



NEWS

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See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

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FCC TAKES ADDITIONAL STEPS TO IMPLEMENT THE LOCAL COMMUNITY RADIO ACT

Washington, D.C.: The Federal Communications Commission (FCC) today adopted a Fourth Report and Order and a companion Fifth Report and Order and Fourth Further Notice of Proposed Rulemaking to further implement the Local Community Radio Act (LCRA). The items help promote community radio through the licensing of low power FM (LPFM) and FM translator stations, advancing the LCRA and Commission goal of fostering localism and diversity in the radio landscape.

Fourth Report and Order. On July 12, 2011, the Commission released a Third Further Notice seeking comment on the impact of the LCRA on the procedures previously adopted to process the approximately 6,500 applications that remain pending from the 2003 FM translator window. The Fourth Report and Order adopts the market-specific translator application processing approach proposed in the Third Further Notice with certain modifications beneficial to both LPFM and translator proponents.

Among other things, the Fourth Report & Order:

- Sets forth a revised spectrum availability analysis that better identifies and protects areas with significant populations where LPFM service is most practical and sustainable;
- Gives translator applicants proposing to serve spectrum-limited areas an ability to demonstrate that their applications, if granted, would not preclude certain identified LPFM opportunities;
- Adopts a national cap of 50 applications and a market-based cap of one application per applicant per market for the most spectrum-limited markets, minimizing the potential for speculative licensing conduct; and
- Modifies the May 1, 2009, date restriction to allow pending FM translator applications that are subsequently granted to be used as cross-service translators.

Fifth Report and Order and Fourth Further Notice. As required by the LCRA, the Fifth Report and Order eliminates the third-adjacent channel spacing requirements applicable to LPFM stations. The Fourth Further Notice seeks comment on how to implement other provisions of the LCRA related to waivers of the second-adjacent channel spacing requirements, third-adjacent channel interference, and interference to the input signals for FM translators.

The Fourth Further Notice also recommends changes to the FCC's rules to help promote a more sustainable community radio service while preserving the technical integrity of all of the FM services. The Fourth Further Notice seeks comment on proposals to reduce the potential for licensing abuses and other proposals to promote a vigorous community radio service. These include:

- Elimination of the LP10 class of service and an increase of the maximum LPFM facilities in certain areas;
- An amendment of the eligibility rules to permit Native Nations to own and operate LPFM stations, an amendment of the cross-ownership and multiple ownership rules to assist Native Nations in establishing radio service to their members living on tribal land, and an addition of a Native Nation criterion to the point system used to select among mutually exclusive LPFM applications;

-- Revision of the cross-ownership rule to permit cross-ownership of an LPFM station and FM translator stations;

--Modifications to the way the FCC processes mutually exclusive applications;

- Revision of the established community presence and local program origination criteria
- Adoption of additional selection criteria
- Adjustment of the air-time reapportionment policy applicable when a participant in a voluntary time-sharing arrangement does not construct or surrenders its license after commencing operations

--Removal of the Intermediate Frequency protection requirements for LPFM stations operating with less than 100 watts effective radiated power; and

--An extension of the mandatory time-sharing applicable to certain NCE FM stations to the LPFM service.

Action by the Commission March 19, 2012, by Fifth Report and Order, Fourth Further Notice of Proposed Rulemaking and Fourth Order on Reconsideration (FCC 12-28). Chairman Genachowski, Commissioners McDowell and Clyburn.

Action by the Commission March 19, 2012 by Fourth Report and Order and Third Order on Reconsideration (FCC 12-29). Chairman Genachowski, Commissioners McDowell and Clyburn.

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