

## Summary of Federal Communications Commission *Low Power Radio Reconsideration Order*



On September 28, 2000, the FCC addressed requests that it change the *Low Power Radio Order*. It took the following actions (the corresponding paragraphs numbers of the *Reconsideration Order* and/or rule numbers are in parentheses):

- **The FCC created a complaint procedure to address the remote possibility that significant interference occurs. (§ 73.810)**
  - o The process is available only in areas where interference is the most likely to occur—when an LPFM station operating on a third adjacent channel and its transmission facilities are located in inside the predicted 60 dBu contour of a full-power station. (§65)
  - o The process is initiated if the lesser of 30 individuals or 1% of the full power stations' audience complain to the full power or low power station within one year of the LPFM station's first transmissions. (§65)
  - o The low power station is specifically obligated to address any complaints. This means the low power station has the first opportunity to resolve the problem. It can provide low-cost filters to listeners, alter its transmissions, or even buy new radios for listeners. FCC field office staff will be available to facilitate resolving the problem. (§67)
  - o If the interference is not addressed, the FCC must resolve the problem within 90 days. The low power radio station has no liability and no financial obligation at this time. The FCC will be investigating to determine why there is interference even though the FCC believed it acceptable to issue the low power radio license. (§67)
  - o Depending on the outcome of the FCC's investigation, the FCC may alter or withdraw low power radio license if it cannot resolve the problem through another means. Thus, although there is a small chance the low power radio station will lose its license, it will not risk any financial penalty. (§67)
  - o For a more detailed question and answer format on the complaint process, please see "Summary of Complaint Process" by Romilda Crocama, Benjamin N. Cardozo School of Law, Yeshiva University, available at [www.mediaaccess.org](http://www.mediaaccess.org).
- **The FCC made some adjustments and clarifications to who may obtain a LPFM license.**
  - o Universities that have a full-power license that is not student-run will be eligible for a low power license for a student-run station if no other entity applies for that frequency. (§84, § 73.860(b))
  - o The ownership limit will not prevent public safety and transportation entities from

- obtaining more than one license if no other entity applies for that frequency. (§79, § 73.855(b)(4))
- o Each entity may only have one license during the first two years of the low power radio service. The FCC determined, however, that schools or universities with multiple campuses that desire LPFM stations for each campus may do so if they qualify under the same rules that apply to local chapters of national organizations. (§81, § 73.858(b))
  - o More than 20 percent of the ownership or control of an LPFM licensee may not be foreign -- in other words non-U.S. citizens. An applicant must be truthful with the Commission about its foreign control. (§89)
  - o The FCC maintained its rules with respect to previously unlicensed broadcasting. (§96)
  - o The FCC clarified that Indian tribes may apply for licenses. (§75)
  - o The FCC clarified that non-profit entities holding ITFS licenses may hold LPFM licenses (§77)
  - **The FCC made some changes that will protect current services and will reduce slightly the number of LPFM licenses available.**
    - o The FCC grandfathered all reading for the blind services. No low power radio stations will be authorized on a channel third adjacent to a radio reading service. This means that a few (2-3) applications may not be granted. (§24)
    - o New reading for the blind services will be taken into account when the FCC designates the next series of application windows for 10 watt stations. (§24)
    - o The FCC will revise the availability of frequencies so that noncommercial stations communities of license are protected if those communities do not fall within the 70 dBu contour. (§53)
    - o LPFM stations must protest all full service FM station applications currently on file. The FCC clarified that, for each filing window, the protected stations are those that were filed at least 30 days before the low power filing window opens. The 30 day period is measured from the date that the FCC releases the public notice announcing the exact dates of the low power filing window. Because of the delay inputting applications into the computer, this means that, as always, **low power applicants should re-check the frequency availability just before they file their applications.** (§35)
    - o The FCC made some highly technical changes with respect to stations near Channel 6 and near the Canadian and Mexican borders. (§ 73.807(g), § 73.825)

- **The FCC clarified its rules about educational programming and changed slightly its rules about locally-originated programming.**
  - o Some applicants were concerned that they would not be able to offer entertainment programming. The FCC clarified that noncommercial educational low power stations will operate under the same rules as current noncommercial stations. (¶74) Low power stations will be able to offer the same wide variety of programming that full-power stations currently offer.
  - o Locally originated programming will include only programming produced by the licensee within 10 miles of the antenna. If an event is more than 10 miles away from the antenna, but it is produced by the low power licensee, however, it will qualify as locally-originated programming under the point system. (¶98, 73.872(b)(3))
- **The FCC analyzed NPR's concerns and addressed them where appropriate.**
  - o Low power radio stations will be required to shut down immediately if a translator demonstrates that a low power station interferes with its input signal. (¶41, § 74.1203(a)(2))
  - o The FCC's conservative spacing criteria automatically places fewer low power stations in the non-commercial band only where there is room for them. (¶19)
  - o The nuanced sounds from "lightly processed" signals offered by many NPR affiliates are only detectable in the highest quality equipment—the equipment that will have no problem with low power radio signals. (¶20)
  - o This list contains only some of the many concerns raised by NPR at the Commission, for a full discussion, see the *Low Power Radio Reconsideration Order*.
- **In addition, the FCC reaffirmed some of its major decisions but made some small changes.**
  - o The FCC allowed public safety entities to use directional antennas, but did not allow them to use directionalized antennas to justify adding more low power radio stations to the spectrum. (¶49-50, § 73.816)
  - o The FCC will continue to allow low power stations on third adjacent channels, but will not go farther and allow low power radio stations on second adjacent channels. (¶¶7-22).

- o The FCC refused to license 1000 watt stations. (¶70)

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