



Federal Communications Commission
Washington, D.C. 20554

October 8, 2009

Duluth-Superior Area Educational Television Corporation
c/o Maureen R. Jeffreys, Esq.
Arnold & Porter LLP
555 Twelfth Street, N.W.
Washington, DC 20006

Re: Main Studio Waiver Request
WRPT-DT, Hibbing, Minnesota
Fac. ID 159007

Dear Ms. Jeffreys:

This is in reference to the Main Studio Waiver Request filed by Duluth-Superior Area Educational Television Corporation ("Duluth-Superior") on February 27, 2009, requesting a waiver of the main studio rule for noncommercial educational television station WRPT-DT, Hibbing, Minnesota.

Duluth-Superior requests a permanent waiver of the Commission's main studio rule, 47 C.F.R. §73.1125, in order to close WRPT-DT's Hibbing, Minnesota studio and instead utilize the studio of commonly owned station WDSE-DT in Duluth, Minnesota.

The Commission's main studio rule 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.¹ However, the rule allows a broadcast station to relocate its main studio outside of the locations proscribed in (a) if it shows good cause for so doing that is consistent with the operation of the station in the public interest.² Each request for a waiver to this rule is evaluated on a case by case basis.³

Station WRPT-DT serves Hibbing, Minnesota and the surrounding remote areas of northern Minnesota, known as the Iron Range.⁴ Hibbing is approximately 75 miles northwest of Duluth; both cities are part of St. Louis County, Minnesota. Duluth-Superior states that the non-profit organization has a "history of producing programs of interest to the Iron Range," a longstanding

¹ 47 C.F.R. §73.1125(a).

² 47 C.F.R. §73.1125 (b)(1), (d).

³ 47 C.F.R. §73.1125 (d)(2).

⁴ Duluth-Superior Main Studio Waiver Request at 1.

relationship with Hibbing area schools, and an open invitation to Iron Range area legislators to appear on Duluth-Superior's "Legislative Report" program.⁵

Duluth-Superior states that it would face substantial financial challenges in constructing and maintaining a studio in Hibbing.⁶ Duluth-Superior asserts that the current economic recession furthers an operating deficit already burdened by decreases in private grants and membership contributions.⁷ Additionally, Duluth-Superior estimates that a waiver of the main studio rule will allow savings of at least \$330,000 in capital costs and \$220,000 annually in operating costs.⁸

In order to alleviate the burden to Hibbing residents of accessing the public inspection file, Duluth-Superior plans to maintain a copy of WRPT-DT's public inspection file in Hibbing and will make the file available upon request to members of the public.⁹ Additionally, Duluth-Superior will maintain a toll-free telephone number so that members of the Hibbing community may contact Duluth-Superior free of charge to share local views with Duluth-Superior staff; this telephone number would be publicized on Duluth-Superior's website.¹⁰

We believe that the information and circumstances presented by Duluth-Superior warrant a grant of a permanent main studio waiver. The Commission has traditionally allowed noncommercial educational broadcast systems to operate in the manner proposed. The Commission has 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 local service obligations, and waivers generally have been granted only upon a showing that the local community will be served. Indeed, Duluth-Superior represents that WRPT-DT will continue to serve the interests of the Hibbing community. Duluth-Superior has produced many programs geared to the Iron Range, including a 12-part Iron Range history, segments in its weekly public affairs program "Almanac North," segments on artisans and attractions in its "Venture North" series, historic segments in its "Album" series, and its legislative reports with Iron Range legislators. Duluth-Superior also will continue its relationship with Hibbing area schools and plans to invite representatives from the Iron Range communities to serve on its governing board as well as its Citizens Advisory Board.¹¹

⁵ *Id.* at 3.

⁶ *Id.* at 2.

⁷ *Id.* at 3.

⁸ *Id.* at 2.

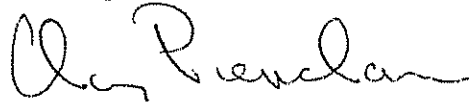
⁹ *Id.* at 3.

¹⁰ *Id.* at 4.

¹¹ *Id.* at 3.

Based on the information presented by Duluth-Superior, we find that grant of its request would serve the public interest. Accordingly, Duluth-Superior's request for waiver of the main studio rule IS HEREBY GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay Pendarvis". The signature is fluid and cursive, with the first name "Clay" written in a larger, more prominent script than the last name "Pendarvis".

Clay Pendarvis
Associate Chief, Video Division
Media Bureau