There is an assumption, which is by no means a given, that the government is actually interested in promoting or maintaining a viable LPFM service. The FCC is not unlike other federal agencies, in that it is mostly directed in its policy-making by the industry it is supposed to regulate, and the industry, writ large, has little interest in LPFM radio.

The industry, which not that long ago, despised translators, has now discovered their use, so they are now “all in” on them. For the FCC, the lowly translator has become the all-purpose “fix-it” tool for their previous mistakes. Whole southwestern towns with no FM radio? Bring on ten translators. Save FM HD from its market-deserved death? Allow them to have analog translators, and require that the moribund HD signals be maintained. Do something about the FCC’s failure to act for decades on AM’s myriad of problems? Sure…give them all FM translators, and require the AM’s to keep sucking electricity. Now the FCC even has rules to fix the broken LPFM category (broken by them) by letting LPFM’s have translators, though there will likely never be a filing window for this to happen. Not to mention the rules have been intentionally sabotaged for their use by LPFM’s by requiring them to mostly duplicate the LPFM’s coverage area. Most LPFM operators, I suspect, would rather operate a single, viable facility than be paying rent on additional sites to serve areas they could serve already without the absurd power and height limits. This bit of stupidity should even shock other facilities who would want translators. Were a filing window to ever happen, an LPFM station would possibly use three frequencies to serve what they could serve with one.

HD translators are absurd and obscene, but their use for AM is probably about all that can be done at this point in time. It does need to STOP being called “AM revitalization,” however, because it isn’t. *It is AM replacement*; and as we sit here today in 2018 everyone knows that we are only a few years away (maybe less) from some station or group filing something to keep their FM translator(s) and shut off the AM’s, pleading some “hardship” excuse. (Translated: “We can build 30 $200,000 houses on 5-tower DA site.”)

So enter the LCRA and the plain English requirement that LPFM and translators be treated equally with respect to allocation. It is clear that those influencing the FCC never had any plans to take Congress seriously on this issue. Right now, no one is watching the watchers, but hopefully, this is not permanent. Those of a certain age may remember “the rules update” services, where every month or 90 days, subscribing stations would get new pages for their existing rules binder, sometime with whole paragraphs or pages of former rules eliminated with red lines through the text. That’s what should have happened to the 73.800 technical rules for LPFM after the LCRA. *The translator rules should have been re-named the “translator-LPFM” rules, end of story.*

That result is in the direction of what Ms. Bradley is proposing, though less boldly, and with some differences. Raising the power levels to 250 watts seems a no-brainer, which the FCC probably would have done before the last filing LP window, were it not for threats from certain quarters to stop the window if it included LP-250. The FCC’s comments vis-à-vis viability are fairly clear on this in their last Report & Order before the window. The current LPFM power requirements have so-called “buffer zones” built in, from before the industry’s “We Love Translators” era, and when the 2nd and 3rd adjacent interference “big-lie” was still being promulgated. So changing the 100-watt level to 250-watts would do nothing but put a less than the 2 km “dent” in the still ridiculous buffer.

Ms. Bradley’s work is highly competent, and her contributions to the cause of LPFM should be respected and commended. There are, however, some areas where she misses the mark, or doesn’t go far enough. Since Ms. Bradley brought the vision of former FCC Commissioner Bill Kenard, I will continue this thought. To refresh, Mr. Kenard proposed 1000W@30m, commercial LPFM’s. Bill Kenard did not go to bed at night lamenting the fact that there weren’t enough non- or barely- viable noncommercial radio stations in the world; he was reacting to the then-new consolidation of the radio industry. Ms Bradley is right that he loved local radio; but what he loved *were local, viable commercial operations* that would compete in the market, provide credible service, provide employment, and in general participate in the commercial and public service life of the community. To the entitled industry, of course, this seemed like “competition”… you know that thing politicians of a certain stripe love to crow about when extolling the virtues of free enterprise and “America,” but what their contributors fight like mad against behind the scenes. So we are left with what we have, in which only a few LPFM radio stations are in a position to find a niche and provide reliable service.

Ms. Bradley, and to a certain extent Prometheus, often seem like protectors and coddlers of the non-viable, the incapable, and the incompetent. The emphasis on “localism” is a case in point. There is a constituency out there for all things “local” –local food, local music, local retail- which is all well and good. However, the proponents of “local food” don’t have a problem with the farm being a few exits up the interstate. The “local music” people don’t consider musicians from another neighborhood non-local. The kind of “local,” (or to use Ms. Bradley’s term “hyper-local”) that she seems to support is a death-sentence for a radio station. If a station can be received at your home, but not at work, where your daughter plays soccer, but not where you get your car fixed, you have radio station that won’t work. If a station is so “local” that a local school district isn’t interested in having the station broadcast its sports play-by-play (I am talking about eastern, suburban districts, not ones in Wyoming bigger than Rhode Island), then something is terribly wrong. The 250-watt power level will help only a bit with that….

But other recommendations seem to trend in the wrong direction. There should be more, not less, flexibility in transfer of ownership. Neither Ms. Bradley or the FCC seem to be able to get this right. In commercial radio, we now have less than 10 bloated (and often bankrupt) fish circling the barren pond, having devoured all their smaller competition. (Note there are full-power, non-commercial analogs to this scenario.) But for LPFM, we need these Stalin-esque rules to prevent some sort of trafficking in LPFM radio stations… Really? As Ms. Bradley says repeatedly, LPFM is a maturing service. To me, that means that a modest amount of capitalism to allow stations to transfer from the incompetent and/or unable to operators willing and able to provide service can’t help but be a good thing. Anybody with even a passing familiarity with LPFM operators in general knows that *some* of them should, at a minimum, not be discouraged from maybe finding new businesses that don’t require RF spectrum to fail in, taking their “format” of sitar music and birdcalls to the internet, and letting somebody else give it a try.

In closing, I want to again emphasize to anyone reading that I am not unaware that under the current state of things, no one in Washington has much interest in seeing LPFM succeed as a service. But if things changed, these are some things which would in fact re-vitalize the service in same way translators are reviving AM now.

1- Right in front of our faces is how LPTV got saved: ***Establish Class A LPFM.***

After a few years of LPTV failure (cameras trained on aquariums and the like),

Class A LPTV was established, and voila, useless LPTV’s became useful. Class

A LPFM would have the status of *fill-in* translators, and *not* be “protected” by

the various EAS, public file, and other rule carve-outs so-called LPFM

advocates have established. The “main-station” contours from fill-in translators

would not exist, so some other reference (average 60dBu contour of facilities

within 10km?) would need to be established.

2- Allow operators to choose commercial or non-commercial status. There are

several non-profits around the country operating commercial stations. As long as

the proceeds serve the “non-profit” purpose, there is not the first IRS problem

with this. This is a viability issue: Substantial listener support usually requires a

substantial coverage area, which is not likely under even the brightest scenarios.

Commercial spot sales, especially for language or other minority stations, could

provide support. A lot of this is already happening under the guise

“underwriting.” Removing this grey area would eliminate the haziness around

the issue of advertiser support and make dealing with agencies easier. It would

not be that hard to promulgate a few simple rules to keep LPFM stations from

falling into the hands of big corporate broadcasters. The reaction of those

entities would be as expected; however the purpose of FCC regulation as not

supposed to be guaranteeing that one set of entitled actors walk away with

100.00% of the income from the regulated enterprise.

3- Long-term, assuring viable signals and freedom from interference means band

expansion, in this case, downward into the 76-88mHz. The excuse for why this

can’t be done, and for why the already authorized Channel 200 (87.9mHz) can’t

be used right now, is the few wayward TV’s who chose, for some reason, to

return to Channels 5 and 6 after the digital conversion. Yes, this is the same

FCC, who when motivated by millions of dollars of potential auction revenues,

are re-packing the entire upper UHF band. They couldn’t possibly repack

a few non-major market VHF TV’s elsewhere… The real reason is that, not

unlike local governments who have used their power to hold back needed roads

and other public projects to protect the property values of a few, the industry,

and therefore the FCC, recognize the value implicit in relative scarcity. The

saying in real estate is that it’s valuable because “they ain’t makin’ any more of

it.” This effect can be duplicated by entities preventing the government from

“making” more spectrum, thereby maintaining the value of existing assets.

As mentioned, this is a long-term fix. Band expansion could be approved

tomorrow and it would be a decade or more before your new car is going to

receive FM81.5. There are also international and treaty considerations with this

proposal. But the alternative (insert bug vs. feature discussion here), is to keep

degrading the band with more and more signals, many of which (LP and some

translators) are not really usable, all the time making other options more

attractive even in cars, especially as 5G approaches. Make the band bigger,

better, and cleaner, and it’s good for everyone.