

*Before the
Federal Communications Commission
Washington, DC 20554*

In the Matter of)	
)	
Reexamination of the Comparative Standards and)	MB Docket No. 19-3
Procedures for Licensing Noncommercial)	
Educational Broadcast Stations and Low Power)	
FM Stations)	

COMMENTS

The Law Office of Dan J. Alpert hereby submits brief comments with regard to the Commission's proposal for procedures with regard to low-power FM stations.

I am in agreement that the FCC should make very clear to new applicants their obligations with respect to site assurance. NPRM ¶¶ 73-75. However, the FCC should take it one step further. As was the case at one time with full-service broadcast stations, LPFM applicants should state the contact person with whom they dealt in acquiring site assurance. They also should provide contact information for that person (*e.g.*, email and telephone number). This will allow the FCC and other applicants to check the nature and extent of the reasonable assurance that ostensibly has been acquired.

With regard to other application matters, the FCC should make clear that in designating the use of a local studio for purposes of point enhancement, that reasonable assurance of the availability of a specific studio site, *i.e.*, the rental of office space, should *not* be required at the application stage. The application process could be lengthy, and the time to construct the studio facility may be as long as an additional three years. Commercial real estate owners do not put "holds" on commercial office space for these sorts of periods of time. It should be enough that a

licensee state a commitment to establish a local studio within the community and within the requisite distance from the proposed station's transmitter site – a commitment from a office owner, however, should not also be required.

Third, the FCC should finally clarify in its instructions what “addresses” it wants listed for individual principals – “mailing” addresses (which may or may not be the same as the corporate address for an applicant), or “residence” addresses (where the principals actually resides). A great deal of confusion existed in the last LPFM window with respect to this matter. Similarly, the FCC should make clear in the instructions for FCC Form 318 that under Commission precedent, valid non-profit incorporation in *any* state is permitted in the filing of an LPFM application -- incorporation specifically within the state where the station will operate is not required. This also was a matter of a great deal of unnecessary verbiage and litigation in the last LPFM window, which can be eliminated by making this matter clear in the instructions.

Finally, I agree that the construction period for LPFM stations should be expanded to a full three year period.

WHEREFORE, it is respectfully requested that these Comments be accepted.

Respectfully submitted,

**THE LAW OFFICE OF DAN J.
ALPERT**

By: ____/Dan J. Alpert/____

Member

May 20, 2019