



Federal Communications Commission  
Washington, D.C. 20554

October 11, 2012

**DA 12-1621**  
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University System of New Hampshire Board of Trustees  
New Hampshire Public Broadcasting  
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Re: WENH-TV, Durham, New Hampshire, WEKW-TV, Keene, New Hampshire, and WLED-TV, Littleton, New Hampshire  
Fac. ID Nos. 69237, 69271, and 69328  
File Nos. BALEDT-20120709ACW-ACY

Dear Counsel:

This is in regard to the above-referenced unopposed applications for the assignment of certain licenses and construction permits from the University System of New Hampshire Board of Trustees (USNH) to New Hampshire Public Broadcasting (NHPB). In connection with the applications, NHPB seeks a continuation of the waiver of Section 73.1125 of the Commission's rules to permit it to operate WLED-TV, Littleton, New Hampshire and WEKW-TV, Keene, New Hampshire on a non-commercial basis without a main studio in their respective cities of license. Specifically, NHPB plans to operate WENH-TV, Durham, New Hampshire as the lead noncommercial educational station for satellite stations WLED-TV and WEKW-TV. For the reasons stated below we grant the application and the requested waiver.

Since the 1950's, the Board of Trustees of USNH has held the licenses to the stations of the New Hampshire Public Television Network (NHPTV Network). USNH established NHPB for the purpose of managing and operating the NHPTV Network and to support, promote and encourage public broadcasting within USNH and New Hampshire. USNH has served the residents of New Hampshire with programs from the Public Broadcasting Service and other program suppliers and produced local programs. USNH has served as the sole member of its subsidiary NHPB, and has conducted the affairs of its stations through NHPB.

On May 24, 2012, USNH and NHPB executed a Disaffiliation Agreement, which reconstituted NHPB as a New Hampshire nonprofit corporation no longer affiliated with USNH as of July 1, 2012. In its FCC Form 340, NHPB explains that in view of the withdrawal of state budgetary support for the New Hampshire public television stations as a function of the university system, NHPB will work as a nonprofit organization to continue the assignor's education program for the stations. NHPB argues that

grant of its waiver request will serve the public interest by continuing the network efficiencies that allow NHPB to provide public television service through a network that serves all of New Hampshire.

In its waiver request, NHPB argues that the satellite stations provide service in lightly populated and rural areas that could not possibly support the operation of independent full-service public television stations. WLED-TV serves Littleton, which is a town of about 6,000 residents at the edge of the White Mountains. WEKW-TV serves Keene, a community of about 25,000 residents near the Green Mountain National Forest. The waiver request before us states that the WENH-TV flagship station in Durham has housed the main studio of the network since the satellite stations started broadcasting over 30 years ago. The request further states that current station management will stay in place after the transaction is consummated, and that NHPB will continue long-term measures to address the issues and needs of the entire state network service area, including staying in touch with community leaders and monitoring local news stories throughout the state. Local programming will continue to incorporate material featuring the various regions of New Hampshire, including Keene and Littleton.

The Applicants also pledge that they will maintain a toll-free number through which Littleton and Keene residents can contact personnel at the Durham main studio in compliance with section 73.1125(e) of the Commission's rules. Further, consistent with section 73.3527(c)(2), local viewers will be able to request documents from the stations' public inspection files by telephone, as well as through direct inspection at the main studio or online at <http://stations.fcc.gov>.

*Discussion.* Section 73.1125 requires that each broadcast station operate a main studio either within the station's community of license, or at any location within the principal community contour of any station, whether AM, FM, or TV, licensed to that community, or within twenty-five miles from the reference coordinates of the center of the community of license.<sup>1</sup> Pursuant to Section 73.1125(c)(2), a licensee may request a ruling permitting it to locate its main studio outside of those locations. Although each such request by a noncommercial educational station is considered on a case-by-case basis, 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.<sup>2</sup> In order to obtain the waiver, an applicant must demonstrate that it will meet its local service obligations to satisfy the Section 73.1125 "public interest" standard.<sup>3</sup>

We conclude that NHPB has demonstrated that good cause exists to waive section the 73.1125 main studio location requirements and to allow WLED-TV and WEKW-TV to operate from the same studio as WENH-TV. The Commission has repeatedly recognized the efficiencies of centralized operations for noncommercial educational stations, and such circumstances are present here.<sup>4</sup> The importance of

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<sup>1</sup> 47 C.F.R. § 73.1125. Section 73.1125(a) provides that each AM, FM and TV broadcast station shall maintain a main studio at one of the following locations: (1) within the station's community of license; (2) at any location within the principal community contour of any AM, FM or TV broadcast station licensed to the station's community of license, or (3) within twenty-five miles from the reference coordinates of the center of its community of license as described in § 73.208(a)(1).

<sup>2</sup> See *Amendments of Section 73.1125 and 73.1330*, MM Dkt. No. 86-406, Memorandum Opinion and Order, 3 FCC Rcd 5024, 5027, ¶ 30 (1988).

<sup>3</sup> *Id.*

<sup>4</sup> See, e.g., *KMAS-TV, Steamboat Springs, Colorado*, 22 FCC Rcd 2183 (2007).

limiting the expenses necessary for network operations in small, rural, or remote communities, is particularly relevant to the NHPTV network and its satellite station facilities in Keene and Littleton. In addition, we find that local viewer concerns will be addressed by the additional measures that NHPB has pledged to implement – most notably the maintenance of a toll-free number; a governing board with geographic and community diversity; and incorporating state-wide developments in its local programming. Accordingly, pursuant to section 73.1125(b)(2) of the Commission’s rules, we also find that locating the main studio for the NHPTV network at WENH-TV would be consistent with the operations of stations WLED-TV and WEKW-TV in the public interest. Furthermore, we find that the applicants are qualified and that grant of the assignment applications would serve the public interest, convenience and necessity.

ACCORDINGLY, IT IS ORDERED that the request for a continuation of the waiver of 47 C.F.R. § 73.1125(b)(2) filed by New Hampshire Public Broadcasting to permit it to maintain the main studios for stations WLED-TV, Littleton, New Hampshire, and WEKW-TV, Keene, New Hampshire at the facility of WENH-TV, Durham, New Hampshire, IS GRANTED.

IT IS FURTHER ORDERED that the application for assignment of WENH-TV, Durham, New Hampshire, and associated licenses and permits, from the University System of New Hampshire Board of Trustees to New Hampshire Public Broadcasting, File No. BALEDT-20120709ACW, et seq., IS GRANTED.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau