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FEDERAL COMMUNICATIONS COMMISSION

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IN REPLY REFER TO:
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Carrol Pratt, Treasurer
Mendocino County Public Broadcasting
9300 Highway 128
Philo, California 95466

In re: NEW(FM), Willits, CA
Mendocino County Public
Broadcasting ("MCPB")
BPED-930114MG

Dear Applicant:

This letter concerns: (i) the referenced application for a construction permit for a new noncommercial educational FM station to serve Willits, California; and (ii) your request for waiver of the Commission's main studio rule, 47 C.F.R. § 73.1125, to operate your new FM station as a "satellite" of station KZYX(FM), Philo, California.

By letter dated April 28, 1993, our staff requested that you provide specific information concerning your commitment to ascertain the needs and interests of Willits residents and that you provide specific information regarding how the proposed station proposes to cover Willits in its news and public affairs programming. Additionally, we requested that you amend your EEO program, Section VI, FCC Form 301 to identify a specific source of recruitment specializing in women candidates. On June 2, 1993, you filed an amendment in response to our letter.

Section 73.1125 of the Commission's Rules, as revised by the Report and Order in MM Docket No 86-406, 2 FCC Rcd 3215 (1987), reconsideration and clarification granted in part, 3 FCC Rcd 5024 (1988), requires a broadcast station to maintain its main studio within its principal community contour except "when good cause exists for locating the main studio outside the principal community contour and [when doing] so would be consistent with the operation of the station in the public interest." The purpose of the rule, as explained in FM Studio Moves, 27 FCC 2d 851, 852 (1971), is "to make broadcast stations readily accessible to the people in the communities which they are primarily licensed to serve." A "satellite" station has been defined by the Commission as one "operating on a channel specified in the...table of assignments and meeting all of the technical requirements of our rules, but one which usually originates no local programming...It rebroadcasts the programming of the parent station." Multiple Ownership Rules, 3 RR 2d 1554, 1562 (1964).

The primary obligation of any broadcast licensee, including a satellite station, is to serve the problems, needs, and interests of the community to which it is licensed. The Commission has never "indicated, directly or indirectly, that

licenses were granted to state educational networks for the purpose of providing statewide service and not local service." Georgia State Board of Education. 70 FCC 2d 948, 956 (1978). As such, local needs can and should be met by this applicant. It is true that, in the past, the Commission has recognized the economic benefits of centralized operations for noncommercial educational stations. See Memorandum Opinion and Order in MM Docket 86-406 at 5027 (1988). Because of the limited funding available to these stations, we have granted waivers to state and regional public television and radio networks to operate "satellite" stations that do not necessarily meet the main studio requirements. See Nebraska Educational Television Commission, 4 RR 2d 771 (1965). As has been stated, however, these stations, have not been permitted to ignore local service obligations. See Georgia State Board of Education, supra. Waivers generally have been granted only upon a showing that the local community would be served...[and] such stations will be subject to the local/toll free telephone number requirement." Memorandum Opinion and Order in MM Docket 86-406, supra at 5027. See also 47 C.F.R. § 73.1125(c).

From the information submitted with the referenced application, along with its June 2, 1993 amendment, MCPB has established that, even without a main studio in the service area of the proposed station, it will determine and respond to local needs in its programming. This is so because: (i) MCPB will systematically ascertain the problems, needs and interests of the Willits, California area by regularly contacting local officials and community leaders; (ii) the station's news, public affairs and informational programming will reflect the advice and comments of these leaders and officials; (iii) station producers and reporters will be deployed to the area on an ongoing basis to cover local matters; (iv) MCPB will maintain a toll free telephone number from Willits to the Philo studio, and it will maintain the station's local public inspection file in Willits; and finally, (v) MCPB will add residents of the Willits area to its Community Advisory Board. MCPB's main studio waiver request will be granted below.

One final matter warrants discussion. Pursuant to OST Bulletin No. 65, October 1985, entitled "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation," when work is to be performed on the tower, the transmitter power must be reduced or completely eliminated to comply with FCC guidelines. Furthermore, in situations like yours, where there are multiple contributors to radiofrequency radiation, there must be an agreement in effect requiring all stations to reduce power or cease operations as necessary to assure worker safety with respect to radiofrequency radiation when construction or maintenance is being performed at the site. See the Public Notice dated August 19, 1992, Mimeo 24479. Accordingly, the application will be granted with an appropriate condition.

Accordingly, MCPB'S request for a waiver of 47 C.F.R § 73.1125, and its application for a newnoncommercial educational FM broadcast station in Willits, California ARE GRANTED, subject to the following condition:

The permittee/licensee in coordination with other users of the site, must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency radiation in excess of FCC guidelines.

Sincerely

Dennis L. Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

