website, accessible at montanapbs.org, which will enable local viewers in Kalispell to receive extensive information about MUS and its television services. Moreover, MUS notes that it solicits the direct participation of the community by maintaining a community advisory board called "Friends of MontanaPBS." The Friends of MontanaPBS board is composed of 34 member representatives from various communities served by MUS's network of public television stations and translators. There are currently 2 representatives from Kalispell. The Friends of MontanaPBS work to raise funds for MontanaPBS, provide advice, and give a voice to the approximately 8800 members across Montana. As required by the Commission, MUS must also establish a public inspection file at a convenient location in Kalispell.

ACCORDINGLY, the request of the Board of Regents of the Montana State University System for a waiver of Section 73.1125(a) of the Commission's rules to operate the proposed new noncommercial, educational, DTV station at Kalispell, Montana, without a main studio **IS GRANTED**.

Sincerely,

A handwritten signature in black ink, appearing to read 'B A Kreisman', written in a cursive style.

Barbara A. Kreisman
Chief, Video Division
Media Bureau