

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Amendment of Parts 73 and 74 to Improve the)	MB Docket No. 19-193
Low Power FM Radio Service Technical Rules)	
)	MB Docket No. 17-105
Modernization of Media Regulation Initiative)	

Filed electronically in ECFS

PETITION FOR RECONSIDERATION

Todd Urick and Paul Bame (previously commenting under “LPFM/NCE community-radio engineer advocates” or “LPFM Advocates”), with Peter Gray (KFZR-LP), Makeda Dread Cheatom (KVIB-LP), Brad Johnson (KGIG-LP), David Stepanyuk (KIEV-LP), and Andy Hansen-Smith (KCFZ-LP) (combined here as “LPFM Commenters”) hereby seek reconsideration of the Report and Order (“LPFM R&O”), MB Docket No. 19-193, released on April 23, 2020, and published in the Federal Register, June 11, 2020, 85 FR 35567, effective July 13, 2020.¹ Petitioners are established advocates and engineers for Low Power FM/NCE stations, and/or Low Power FM operators that have previously participated in commenting within this rulemaking. Reconsideration is sought because certain reasoning presented for rule change -- or lack of rule change -- within the LPFM R&O is not supported by fact or record, and/or is arbitrary and capricious.

¹ This Reconsideration is considered timely filed as 30 days falls on a weekend.

FCC DID NOT ACKNOWLEDGE REPLY COMMENT OF *LPFM ADVOCATES* THAT DEMONSTRATED FCC’S REASONING SUPPLIED FOR NOT PURSUING LP-250 WAS NOT SUPPORTED BY FACT, THE RECORD, COMMENTERS, OR CURRENT CIRCUMSTANCES. FCC DID NOT ADDRESS NUMEROUS COMMENTERS SENTIMENT REGARDING THE SUBJECT.

Within LPFM R&O, page 3, paragraph 3, FCC states “in the NPRM, the Commission tentatively rejected proposals that it believed would too greatly alter the simplicity of the LPFM service, such as proposals to increase maximum power levels for LPFM stations to 250 watts from the current maximum of 100 watts. The Commission noted that it previously declined to increase LPFM power and that there had not been subsequent changes warranting a different result.”² The FCC also states in LPFM R&O, page 15 paragraph 36 “We continue to believe that REC’s proposal in the Petition and its comments that the Commission establish a new class of LPFM stations LP-250 conflicts with the LCRA, would complicate LPFM licensing, and is inconsistent with Congress’s and the Commission’s intent when establishing the LPFM service.” This entire premise is non-factual. Within the Reply Comments of *LPFM Advocates*, the commenter dissected and analysed this reasoning to show the FCC’s position was not supported by the record or fact. Because the FCC did not address LPFM Advocates’ Reply Comment, that information is posited here for the FCC to properly address.

In the LPFM R&O, the FCC re-uses justifications from within the LPFM Notice of Proposed Rulemaking without acknowledging LPFM Advocates’ Reply Comment disproving the NPRM’s reasoning against pursuing LP-250. Within the NPRM, *footnote 15* (page 3) outlined the Commission’s justification concerning not taking up the LP-250 issue at the current time.³

² Notice of Proposed Rulemaking, MB Docket No. 19-193, 34 FCC Rcd 6537 (“NPRM”).

³ See NPRM, bottom of Page 3.

Reviewing the FCC's rationale, it does not present an argument against LP-250. Reading from *footnote 15* from the NPRM:

Point 1: Fallacy concerning simplicity of rules over efficacy of LPFM coverage.

Such changes would alter the simplicity of LPFM licensing, and REC provides insufficient support for adding such complexities to the LPFM licensing process.⁴

This assumption is based upon a facile interpretation of minimum spacing methodology. The Commission originally chose a distance-spacing regime over contour-based engineering regime to allow LPFM applicants to execute their own applications without an engineer. First, it is widely viewed by LPFM engineering consultants that many LPFM applicants do not execute their own engineering anymore due to the complexity of second-adjacent waivers (U/D and custom antennas), translator input channel checks, environmental radiation calculation (co-location), reading service check, co-location requirements, TOWAIR, etc. Second, ask any broadcast engineering consultant, and they would gladly muse that it is much easier to find a workable broadcast location for **a translator** than an LPFM. The inflexibility of LPFM spacing methodology, and unsuitability of co-locating at market-center or regional consolidated broadcast sites (short spacing to site, too far away, HAAT too large, etc) often leads engineers to request that the LPFM licensee's volunteers knock on doors at private residences to find possible backyard tower sites. From there it is an uphill battle dealing with municipalities, HOAs, and neighbors to allow towers in residential areas. The process is roughly fifty times more nerve wracking than providing engineering services for a translator client, where contour methodology provides flexibility and wattages that allow simple and effective engineering strategies from available, rimshot, and shoe-horned/directional-antenna sites.

⁴ Footnote 15, NPRM, Page 3.

The Commission's *LPFM simplicity statement* in modern context effectively insinuates "An LPFM operator would rather live with unsustainable coverage 365 days a year than pay an engineer \$500 to submit an LPFM application that is more complex than just obeying minimum spacing." No LPFM operator would opt for this *application simplicity regime* over a radio channel that *actually works*. LPFM licensees would gladly accept the complexity of contour engineering if more efficient and effective signal solution could be found. The trade-off concerning *the simplicity of the distance-spacing regime* frequently pushes LPFM applicants into inflexible, burdonous, expensive, and ad hoc or temporary solutions that often provide results much poorer than the options translators have at their disposal.

Point 2: Previous proceedings did not rule-out LP-250

...the Commission has previously declined to authorize LPFM stations with powers exceeding 100 watts, and REC does not present evidence that those decisions were incorrect, nor does it cite to changes since those decisions warranting a different result.⁵

The Commission cites two references to support this statement. The first reference, the *LPFM Sixth Report and Order*, specifically contemplates LP-250, **but the *Order* did not reject LP-250**. The FCC recognized that LPFM commenters "cite benefits including improved LPFM station viability through better access to underwriting, more consistent signal coverage throughout the community served by the LPFM station, and the ability to serve areas of low population density and/or more distant communities."⁶ However, full power broadcasters objected to the addition of LP-250. Because of this contention, the FCC wrote in conclusion that it believed "**the issue of increasing the maximum facilities for LPFM stations requires**

⁵ NPRM, Footnote 15.

⁶ Para. 205, Creation of a Low Power Radio Service and Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, *Fifth Order on Reconsideration and Sixth Report and Order*, 27 FCC Rcd 15402 (2012) ("Sixth Report and Order").

further study.”⁷ To us, this is interpreted that the Commission shall release an official further rulemaking notice requesting input on the matter at a later date, as confirmed by the Audio Division staff at that time in ex parte communication. This never materialized. In the second reference, the Commission makes reference to denial of a 1000 watt LPFM service. This reference is misrepresentative of the issue at hand. A 1000 watts proposal is much different than a 250 watt service. The 250 watt service proposed for LPFM is less in total coverage than translator 250 watts service. It is thus well within the confines of coverage of a currently-licensed secondary service signal.

Point 3: LP-250 is not in conflict with the Local Community Radio Act.

*We also are not convinced that REC’s proposed use of a contour analysis method, which the Petition refers to as the “Section 73.815 Regime”, is compatible with an LCRA prohibition on reducing minimum distance separations between LPFM and full-service stations. Petition at 1, 14-19; See LCRA, section 3(b)(1). REC attempts to comply with that requirement by using a spacing table in effect when the LCRA was adopted, but the smaller separations in that table were intended for 10-watt (LP10) stations whereas REC seeks to apply it to 100-watt (LP100) stations. We do not accept REC’s premise that such a result is permissible.*⁸

While the Commission may not accept REC’s specific proposal regarding prescribed tables, the Commission **has previously assessed the opposite sentiment concerning LP-250** in relation to the minimum spacing restrictions stipulated within the Local Community Radio Act (“LCRA”) within the LPFM rulemaking, specifically when citing LP-250:

*We note, however, that the LCRA does not contain any language limiting the power levels at which LPFM stations may be licensed. We also find unpersuasive NAB’s and NPR’s reliance on certain statements in the legislative history. These statements merely describe the rules governing LPFM service at the time Congress was considering the LCRA.*⁹

⁷ Para. 206, *Ibid.*

⁸ NPRM, Footnote 15.

⁹ Para 206, *Sixth Report and Order.*

Furthermore, the FCC only makes reference that it disagrees with REC's RM-11810 proposal to use LP-10 spacing ("REC attempts to comply with that requirement by using a spacing table in effect when the LCRA was adopted, but the smaller separations in that table were intended for 10-watt"), and does not comment on REC's RM-11749 LP-250 proposal which does not advocate the same regime as RM-11810. The Commission may disagree with a specific REC proposal, but **the FCC is not precluded from pursuing LP250 as a result of language within LCRA**. Moreover, the Commission does not address RM-11749, and does not appear interested in soliciting other proposals.

Point 4: The reference to LCRA Section 5(3), as cited, is not really pertinent in precluding any LP-250 proposal.

Finally, we do not revisit the Commission's prior conclusions about LCRA language describing LPFM stations and FM translator stations as "equal in status." See LCRA § 5. See Petition at 1-2, 12, 15, 20, 26; see, e.g., Prometheus Comments at 2; LVPR Comments at 1; LPFM-AG Comments at 3-4. The Commission has understood this language as limited in scope, simply requiring priority neither to new LPFM stations nor to new FM translators when making spectrum available for initial licensing. See Sixth R&O, 27 FCC Rcd at 15422, para. 59. In this way, applications in one service will not foreclose or unduly preclude opportunities to file applications in the other. Id. As the Commission has stated, however, nothing in the LCRA's "equal in status" language requires licensed LPFM and FM translator stations to operate under identical rules. Id. at 15426, n.139. REC and commenters in the present proceeding contend that the statutory language is subject to interpretation and would support broader actions to bring about further "equality" between LPFM and FM translators but provide no evidence that the Commission's stated understanding of the "equal in status" language differs from Congressional intent or is unreasonable. E.g., Petition at 10-14; LPFM-AG Comments at 3.

In the above the Commission is referencing LCRA Section 5(3) ("equal in status"). Even if 5(3) did not directly support LP-250, **that does not logically preclude the possibility of a LP-250 service**. But beyond that, LP-250 may not be a Section 5(3) issue, but is relevant to Section

5(1) and 5(2) issues. Within a recent *Petition for Reconsideration* submitted concerning a new translator construction permit grant for K298DG Modesto, California, a petitioner supplies incontrovertible filing statistics to demonstrate a failure of Section 5 structural limitations within previous AMR translator filing windows.¹⁰ Contravention of Section 5(2) presents a foreclosure on future LPFM filing, which is difficult to undo because future LPFM channel availability is depleted. The Commission has stated “the LCRA necessarily requires the Commission to make choices between licensing new LPFM and translator stations in some cases, given that the two services compete for the same limited spectrum. Making such choices based on the overall spectrum available to each service does not ‘favor’ one service over the other.”¹¹ An easily-accessible rulemaking to defray some of the Section 5(2) violation may be to opt for LP-250 service solution.

It could be seen that the Commission’s reasoning within the points presented above do not supply an adequate rationale for denying LP-250 within this docket. There is substantial reasoning in support of the Commission extending the solicitation of comments from the public concerning such a service:

¹⁰ Pages 18-19 of *Petition for Reconsideration* regarding K298DG (filed in CDBS) demonstrated that the FCC did not ensure any non-reserved band within a sampling of eight radio markets, showing translators outnumbered LPFM ten to one in central cities. LCRA Section 5(2) directs the Commission to reserve LPFM channels per the needs of these community (as LPFM was determined to be the need within central city, urbanized areas). “[T]he Commission’s primary focus in effectuating Section 5(1) must be to ensure translator licensing procedures do not foreclose or unduly limit future LPFM licensing” and “to account for the present disparities between the two services.” (Para 17, *Creation of a Low Power Radio Service, Fourth Report and Order and Third Order on Reconsideration*, 27 FCC Rcd 3364 (“LPFM Third Order”). The LCRA, as written, directs “[e]nsuring availability of spectrum.”

¹¹ *Ibid*, *LPFM Third Order*.

(A) The LPFM Report and Order stated that LP-250 “required further study.”¹² That infers that the Commission’s intention was to open a proceeding to solicit various LP-250 proposals for all stakeholders to contemplate.

(B) RM-11749 garnered substantial input -- over 500 commenters. This demonstrates considerable public interest in this matter.

(C) LPFM has local public service stipulations far above full power FM, AM, and translators. Preservation of LPFM coverage is a keystone within broadcast localism, and the last vestige of Communications Act-stipulated Section 307(b) transmission service. LPFM serves the public interest in aspects that other services do not. LPFM services...

- (1) were created to foster a program service responsive to the needs and interests of small community groups, particularly specialized needs.
- (2) require the licensees to be local.
- (3) have community presence.
- (4) require a locality pledge.
- (5) have strict ownership restrictions.
- (6) have sharetime rules.
- (7) expand ownership diversity.
- (8) if granted via LPFM points, is the only service requiring a local studio -- the only service required to uphold Section 307(b) transmission service.
- (9) have limited coverage.
- (10) have limited resource constraints (fundraising from enough population to make station viable, volunteering, business underwriting)
- (11) have non-commercial educational missions.
- (12) are “uniquely positioned” (as in, translators do not have these qualities for this specific area of use), to “meet local needs” in areas of “higher population density”, i.e., city centers.¹³

¹² Para 206, *Sixth Report and Order*.

¹³ LPFM service was created “to foster a program service responsive to the needs and interests of small community groups, particularly specialized community needs that have not been well served by commercial broadcast stations.” Numerous LPFM service and comparative licensing criteria are designed to promote these goals. These criteria include a requirement that licensees be local, a licensing preference for those applicants with an established community presence, and a licensing preference for

(D) LPFM operators have expressed service deficiencies that impede sustainability and curtail listener reception within their 60 dBu contours. For other audio broadcast services -- FM, AM, and translator -- the Commission has offered coverage relief: The FCC has offered a rulemaking for Class C4 service to improve upon Class A commercial radio service, has recognized the technical operating difficulties concerning *AM radio service*, offering a Revitalization Docket dedicated to assistance including *four translator filing windows* for AM licensees (including a 250-miles cross-service translator relocation, and new translators),¹⁴ has approved usage of *Mattoon Waivers* for moving AM cross-service translators,¹⁵ expedited Docket 18-119 that liberated carte blanche same-band translator channel changes and greater protection from interference challenges to AM cross-service translators,¹⁶ and recently released MB Docket No 19-311 concerning AM digital broadcasting. **There is no reason why the Commission should not extend at least half that effort for assisting LPFM service**, considering LPFM...

- (1) with preference of urban coverage, has had difficulties in penetrating walls (several comments on this docket)
- (2) has difficulties overcoming HD interference within their 60 dBu (e.g., KGIG-LP re: KNCI, KZHP-LP re: KFBK)
- (3) has difficulty overcoming full power rimshot or grandfathered high-power interference an (KFFP-LP, KMCQ-LP, see *Reply to Petition for Reconsideration* regarding K298DG Modesto, California)

those applicants that pledge to locally originate at least eight hours of programming per day. In addition, ownership restrictions and time-share rules necessarily result in expanded ownership diversity. Based on these factors, we find that LPFM stations are uniquely positioned to meet local needs, particularly in areas of higher population density where LPFM service is practical and sustainable". Para. 18, *LPFM Third Order*.

¹⁴ Revitalization of the AM Radio Service, MB Docket 13-249.

¹⁵ See See John F. Garziglia, *Letter Decision*, 26 FCC Rcd 12686 (MB 2011)

¹⁶ *In Matter of Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*. MB Docket No. 18-119.

- (4) has difficulty against fil-in translators extending a 60 dBu Longley-Rice signal into their 60 dBu (e.g., KBQS-LP, KUTZ-LP prior to changing channels, KIEV-LP).
- (5) geographic anomalies or water bodies elevating the HAAT to restrict wattage that is not robust enough (e.g., KHUH-LP, KCPK-LP)
- (6) has limited availability of broadcast sites at lower elevations that require co-location at higher elevation broadcast sites with single-digit wattage (which cannot fend-off any incoming interference (e.g. KISN-LP 2 watts, KOWS-LP 3 watts)
- (7) can be susceptible to tropospheric ducting (e.g. KZNQ-LP)
- (8) can sometimes not have channels directly available within the target coverage community due to minimum spacing issues, and is forced to broadcast from the side of the community with poor coverage back into the community (e.g.KOCF-LP, KGIG-LP, KOLP-LP [R.I.P])
- (9) has difficulty covering spread-out rural communities, where the LPFM station can be the only locally-manned broadcast outlet to provide public information regarding local emergencies.

Given the above, we are compelled to ask the Commission:

(A) There does not seem conclusive reasoning to not consider a LP-250 service.

What is impeding the previously-dictated “further study” regarding the issue?

(B) The Commission has vastly assisted in relief concerning AM broadcasters failing coverage. Shouldn't commensurate effort be extended to ameliorating LPFM coverage issues?

(C) There is certainly a demand for relief concerning LPFM interference/under-power concerns within the station's 60 dBu contour of many LPFM stations.

Commenters, for example state: “Folks who live and work within heavy brick or concrete buildings have reported difficulty receiving our broadcast as have folks who live in areas shadowed by higher terrain” (Comment of Sharon M. Scott), “...terrain issues to our south and west where the signal in some places is almost lost completely one mile from

the antenna. It would also help with building penetration which in some places in our immediate broadcast area is spotty at best.” (Comment of Kevin Fodor), “100 watts is poor building penetration” (Comment of Valley Free Radio LLC). “LP-250 would be able to penetrate building structures” (Comment of Steven L. White) “[T]here is no reason this [LP-250] cannot be considered at this time.” (Comment of Jeff Silbert). Jose Garcia encourages use of LP-250 so it “can be heard inside my house”. Peter Salisbury of KUZU-LP comments that “two co-channels provide interference within the KUZU-LP 60 dBu contour for which a power increase would help [KUZU-LP]”. Betty Cortis of WXOJ-LP comments, “As both height and wattage affect signal contour, but wattage alone affects signal permanence through objects and buildings.” Bernardo J Mora of KGCE-LP comment that KGCE-LP “struggle[s] to even reach our 60dBu contours because of co-channel interference from distant stations.” Len Doughty of KPGC-LP concludes LP-250 would provide greater rural penetration. Comment of Daniel Slentz states it would “improve signal penetration into local buildings.”

(D) There is no “increased interference to full power station protected contour area” argument to limit LP-250. LP-250 would simply be limited by the same contour rules already abided-to and sanctioned by full power stations and NAB. We are not clear on the Commission’s argument regarding this.

(E) Within the LPFM R&O paragraph 36, the FCC states “The Commission has already taken action to improve LPFM signals by allowing them to apply for consent to rebroadcast their signals over FM translators.” The FCC has always allowed rebroadcast of the LPFM signal via translators from inception. Furthermore, the FCC

has never opened a filing window for FM translators for LPFM-rebroadcast since Low Power service has existed. This is not considered a legitimate action taken by the FCC to improve LPFM signals.

(F) Within the LPFM R&O paragraphs 38-41 the FCC rejects REC's RM-11810 proposal to use LP-10 spacing (from NPRM: "REC attempts to comply with that requirement by using a spacing table in effect when the LCRA was adopted, but the smaller separations in that table were intended for 10-watt") and "subsequent ex parte filing." But the FCC does not contemplate REC's RM-11749 proposal. Furthermore, the FCC could quite simply just allow LPFM services that pass LP-100 spacing to show interference compliance with 250 watts using a contour interference demonstration. FCC already permits LPFM use of FCC contours for second adjacent interference demonstrations. As stated above, the FCC has stated "LCRA does not contain any language limiting the power levels at which LPFM stations may be licensed,"¹⁷ and *Point 1*, above, readily demonstrates the "simplicity" of *distance spacing* is not any type of logical rationale or scientific-based argument. There is nothing within the FCC rulemaking record, within the Local Community Radio Act, or interference-concern-related that hinders the FCC from pursuing this.

Furthermore, Reply Comments from Brad Johnson, Andy Hansen-Smith, Peter Gray, Makeda and Dread Cheatom, also carefully outlined reasoning for a LP-250 service. The FCC did not adequately address this subject matter as a whole for the breadth of reasoning provided by commenters. We ask the Commission to fairly address this issue.

¹⁷ *Supra*, note 9.

QUESTION CONCERNING JUSTIFICATION FOR “PROOF OF PERFORMANCE” FOR LOW POWER FM DIRECTIONAL ANTENNAS.

Within the LPFM R&O, the FCC allows LPFM to pursue usage of directional antenna, but a proof of performance demonstration is required to ensure interference protections. This stipulation is not for directional antennas stipulated for second-adjacent channel protection or Mexican or Canadian station protection. The question is, does it make any engineering sense to require a proof of performance to ensure protection to a full power station when the LPFM station already abides by minimum spacing rules, and the directional antenna’s pattern by design and physics -- can only limit power in that direction from its maximum power? In other words, an omnidirectional pattern using 100 watts requires no proof of performance, but a pattern that radiates 30, or 60, or 80, or 5 watts towards a hypothetical full power station *requires* a proof of performance. There is no scientific basis for this stipulation. It is simply bureaucratic legal language -- the type of rule *Modernization of Media Regulation Initiative*, ironically, is supposed to be streamlining. The LPFM R&O states:

The primary concern of commenters opposing directional LPFM operations is interference. We find, **however, that those concerns are largely unfounded because LPFM stations operating directionally would still be secondary and subject to the same minimum spacing and maximum power requirements as non-directional stations. Directional stations would simply gain the flexibility to *diminish* power in one or more directions.** As a general matter, we do not require LPFM stations applying to use directional antennas to perform and submit a proof of performance study prior to installation. However, as discussed below, in the case of directional antennas that are used to protect other broadcast stations where there are no other provisions in our rules that would establish appropriate protections for those operations, we will require the LPFM station to perform and submit a proof of performance study. [bold added for emphasis]¹⁸

¹⁸ Paragraph 10, LPFM R&O.

The FCC first supports this scientific logic (in bold). Then, it does a 180 in the second half of the paragraph, and without any scientific reasoning deems that additional protection is needed.

Why does a fully-spaced station, opting to broadcast under 100 watts towards the direction of a full power station, require a more stringent process than one using the full 100 watts? Unless there is an interference concern rooted in engineering theory, the FCC should not pursue making a rule just to make a rule. Directional antennas are expensive to proof (several thousands of dollars).

TYPE “ACCEPTED” VS. TYPE “CERTIFIED”: IT IS ARBITRARY AND CAPRICIOUS AND UNEQUAL TREATMENT TO HAVE LPFM HAVE DIFFERENT RULE REQUIREMENTS IN NAME BUT WITH THE SAME TECHNICAL STANDARD.

Commenters seek amendment or clarification of Section 73.1660(a), which requires LPFM transmitters to be “certified” but in another requires translator and full power transmitters to be “accepted” or “verified. The actual underlying technical demands are the same. The FCC provides no scientific reasoning for one FM station class to use one regime, and others to use another. The FCC attempts to dredge some type of non-scientific reasoning in paragraph 56 of the LPFM R&O:

The reason that there are two paragraphs in section 73.1660(a) is that LPFM transmitters must be specifically certified for LPFM use. Not all “type accepted” equipment, including that which may be used in full-power FM broadcasting, is suitable to operate at the lower parameters in the LPFM service.

So the reason to continue the distinction of certified and accepted is not all type accepted equipment is suitable to operate at the lower parameters in the LPFM service. “Lower parameters?” Does this mean lower power transmitters have more interference capacity than

higher power transmitters? In what universe? Instead of long debate on this matter, we might look at current examples of licensing:

100,000 watt full power station	type accepted
100 watt full power station	type accepted
100 watt LPFM	type certified
250 watt FM translator	type accepted
10 watt LPFM	type certified
5 watt FM translator	type accepted
1 watt full power station	type accepted
10 watt Class D NCE	type accepted

There appears to be no conformity in transmitter type along the lines of wattage for any category.

Our major concern is that a LPFM station is forced to buy a new transmitter rather than economically and sustainably recycle a used transmitter from a full power station -- that might have standards exceeding the type certification. There is no reasoning presented by the FCC of why a finely-crafted type-accepted BE, Harris, or Continental transmitter made in the 1990's -- the same used for FCC licensed Full Service FM, FM translators, and Class D FM stations -- cannot be used for a Low Power FM station. The reasoning is arbitrary and capricious, and equates to unequal treatment. Given most reputable broadcast transmitter manufacturers now sell transmitters badged for both standards at lower wattages, there are many professional broadcast transmitters made prior to the "certified" designation that should be able to be utilized by Low Power FM licensees. The FCC might contemplate an accommodation concerning this.

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