

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC

In the matter of:)	
)	
Amendment of Section 73.624(g) of the)	
Commission's Rules Regarding Submission of)	
FCC Form 2100, Schedule G, Used to Report TV)	
Stations' Ancillary or Supplementary Services)	
)	MB Docket 17-264
Amendment of Section 73.3580 of the)	
Commission's Rules Regarding Public Notice of)	
the Filing of Broadcast Applications)	
)	
Media Modernization Initiative)	MB Docket 17-105
)	
Revision of the Public Notice Requirements of)	MB Docket 05-6
Section 73.3580)	

MOTION FOR LEAVE TO FILE LATE COMMENTS

1. REC Networks ("REC") is a leading advocate for a citizen's access to spectrum with a heavy focus on the Low Power FM (LPFM) broadcast stations as well as full-service noncommercial educational (NCE) broadcast stations. We are requesting this *Motion for Leave* as a result of changed circumstances involving the Audio Division's recent "reinterpretation" of Section 311(a)(1) of the Communications Act (Act) to also include LPFM stations where it comes to the broadcast renewal over the air announcements and newspaper public notice requirements as outlined in Section 73.3580 of the Commission's Rules (Rules), despite the lack of language within those rules that have implemented them for LPFM stations.¹

2. On May 18, 2019, REC's Michelle Bradley, as well as other advocates in the LPFM service had received an informal e-mail from Albert Shuldiner, Division Chief of the Audio Division of the Media Bureau, in response to previous advice provided by REC to the LPFM community based on information provided to REC from another LPFM consultant and our interpretation of Part 73 that suggests that due to the lack of reference to Section 73.3580 in Section 73.801 of the Rules, that the public notice requirements for renewals and application activity does not apply to LPFM stations and for

¹ - 47 U.S.C. §311(a)(1), 47 C.F.R. §73.3580.

the 19 year history of LPFM, including a previous license renewal cycle, the Commission has never enforced the public notice requirement as it pertains to LPFM stations.²

3. Because of the historical interpretation of the Rules that the public notice requirements of Section 73.3580 did not apply to LPFM stations, this specific proceeding would have had, at the time of its ripeness, no impact on the LPFM service. Now with the recent statutory interpretation by Division staff that Section 73.3580 does apply to LPFM stations, it would be prejudicial at this time, to exclude LPFM interests from participating in this proceeding given this sudden shift in the regulatory climate.

4. For this reason, it is REC's position that the Commission should accept REC's comments as timely filed in this proceeding, due to the fact that because of staff's reinterpretation of the regulation and statute, another radio service, that was not represented in this proceeding in the past is now being impacted by the outcome of this proceeding, it would only be fair to accept additional comments from others representing LPFM interests such as the LPFM Coalition, Prometheus Radio Project, Common Frequency and the National Federation of Community Broadcasters should they desire to participate.

5. In the long run, it is our hope that the Commission bring up the implementation of §73.3580 in the LPFM service with a full and complete record either through a *Further Notice of Proposed Rulemaking* in this proceeding or through a future *Notice of Proposed Rulemaking* in a new proceeding.

6. Based on the facts made in this pleading resulting in changed circumstances in the overall proceeding, REC requests leave to file late comments in the above captioned proceeding.

Respectfully submitted,

/S/

Michelle Bradley, CBT

Founder

REC Networks

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May 20, 2019

² - See emails from Albert Shuldiner to Michelle Bradley, received May 17, 2019 at 10:26AM, 10:58AM, 11:48AM, and 4:49PM, all Eastern Daylight Time; see also 47 C.F.R. §73.801.