

KXLC public
file CB/licenses

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November 4, 1998

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Mitzi Gramling, Esq.
Minnesota Public Radio
45 E. 7th Street
St. Paul MN 55101

Re: KXLC(FM), La Crescent, MN

Dear Mitzi:

As requested, this letter will summarize our conversation regarding the status of the main studio waiver for KXLC.

According to the FCC's files, MPR applied for the original construction permit for KXLC in 1988 (File No. BPED-880816MI). That application stated that a main studio would be located within the proposed station's city grade contour. The resulting construction permit contains no reference to the location of a main studio.

On October 10, 1990, MPR filed an application for a permit to change KXLC's authorized transmitter site (FCC File No. BMPED-901010IG). At that time, KXLC was unbuilt. The modification application also stated that the main studio would be located outside the city grade contour and, to justify a waiver pursuant to Section 73.1125 of the Commission's Rules, simply cited to the station's original construction permit file number (BPED-880816MI). No other support for a waiver was included in the application as filed. On May 30, 1991, MPR filed an amendment to the modification application, which included reasons for grant of a main studio waiver. On June 17, 1991, MPR again filed an amendment, as "requested by a member of the staff of the Commission's FM Branch," which provided further facts in support of a main studio waiver.

Mitzi Gramling, Esq.

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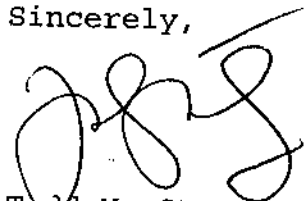
Nine days later, on June 26, 1991, the FCC granted the modification application and issued a construction permit. The permit does not reference the location of the station's main studio, or contain an operating condition that expressly grants a waiver of the rule. Our review of the FCC's files also did not uncover any separate letter order from the Commission granting a waiver. However, the FCC action granting the application necessarily is based on all the facts contained in the request. Accordingly, the records associated with the 1991 modification application support a finding that the FCC granted the main studio waiver for KXLC at that time.

After constructing the station, MPR filed an application for license on December 4, 1991. The license application does not refer to the location of a main studio, and answers in the affirmative that the "terms, conditions and obligations set forth" in the construction permit have been satisfied. The license for KXLC, however, identifies a studio address as being at same location as the transmitter, even though there is no factual basis in MPR's applications for the construction permit or license to support it. Thus, the main studio address identified on the actual license appears to be simply a ministerial error of the FCC.

In sum, although there is no reference on the original construction permit or a letter order from the Commission expressly granting a waiver of the main studio, our review of the application records shows that a waiver had been clearly requested by MPR, and apparently acknowledged by the FCC staff. The FCC's issuance of the 1991 modified permit therefore should be construed as approval of the construction of KXLC as proposed in the underlying application. Accordingly, no further requests for the FCC to approve the location of KXLC's main studio outside the city grade contour should be necessary.

Please call me if you have any questions.

Sincerely,



Todd M. Stansbury