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Washington, D.C. 20554

Ref. Rm. 239

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1800E4-SAM

Margaret L. Miller, Esq.
Dow, Lohnes & Albertson
Suite 800
1200 New Hampshire Avenue, N.W.
Washington, DC 20036-6802

In re: South Carolina Educational Television
Commission

Requests for Waiver of Section 73.1125

WEBA-TV, Allendale, South Carolina
File No. BPET-960627KR

WHMC-TV, Conway, South Carolina
File No. BPET-960627KE

WITV(TV), Charleston, South Carolina
File No. BPET-960627KQ

WJPM-TV, Florence, South Carolina
File No. BPET-960627KO

WNEH(TV), Greenwood, South Carolina
File No. BPET-960627KP

WNTV(TV), Greenville, South Carolina
File No. BPET-960627KF

WJWJ-TV, Beaufort, South Carolina
File No. BPET-960627KH

WNSC-TV, Rock Hill, South Carolina
File No. BPET-960627KS

WRET-TV, Spartanburg, South Carolina
File No. BPET-960627KI

Dear Ms. Miller:

The staff has under consideration the above-referenced applications containing requests for waiver of Section 73.1125, the Commission's main studio rule, filed on behalf of the South Carolina Educational Television Commission (SCETV) seeking authority to relocate the main studio locations of ten of its noncommercial, educational television stations to a single main studio location at its headquarters in Columbia, South Carolina. For the reasons set forth below, we grant SCETV's waiver requests.

Waiver Showings. SCETV previously sought waivers to permit the main studios of seven of its radio stations to be located at its Columbia headquarters. On April 20, 1998, the Chief of the Audio Services Division, Mass Media Bureau granted those requests finding that SCETV had demonstrated "good cause" justifying waiver of Section 73.1125. See Letter to Aurelia Finley and Margaret L. Miller, Esq., from Chief of the Audio Services Division (Ref: 1800B3-MFW), dated April 20, 1998. The instant waiver requests involve ten of SCETV's television stations and are based upon the same facts and evidence as the earlier radio station waiver requests. SCETV states that it has consolidated the main studios of six of its ten subject television stations at its headquarters at 1101 George Rogers Boulevard in Columbia, South Carolina.¹ According to SCETV, its other four television stations continue to have their own local main studios - WRJA-TV, Sumter, WJWJ-TV, Beaufort, WNSC-TV, Rock Hill, and WRET-TV, Spartanburg. SCETV seeks waivers in order to specify its headquarters in Columbia as the main studio location for all of its television stations.² SCETV acknowledges that its Columbia headquarters would not qualify as a main studio for any of these television stations under the Commission's recently-amended main studio rule.³

In support of its waiver request, SCETV states that it operates its television stations as

SCETV states that WNEH(TV), Greenwood, South Carolina, already has a waiver permitting it to specify a main studio location at 2712 Millwood Avenue, Columbia, South Carolina, a location that would not qualify as a main studio location for this station. However, SCETV did not obtain a waiver to relocate the main studio of WNEH to its George Rogers Blvd. headquarters in Columbia, another location that would not qualify as a main studio location for this station. Under Section 73.1125, a waiver is required to change the main studio of a station from one non-conforming location to another non-conforming location.

² SCETV intends to maintain its four other existing main studio locations as auxiliary studio facilities for those stations.

³ On August 11, 1998, the Commission amended its main studio rule to permit licensees to locate their station's main studio at any location that is within either the principal community contour of any station, of any service, licensed to its community of license or 25 miles from the reference coordinates of the center of its community of license, whichever it chooses. See Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations, MM Docket No. 97-138, *Report and Order*, FCC 98-175, released August 11, 1998.

satellites of the South Carolina Educational Television Network. SCETV maintains that network-type operations are in the public interest because they enhance each station's capability to provide quality public television programming to the State of South Carolina. SCETV argues that this mode of operation recognizes that each individual station cannot provide adequate-high quality programming if required to operate as a wholly-separate entity, particularly in the current funding climate for public broadcasting. SCETV cites to the fact that public broadcasters have been fighting to maintain critical federal funding. SCETV notes that in 1995 it received five television and two radio grants from the Corporation for Public Broadcasting (CPB) totalling \$4,372,052. However, SCETV states that CPB intends to phase out multiple grants in the year 2000 and at that time it will receive only one television and one radio grant resulting in a \$1.2 million or 27.3% decrease. Moreover, SCETV states that it has suffered budget cuts due to reduced appropriations from the South Carolina State Legislature. For example, in 1990-1991 the legislature appropriated \$19,049,740, but over the following five years this appropriation has been slashed by a total of \$3.3 million. Therefore, SCETV states, it has been forced to implement drastic cost-cutting measures. SCETV concludes that its operations best meet the needs for public television service by utilizing a combined main studio for all of its satellite stations.

SCETV maintains that the city of Columbia is the appropriate location for the network's headquarters because it is the largest city in the state, is centrally-located, and offers the services, activities, and opportunities of a larger city. Public transportation is readily available to the network's buildings and ample parking is available for persons visiting the studios and offices.

Even without main studios in each of its station's communities of license, SCETV states that it will determine local needs and respond to them in its programming. SCETV states that it has already established a toll-free number which permits residents throughout the state to reach the network headquarters in Columbia without long-distance charges. SCETV also states that it continues to maintain the public inspection files of these satellite stations in each station's community of license. SCETV maintains that it will conduct ascertainment of community needs throughout the state on a regular basis.

SCETV concludes that the Commission has routinely granted waivers of the main studio rule for noncommercial, educational stations operating network or regional operations so long as local needs are met. SCETV states that its main studio relocations would be consistent with routine Commission waivers traditionally available to public broadcasters, particularly, state broadcasting networks.

Discussion. Section 73.1125(a) requires that each broadcast station operate a main studio within either the principal community contour of any station, of any service, licensed to its community of license or within 25 miles of the reference coordinates of the center of its community of license, whichever it chooses. Under Section 73.1125(c)(2), a licensee may request a ruling from the Commission permitting it to locate its main studio outside of these locations. Each such request by a noncommercial educational television station is considered

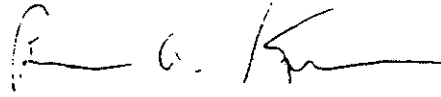
on a case-by-case basis; nevertheless, the Commission has recognized the benefits of centralized operation for noncommercial educational stations, given their limited funding, and has found that "good cause" exists to waive the main studio location requirement where satellite station operations are proposed. See *Amendment of Section 73.1125 and 73.1130*, 3 FCC Rcd 5024, 5027 (1988). In order to obtain a satellite waiver, an applicant must demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. *Id.*

While we do not condone its apparent premature unauthorized studio consolidation, we believe that SCETV has justified its request to permit the main studios of ten of its television stations to be located at its headquarters on Columbia, South Carolina. SCETV has demonstrated that recent funding reductions have made it more difficult to maintain a separate main studio location for its ten satellite television stations. The Commission has previously recognized such realities in permitting centralized operations for noncommercial educational networks. *Id.* Allowing SCETV to consolidate the main studio locations of its ten satellite television stations at its Columbia headquarters will allow SCETV to dedicate more of its scarce financial resources to providing high quality educational programming that is reflective of the needs and interests of its local viewers. As such, we find that grant of the waiver requests will better serve the public interest as it will allow SCETV to provide superior public television programming to a larger number of viewers in South Carolina.

At the same time, we are concerned that SCETV take adequate measures to ensure that it maintain awareness of the needs and interests of its local viewers. We will require SCETV to continue to maintain a toll-free number that will permit the residents of each station's community of license to contact the Columbia headquarters without long-distance charges. We will also require SCETV to maintain the public inspection files of each of its stations at convenient locations in the stations' communities of license where their contents will be accessible during regular business hours. We encourage SCETV to continue to engage in and maintain dialogue with residents of its television communities and to make widely known the means for contacting SCETV with input regarding the individual stations. However, in light of its showing here, we believe that SCETV had demonstrated that it can and will serve the needs and interests of each of the listed television communities, even without a main studio in each of those communities.

Accordingly, the requests for waiver of 47 C.F.R. § 73.1125(a) filed by South Carolina Educational Television Commission. File Nos. BPET-960627KF - KI and BPET-960627KO - KS. ARE HEREBY GRANTED. This action is without prejudice to such action, if any, the Commission may deem appropriate in light of SCETV's apparent violation of Section 73.1125.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara A. Kreisman', with a long horizontal flourish extending to the right.

Barbara A. Kreisman
Chief, Video Services Division
Mass Media Bureau