

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

JUL 30 2002

**IN REPLY REFER TO:
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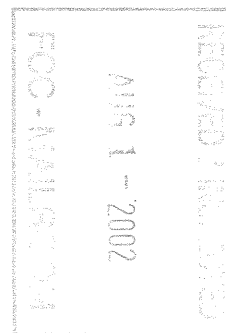
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In Re: **NEW(FM), Austin, MN**
Minnesota Public Radio
File No. BPED-19980603MB
Facility ID No. 90889

KRPR(FM), Rochester, MN
Rochester Public Radio
File No. BPED-19981211MB
Facility ID No. 57277

NEW(FM), Albert Lea, MN
Broadcasting for the Challenged, Inc.
File No. BPED-19981215MG
Facility ID No. 92358

NEW(FM), Hayfield, MN
LifeTalk Broadcasting Association
File No. BPED-19981215MD
Facility ID No. 92361

NEW(FM), Albert Lea, MN
CSN International
File No. BPED-19981215ME
Facility ID No. 92360

Joint Request for Approval of Settlement
Agreements
MX Group 980606

Dear Counsel:

This is in reference to the above-captioned mutually exclusive construction permit applications for a new noncommercial educational FM station in Austin, Albert Lea, and Hayfield, Minnesota, an application to improve the existing facilities of noncommercial Station KRPR(FM), Rochester, Minnesota and the Joint Request for Approval of Settlement Agreements ("Joint Request") filed on July 13, 2001 by Minnesota Public Radio ("MPR"), Rochester Public Radio ("RPR"), Broadcasting for the Challenged, Inc., LifeTalk Broadcasting Association and CSN International ("Dismissing Applicants").

Pursuant to the terms of the Joint Request, the applications filed by the Dismissing Applicants would be dismissed and the applications filed by MPR and RPR would be granted. The Commission has directed the Media Bureau (formerly Mass Media Bureau) to waive the provisions of Section 73.3525(a)(3) of the Commission's Rules and accept universal settlements that involve payments to applicants that exceed their reasonable and prudent expenses for certain applications. In light of the Commission's directive, the Dismissing Applicants are in compliance with the temporary waiver of the reimbursement limitations, and will not receive consideration for dismissing their applications beyond that allowed. *See Report and Order* in MM Docket No. 95-31, *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, FCC 00-120, 15 FCC Rcd 7386 (2000), *recon. denied*, *Memorandum Opinion and Order*, 16 FCC Rcd 5074 (2001).

We have examined the Joint Request, Settlement Agreements and declarations attached thereto. Based on this examination, we find that approval of the Joint Request would serve the public interest and that the applications filed by the Dismissing Applicants were not filed for the purpose of reaching or carrying out the agreements. Accordingly, the applicants have complied with the provisions of 47 U.S.C. § 311(c)(3) and 47 C.F.R. § 73.3525. Since the applicants propose to serve different communities, the parties have demonstrated that dismissal of the applications filed by the Dismissing Applicants would not unduly impede the objectives of Section 307(b) of the Communications Act of 1934. Accordingly, we will not require republication under 47 C.F.R. § 73.3525(b). Furthermore, we find that MPR and RPR are fully qualified and that a grant of the applications would serve the public interest by expediting a new noncommercial educational FM service to Austin, Minnesota and by improving the existing facilities of noncommercial Station KRPR(FM), Rochester, Minnesota.

Main Studio Waiver Request. MPR has requested a waiver of the main studio requirement. *see* 47 C.F.R. § 73.1125, in order to operate the Austin, Minnesota station as a satellite¹ of its commonly-owned NCE station KNOW(FM), Rochester, Minnesota. For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license; (2) within the principal community contour of any other broadcast station licensed to its community; or (3) within 25 miles of the center of the community of license. *See Report and Order*, Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations, 13 FCC Rcd 15691 (1998); *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("*Reconsideration Order*"). However, under Section 73.1125(b)(2), 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 a 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 a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. MPR proposes to operate the Austin, MN station as a satellite of KNOW(FM), Rochester, MN, approximately 35 miles from Austin, MN. The Commission expects the licensee of a satellite station to take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, MPR has pledged to: (1) maintain a toll-free telephone line by which the residents of the Austin area will be able to reach MPR management to express concerns about the station operations; (2) establish a site on the World Wide Web, which enables Austin residents to receive extensive information regarding MPR's programming and provides a link for Austin residents to e-mail concerns about station operations to MPR management; (3) maintain Regional Advisory Councils associated with its stations in various parts of the state, and an Institutional Sponsor Council of the Board of Trustees, all of which actively advise management on programming issues of interest to the residents throughout MPR's service area, including Austin; (4) maintain a meaningful contact with Austin citizens and leaders by use of a MPR news reporter who produces local inserts, consisting of weather, special events, and other information of particular interest to the residents of Rochester, Austin and surrounding areas and serves as a liaison between the Austin residents and MPR's programming management in Minneapolis/St. Paul; (5) produce and broadcast a local call-in news program featuring issues of concern to the local communities of Rochester and the surrounding communities, including the Austin area;

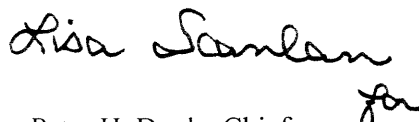
¹ A "satellite" station meets all of the Commission's technical rules; however, it originates no programming and instead rebroadcasts the parent station's programming. *See Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR 2d 1554, 1562 (1964).

(6) create and participate in MPR's "Local Link." program, which is designed to enhance local news coverage in rural and small communities, such as Austin and (7) as a result of the foregoing, ascertain and satisfy the interests and needs of residents of Austin.

Under these circumstances, we are persuaded that MPR will meet its local service obligations and thus, grant of the requested waiver is consistent with the public interest. We remind MPR, however, of the requirement that it maintain a public file for the station at the main studio of the station at which its programming is originated, and it must provide the accommodation to listeners or residents as required under the amended rules. *See Reconsideration Order*, 14 FCC Rcd at 11129, ¶45. Thus, in the instant case, MPR must maintain the public file at the main studio of parent station KNOW(FM), Rochester, MN.

Accordingly, pursuant to 47 C.F.R. § 0.283, the Joint Request for Approval of Settlement Agreements and the request for waiver of 47 C.F.R. § 73.1125 filed by Minnesota Public Radio ARE GRANTED; the applications filed by Broadcasting for the Challenged, Inc. (File No. BPED-19981215MG), LifeTalk Broadcasting Association (File No. BPED-19981215MD) and CSN International (Filed No. BPED-19981215ME) ARE HEREBY DISMISSED and the applications filed by Minnesota Public Radio (File No. BPED-19980603MB) and Rochester Public Radio (File No. BPED-19981211MB) to improve the facilities of Station KRPR(FM) ARE HEREBY GRANTED. The construction permit authorizations will follow under separate cover.

Sincerely,

for

Peter H. Doyle, Chief
Audio Division
Office of Broadcast License Policy
Media Bureau