

Federal Communications Commission
Washington, D.C. 20554

APR 25 2001

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In re: Assignment of Noncommercial
Television Station Licenses

KOZK(TV), Springfield, Missouri
File No. BALET-20010207AAR
Facility ID 51102

KOZJ(TV), Joplin, Missouri
File No. BALET-20010207AAS
Facility ID 51101

Dear Ms. Miller:

This concerns the above-referenced applications for the assignment of licenses for noncommercial educational television stations KOZK(TV), Springfield, Missouri and KOZJ(TV), Joplin, Missouri, from Ozark Public Telecommunications, Inc. ("Ozark") to the Board of Governors for Southwest Missouri State University ("University"). In connection with these applications, the University requests a waiver of Section 73.1125, the Commission's main studio rule. Specifically, the University seeks authority to operate station KOZJ(TV) in Joplin as a "satellite" of station KOZK(TV), utilizing its main studio in Springfield.

Waiver Showing. The University is a public institution of higher education in the state of Missouri. The University seeks to acquire noncommercial educational stations KOZK(TV) and KOZJ(TV) as part of a consolidation of public broadcasting operations in the Ozark region of southwest Missouri based, in part, on the costs of conversion to digital television. In support of its waiver request, the University notes that station KOZJ(TV) has been operated by Ozark as a "satellite" of station KOZK(TV) since 1985, using its main studio in Springfield.¹ The University maintains that, as the proposed licensee of the stations, operation in this manner would fulfill its mission to provide service to as wide an audience as possible, in a manner consistent with the realities of the present public broadcasting funding situation. In this regard, the University asserts that a public television station in Joplin could not offer the highest quality educational programming if required to operate as a wholly separate entity. The University states that KOZJ(TV)'s programming, particularly the

¹ Ozark stated in its original application that it intended to operate the Joplin station as a "satellite" of the Springfield station. However, it did not receive a separate letter ruling from the Commission approving a waiver of Section 73.1125 with its construction permit in 1985.

informational and public affairs programming would be of a much higher quality due to its retransmission of such programming produced at KOZK(TV)'s Springfield studio.

In addition, the University states that it plans to be a vital part of the information marketplace in the Joplin area. The University asserts that it will utilize station KOZJ(TV) to cover significant events in Joplin and its surroundings areas, including cultural events, political campaigns and election results. Moreover, the University states that KOZK(TV) and KOZJ(TV) currently engage in cooperative production and airing of "Newsmakers," a weekly 30-minute news interview program, which will continue. The University maintains that it will determine the local needs of Joplin through its Community Advisory Board ("Board"). All current board members, including two members from the Joplin/Carthage area, have been invited to serve on the Board as part of the instant application. According to the University, community ascertainment will also be carried out by continuous contact with volunteer, arts and industry leaders in the area.

The University points out that it is already involved with Joplin area arts and cultural events. Furthermore, the University plans to work with Joplin reporters to appear on KOZK(TV) programs and provide a local perspective on the issues covered. The University indicates that it will regularly survey each year a statistically reliable sample of viewers in order to develop a program schedule that reflects the needs and interests of its service areas. The University adds that viewers are also encouraged to call in to the toll free number listed in the monthly program guide and displayed on-air over the station's programming. The University notes that comments and suggestions are also made through electronic mail to the station. Moreover, the University states that it will maintain a toll-free number that will permit the residents of Joplin to reach its studio in Springfield. The University will explore, as its funding situation permits, the utilization of the production studio and personnel resources of local educational institutions for the production and transmission of purely local programming designed to address the needs of the Joplin community.

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. See *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). Each request for a waiver of this rule 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 Sections 73.1125 and 73.1330*, 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.*

We believe that the University has justified its request for a waiver to permit KOZJ(TV), Joplin, Missouri, to utilize the main studio of station KOZK(TV), Springfield, Missouri. The University explains that operation in this manner would fulfill its mission to provide service to as wide an audience as possible, in a manner consistent with the realities of the present public broadcasting funding situation. The Commission has traditionally recognized such realities in permitting centralized operations for noncommercial educational networks. *Id.* Allowing the University to

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consolidate the main studio of KOZJ(TV) with KOZK(TV) in Springfield would permit the University to dedicate more of its scarce financial resources to providing the highest quality educational programming that is reflective of the needs and interests of its local viewers. As such, we find that grant of the waiver request will better serve the public interest, as it will allow the University to provide superior public television programming to a larger number of viewers in Missouri.

At the same time, we are concerned that the University takes adequate measures to ensure that it maintains awareness of the needs and interests of its local viewers. We will require the University to maintain a toll-free number that will permit the residents of Joplin to contact the Springfield studio without long-distance charges. We encourage the University to engage in and maintain dialogue with residents of the Joplin community and to make widely known the means for contacting the University with input regarding station KOZJ(TV). Overall, in light of its showing here, we believe that the University has demonstrated that it can and will serve the needs and interests of the Joplin community, even without a main studio in that community.

Accordingly, the request for waiver of 47 C.F.R. § 73.1125(a) filed by the Board of Governors for Southwest Missouri State University IS HEREBY GRANTED. Furthermore, having found the applicants qualified and that grant of the assignment applications would serve the public interest, convenience and necessity, the applications for assignment of licenses for stations KOZK(TV) and KOZJ(TV) from Ozark Public Telecommunications, Inc. to the Board of Governors for Southwest Missouri State University (File Nos. BALET-20010207AAR and BALET-20010207AAS) ARE HEREBY GRANTED.

Sincerely,



Clay C. Pendarvis
Chief, Television Branch
Video Services Division
Mass Media Bureau