

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

REPLY TO COMMENTS

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Sep. 5, 2018

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Attachments

- Exhibit R-1 Coalition Members
- Exhibit R-2 Technical Exhibit

SUMMARY

The Commission must take no action that curtails the rights of individual listeners to reception of their accustomed broadcast stations. This bedrock Communications Act public interest principle is threatened by NPRM proposals and counterproposals.

First, the proposed 54 dBu contour cutoff for protection from Translator Interference would force large numbers of listeners to give up their preferred stations as translators gain rights to encroach on areas of service by existing stations – in violation of the Communications Act’s regulatory focus on listeners, not broadcasters. It also potentially violates legislative intent in Congressional enactment of LCRA – which is to foster diversity and localism through LPFM. Allowing translators to destroy listener relationships in this way would harm – even destroy – some LPFM stations, rather than foster LPFM development as Congress intended. Many commenters, commercial and noncommercial – both large and small – show the vast harm the proposed 54 dBu border wall would create. The Commission must not implement it.

Secondly, the Commission proposal to require 6 *bona fide* listener complaints before interference remediation would inordinately harm stations operating with lower wattage. This includes both LPFM and some Class A FM stations. Several commenters note that the proposal would also fail to curtail gamesmanship by dishonest parties seeking to appropriate spectrum.

While most comments represent the views of stations that have higher powered transmission capacity, the Commission is not free to ignore the least among the community of broadcasters, many of whom would have greater difficulty meeting the proposed six complaint minimum to qualify for interference remediation. As far as LPFM is concerned, the disparity in application of the rule, with LPFM stations facing a proportionately complaint gathering struggle, would undermine the LCRA mandate to foster LPFM service. Indeed, it would instead cause harm as LPFM as listeners and potential supporters are prevented from hearing such stations.

Thirdly, while the Commission wisely considers implementing more concrete interference complaint data standardization, it must do so in a way that does not disenfranchise individual listeners. Individuals, not just stations, have a right to petition a government agency and have their concerns reviewed. Such standards must recognize actual listening habits, so people who listen in motor vehicles, for instance, don't have a harder time providing acceptable complaint details than do those listening at home or work.

The Commission should further modernize interference complaint processing to include on-request privacy protections. Listeners with a need to keep themselves safe must no longer choose between making an interference complaint that exposes specific personal location information and shielding such data by declining to file a complaint. Rules from the paper and fileroom era require updates to reflect privacy and security challenges of our digital age.

Finally, the Commission must reject ideas that would force listeners to fix interference issues themselves – by purchasing a new radio. This means no rule, as some commenters propose, to eliminate interference protection on second and third adjacent channels. Not only would such rules undermine the Public Interest in listeners' rights, it would also violate LCRA requirements by giving translators status above that of LPFM stations that, under such proposals, would still be required to remedy second and third adjacent channel interference.

In light of this equal status under LCRA, the Commission should find a way to both improve process and prevent gamesmanship when stations in either the LPFM or FM translator service face displacement. Proposals to enable wider channel change jumps are reasonable – as long as they include provisions to prevent gaming the system. Stations seeking a large-scale channel change should be required to exhaust all currently available remediation measures (including modest channel changes) before they may take large channel change leaps across the FM band.

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REPLY TO COMMENTS

The LPFM Coalition ("LPFM Coalition"), through counsel, hereby replies to the Comments due August 6, 2018 on the proposals contained in the "Notice of Proposed Rulemaking" in the above-captioned proceeding ("NPRM") to amend Part 74 of the Commission's Rules Regarding FM Translator Interference.

Introduction

1. The LPFM Coalition brings together Low Power FM Station ("LPFM") licenses with community advocacy organizations that have led efforts to create community-based media through LPFM. More than 100 LPFM stations and advocacy organizations¹ have now joined the Coalition in firm support of the basic premise that the Commission must place the interests of listeners first as it considers streamlining Translator Interference procedures.
2. The LPFM Coalition understands and lives the business realities of broadcasting, albeit from the perspective of community-run grassroots stations. LPFM stations must meet expenses just like full power broadcasters do – but do so in full respect of the policy underlying the Local Community Radio Act of 2010² ("LCRA"), which Congress enacted to foster and expand LPFM

¹ A list of those participating in the coalition is attached hereto as Attachment R-1. The LPFM Coalition, collectively, and each of its members, individually, are therefore collectively and individually "parties" with standing in any further proceedings arising from the NPRM.

² 111 P.L. 371, 124 Stat. 4072 (2011).

to “further the overriding national policy goals of promoting broadcast localism and diversity.”³

The Commission itself has acknowledged this mandate, noting: “LPFM stations are uniquely positioned to meet local needs, particularly in in areas of higher population density.”⁴

3. In this context, the LPFM Coalition offers this Reply to Comments (“Reply”) filed in response to the NPRM.

Discussion

PROPOSED 54 dBu INTERFERENCE PROTECTION CUTOFF

4. “It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount.”⁵ Other commenters reflected this non-controversial bedrock principle underlying all broadcast regulation.⁶

5. This has always meant that listeners have a right to maintain access to particular stations, notwithstanding efforts by other stations to take over such spectrum and, thereby, eliminate those listeners’ reception of a preferred station.

6. No statutes have changed. Nonetheless, the NPRM proposes to chip away – and even substantially lop off – listener rights. It would do this by severely limiting the geographic area from which a listener can complain about translator interference to places within a station’s 54

³ Comments of Rep. Henry Waxman, chair of House Energy and Commerce Committee, which had LCRA review jurisdiction. Rep. Waxman’s spoke during the floor debate immediately preceding House passage of LCRA on Dec. 17, 2010. LOCAL COMMUNITY RADIO ACT OF 2010, 156 Cong Rec H 8619, 8623.

⁴ *Creation of a Low Power Radio Service*, Fourth Report and Order and Third Order on Reconsideration, 27 FCC Rcd 3346, 3373 at para. 19 (“Fourth Report and Order”).

⁵ *CBS v. FCC*, 453 U.S. 367, 395 (1981) (internal citations omitted).

⁶ *E.g.*, “The focus should be on the listener.” Comments of Educational Media Foundation, filed Aug. 6, 2018, at 17.

dBu contour.⁷ This plan would allow some broadcasters to reap a windfall through a larger potential audience created by disenfranchising listeners of other stations adversely affected as the Commission allows more interference to existing services they have regularly received.

7. Many who would benefit, not unexpectedly, praised this proposal. But, supporters of the 54 dBu cutoff don't provide much in the way of public interest analysis or arguments to support their positions. They ultimately speak only of the importance of liberating this spectrum for private interest rather than the most fundamental statutory command to regulate "as public convenience, interest, or necessity requires."⁸ Not that anyone should be faulted for pursuing business interests. That's the nature of the U.S. economic system, which has proven itself adept at innovation.

8. But this proposal *does not foster innovation*. It *fosters appropriation* by taking away from the public what it has always been its right (broadcast service it relies upon), to benefit those seeking to repurpose a particular piece of publicly owned spectrum to meet their own business goals.

9. The thing is, private benefit, *absent benefit to the listening public*, is simply not – and never has been – considered to be in the public interest under the Communications Act. Insofar as the statutory underpinning has not changed, this regulatory norm cannot change, either.⁹

10. The LPFM Coalition is not alone in recognizing that *actual data and actual facts* demonstrate the public interest militates AGAINST the 54 dBu cutoff beyond which listener

⁷ NPRM at 14, para. 28.

⁸ 47 U.S.C. Sec 303.

⁹ Lest such action violate the Administrative Procedure Act as arbitrary, capricious and contrary to law.

interference complaints, which FCC staff now review, would instead end up in the Commission's procedural dumpster.

11. Joint Comments filed by a number of larger commercial station group owners¹⁰ ("Joint Comments") conclusively demonstrate how much listening takes place outside the 54 dBu contour and how much radio listeners in such areas seek out their favorite radio stations with regularity and passion.

12. The Joint Comments present ratings data, which the Commission itself recognizes as reliable and valid in its rules.¹¹ Similarly, New York Public Radio, which manages public radio stations in the most densely populated region of the country, provides a combination of ratings data and its own membership statistics to demonstrate the importance of its programming to listeners outside its 54 dBu contour.¹² Religious broadcasters likewise provide evidence that listeners regularly seek out their particular broadcasts well outside the 54 dBu contour.¹³ Several full power broadcasters with highly localized or unique niche programming lineups also submitted significant, reliable data to demonstrate extensive and intentional listening well outside their 54 dBu contours.¹⁴

¹⁰ Comments of Beasley Media Group, LLC, Cox Media Group, LLC, Gradick Communications, LLC, iHeart Communications, Inc, Neuhoff Corp, Radio One Licenses, LLC/Urban One Inc., Withers Broadcasting Companies, filed Aug. 6, 2018.

¹¹ *See, e.g.*, 47 C.F.R. Sec. 73.3555 which specifically bases a regulatory rubric on ratings data.

¹² *See* Comments of New York Public Radio, at Exh. A, filed Aug. 6. 2018.

¹³ *See, e.g.*, Comments of Beaver Springs Faith Baptist Church, filed Aug. 1, 2018; Comments of Calvary Chapel of Costa Mesa, Inc., filed Aug. 6, 2018; and Comments of Educational Media Foundation, filed Aug. 6, 2018.

¹⁴ *See, e.g.*, Comments of Plymouth Rock Broadcasting Co., Inc., filed Aug. 6, 2018; Comments of WSOU-FM, filed Jul. 31, 2018; and Comments of Pueblo Broadcasting Group, filed Jul. 27, 2018.

13. The New Jersey Broadcasters Association (“NJBA”) points out that, with the Garden State does at the heart of the nation’s most dense megalopolis, listeners to New Jersey stations often tune in well beyond any arbitrary 54 dBu cutoff point. Many commute great distances to New York or Philadelphia – but use their regular New Jersey station as a beacon connecting them to their communities. NJBA provides powerful data indicating that, en masse, “over 50% of their listening audiences” would become vulnerable to translator interference should the FCC limit interference remediation to listening outside a station’s 54 dBu contour.¹⁵

14. Given this overwhelming accumulation of evidence, the Commission must jettison the 54 dBu threshold proposal. The Administrative Procedure Act requires regulation based on actual data on the record of a rulemaking proceeding. On-the-record data demonstrates, without much to contravene it, that the ridiculously restrictive proposal for a 54 dBu interference protection cutoff will not support either (a) the longstanding public interest focus on listeners, which the Communications Act and related case law require or (b) promote localism and diversity through LPFM, which LCRA requires.

MINIMUM NUMBER OF LISTENER COMPLAINTS

15. The LPFM Coalition opposes a one-size-fits all rule that would require any station, no matter how small its wattage, to gather six *bona fide* listener interference complaints before mandatory interference remediation.

16. Not surprisingly, this proposal was uncontroversial among stations that operate with greater power than any LPFM station could. This, even though the proposed six-complaint minimum would shift regulatory focus away from the rights of individual listeners to the rights of those broadcasters creating interference. It is simply easier for a station with more power and,

¹⁵ Comments of New Jersey Broadcasters Association, filed Aug. 6, 2018 at 4.

therefore, a larger potential audience, to gather six listener complaints than it would be for an LPFM that, by design, provides service to a smaller contour area and a concomitantly smaller population.

17. One individual commenter, Jeff Sibert, argued persuasively that such a one-size-fits-all minimum would “cause further harm to the LPFM operators and lower powered class A licensees.”¹⁶

18. A broadcast consultant, who has been on both sides of his client’s cases involving translator interference, notes that no fixed quantum of listener complaints “provide a full, or even useful, picture of real world interference”¹⁷

19. Arbitrary minimums simply empower abusers, some commenters suggest. “Six or sixty, the serial complainers will come up with the requisite number of letters.”¹⁸

20. “Anyone making a case for interference can gin up as many complaints as needed,” wrote a station owner with both AM and Translator licenses in his portfolio.¹⁹

21. Indeed, the dishonest will meet whatever bar is set. Those with smaller broadcast contours who can only draw from a smaller pool of actual listeners – and who maintain integrity – will face increased difficulty in the face of a determined foe with greater resources and fewer scruples. This is not an outcome the Commission should encourage. Longstanding legal

¹⁶ Comments of Jeff Sibert, filed Aug. 6, 2018 at 1. Mr. Sibert describes, in Section IV of his comments, how a one-size-fits-all minimum, as proposed, would harm and LPFM stations and lead some to shut down. Such an outcome, resulting from rule changes, would violate LCRA statutory mandates that the Commission foster LPFM development. *See* para 3, *supra*.

¹⁷ Comments of Scott Fybush filed Aug. 6, 2018 at para 7.

¹⁸ Comments and Counterproposal of Wheeler Broadcast Consulting, filed May 17, 2018, at 4.

¹⁹ Comments of Larry Langford, who owns and operates WGTO-AM, W244Ds and W247DW, filed June 12, 2018, at 1.

principles make clear “the FCC would be derelict if it did not hold broadcasters to ‘high standards of punctilio,’ given the special status of licensees as trustees of a scarce public resource.”²⁰ A rule that encourages dishonest submissions to the Commission, such as the proposed six-complaint minimum, is clearly not in the public interest.

INCREASED STANDARDIZATION FOR INTERFERENCE COMPLAINTS

22. The concept of standardizing complaint information requirements appeared to be relatively non-controversial, except for those who believe the Commission should eliminate listener complaints altogether in favor of pure engineering-based analysis.

23. Still, several commenters recognized that any such standardization must account for different needs among differing groups of listeners, stations and other stakeholders.

24. Educational Media Foundation, a large group licensee of non-commercial radio stations, wisely points out that rules for mobile complaints (from car radio listeners, for instance), must not require too much geographic specificity. People driving on freeways may not be able to safely identify a particular cross street while actively operating a motor vehicle. Any “required maps should plot the location(s) or areas of interference, even if that interference may occur at multiple points on a drive.”²¹

25. A number of commenters also noted that listeners filing complaints need additional protection from unscrupulous interfering translator owners that respond to interference complaints by threatening complainants with lawsuits.²²

²⁰ *Leflore Broadcasting Co. v. FCC*, 636 F.2d 454, 461 (D.C. Cir., 1980) (citing *FCC v. WOKO, Inc.*, 329 U.S. 223, 227 (1946), *Lorain Journal Co. v. FCC*, 351 F.2d 824, 830, (DC Cir. 1965), and *Sea Island Broadcasting v. FCC*, 627 F.2d 240 (DC Cir. 1980)).

²¹ Comments of Educational Media Foundation, filed Aug. 6, 2018, at 16.

²² See, e.g., Comments of REC Networks, filed July 24, 2018, and Comments of Bill Turner, filed June 27, 2018.

26. Given evidence of such practices on this record, the LPFM Coalition urges the Commission to incorporate regulatory language firmly barring threats of retribution for *bona fide* interference complaints. The Commission must make explicit that such bad faith actions result in sanctions. The Commission should no longer ignore threats and intimidation by regulates directed against listeners who exercise their Constitutional right to petition the government about something of concern to them. Curtailing such abuse wholly comports the Supreme Court’s Noerr-Pennington Doctrine that protects legitimate citizen petitioning of a government agency as a First Amendment right.²³

27. The Commission is rightly concerned with both the integrity and the efficiency of its processes. It can best accommodate both by rule updates that neither incentivize dishonesty nor allow abusive pushback against listeners legitimately exercising their rights pursuant to both the Communications Act and the First Amendment. Standardized Translator Interference complaint procedures require nothing less.

28. As with other FCC complaint mechanisms, the Commission should empower individual listeners – not just stations – to submit interference complaints. This goal could be simply accomplished by updating the drop-down complaint form at the Commission’s Consumer Complaint web page²⁴ to include any and all information required for compliant interference

²³ See *BE&K Constr. Co. v. NLRB*, 536 U.S. 516 (2002). “We have recognized this right to petition as one of ‘the most precious of the liberties safeguarded by the Bill of Rights,’ *United Mine Workers v. Illinois Bar Ass’n*, 389 U.S. 217, 222 (1967), and have explained that the right is implied by ‘the very idea of a government, republican in form,’ *United States v. Cruikshank*, 92 U.S. 542, 552, 23 L. Ed. 588 (1876) . . .’ the right to petition extends to all departments of the Government” *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972).

²⁴ https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38844

complaint submission. Once filed, these individual complaints should then be delivered automatically to any bureau involved (e.g., Media Bureau or Enforcement Bureau), as well as forwarded to any station either alleged to cause interference or to receive interference in an individual listener's complaint.

OTHER LEGAL AND PROCEDURAL ISSUES

29. Some Commenters, notably REC Networks, ask the Commission to incorporate modernized privacy protections into any Translator Interference complaint streamlining.²⁵ It is no revelation that, as the Internet makes it all too easy to harvest personal information, the Commission's publicly available documents are easier to access than ever. The Commission should make it possible for listeners filing interference complaints to have their personally identifying information redacted. Not everyone needs this protection. But, listeners should be able to obtain it on request. Those with fears of stalkers, angry ex's or violent adversaries should not be forced to choose between filing a legitimate interference complaint and protecting such personal data as home and work addresses, commuting patterns or gym location where a listener uses a regularly received radio signal. A simple checkoff box on a standardized form would allow such privacy protection without much fuss.

30. The Commission need not create new regulations to protect privacy in this way. Section 0.457(g)(3) of the Commission's rules²⁶ already provides a mechanism. The Commission need only put it to work in the Translator Interference complaint context.

²⁵ Comments of REC Networks at paras.12-15.

²⁶ Codified at 47 C.F.R. Sec. 0457(g)(3), which applies because interference complaints represent investigation and enforcement records.

TECHNICAL AND ENGINEERING ISSUES

31. Many commenters provided technical or engineering solutions to curtail administrative gamesmanship while still protecting core legal rights and underlying principles that have always guided the Commission's Translator Interference rules. However, some suggested rule changes that would, instead, undermine these principles by making it easier to get away with interference.

32. Several commenters recommended reducing or eliminating rules requiring FM Translators to remediate interference on second or third adjacent channels.²⁷ This proposal neither comports with the substantial evidence behind good engineering practices²⁸ nor with LCRA mandates.

33. Although today's FM receiver technology greatly reduces the possibility that listeners suffer interference from stations on second or third adjacent channels, not everyone has a late model unit. The FCC must not mandate that listeners resolve their own interference problem by buying new radios.²⁹

34. Moreover, the Communications Act requires regulatory focus on listeners' rights. Even if modern tuner technology makes second and third adjacent interference more unlikely, it still can – and does – occur, as shown in Exhibit R-2, attached hereto. The Commission must not eliminate from second or third adjacent station interference protections any more than traffic regulators should eliminate stop signs because today's cars provide better crash protection.

²⁷ See Comments of Larry Langford at 3; Comments of Charles M. Anderson, filed Aug. 6, 2018; and Comments of Fred W. Volken, filed Aug. 6, 2018.

²⁸ Making implementation of any such scheme suspect under the Administrative Procedure Act.

²⁹ By contrast, during the digital television transition, the Commission provided members of the public with vouchers that could be used to purchase decoders allowing continued reception using existing TV sets.

35. Moreover, specific statutory mandates in LCRA are the law. LPFM stations and FM Translators must be treated as equal in status.³⁰ Thus, as LPFM stations must meet a standard “that no actual interference will occur due to an undesired (LPFM) to desired (station delivering signal to translator station) ratio below 34 dB at such translator station's receive antenna”³¹ the Commission is not free to allow FM Translators to ignore potential second and third adjacent engineering issues.

36. If interference is serious enough a problem to protect Translators in this way, then the Commission must maintain second and third adjacent interference rules that protect LPFM stations, in keeping with the LCRA’s equal status provisions. Should the Commission allow FM Translators to get away with actual interference on second or third adjacent channels, LPFM would effectively cease to be similarly situated with FM Translators as secondary services; LPFM would become, instead, a de-facto tertiary service with status inferior to Translator stations. Section 5 of LCRA does not permit the Commission to do so – and it must, therefore, decline proposed rule changes in derogation of LCRA.

37. Finally, the LPFM Coalition notes that secondary status means both LPFM Stations and FM Translators face potential displacement should either cause actual interference to full power stations. The LPFM Coalition is already on record supporting equal status for both LPFM and FM Translators that wish to make channel changes to remedy otherwise displacing interference situations. The LPFM Coalition states further, in this reply, that rule changes enabling such

³⁰ LCRA, Sec. 5.

³¹ 47 CFR Sec. 73.827(a)(1).

channel changes for Translations must directly parallel the rules in Section 73.870(a)(1) that govern existing extended channel changes by LPFM stations.³²

38. The LPFM Coalition recognizes that such rules must not enable gamesmanship or pretext filing made only to obtain a more desirable channel. The Commission must ensure that the need for a channel jump is real – and prevent such remedies when simpler things can work without upending spectrum allotments. Jeff Siebert gets it right in his comments that the “Commission should simply codify long-standing [waiver] policy allowing only translators to move to another frequency if the translator is facing displacement.”³³ Similarly, the Commission must require a showing that no currently allowed minor channel change would provide a remedy to displacement. Only upon such showing would a translator be given authority to make bigger channel jump.

39. Mr. Siebert also correctly points to additional issues in need of resolution. “LPFM stations that become short-spaced by FM translators have few ways to move away from that interference,”³⁴ a situation that would worsen should the Commission allow easier channel-hopping without additional LPFM protections in place. While well-resourced larger operations can afford to pay monitoring services to provide a first alert when a potentially interfering short-

³² 47 CFR Sec. 73.870(a)(1).

³³ Comments of Jeff Siebert at 3.

³⁴ *Id.* at 2.

spaced translator application is filed in the neighborhood, “[m]ost LPFM and small NCE operators have little financial resources and are primarily volunteer-driven.”³⁵ They don’t have money to spend on such first alert services – and, under current FCC rules, typically learn of short-spaced proposals only after actual interference occurs or when they need to relocate facilities. By that time, months can go by before problems are remedied. Not only do short-spacing ambushes like this harm LPFM listeners and stations, but they also increase burdens on FCC staff and other agency resources. Quite simply: it is easier to prevent short-spacing problems before they happen than to unwind them later. The Commission must create procedures that recognize this reality.

40. The Commission should, thus, require those proposing short-spaced translators to (a) notify any other station affected by the proposed short spacing and (b) set a fixed minimum pause time before approval of short-spaced proposals. Such measures would allow an affected station to analyze and, if appropriate, object early – when issues are easier to correct through prevention.

Conclusion

41. The Comments on the record of this proceeding clearly demonstrate that the Commission must not impose the 54 dBu contour interference protection cutoff proposed in the NPRM. As noted, a 54 dBu cutoff would fail to serve the public interest under the Communications Act, in general, and would also violate the express legislative intent underlying LCRA. For these same reasons, the Commission must not impose a draconian one-size fits all complaint minimum before it acts to curtail Translator Interference. It must also avoid disenfranchising listeners by giving their concerns short shrift in favor of a policy that favors one group of broadcasters who will be winners in this process at the expense of everyone else – most notably radio listeners

³⁵ *Id.*

accustomed to receiving a particular station who may not be protected from loss of a cherished radio service.

42. As important as administrative efficiency and streamlining is, they must never trump the interests of the listening public to receive broadcasts that are an important part of their lives.

43. By carefully crafting a standardized submission rubric in ways that do not disenfranchise listeners, the Commission can avoid the cynical ‘who-wins-what’ risk as competing interests seek to craft updated rules and, instead, act in the higher interest – the Public Interest. That means neither imposing regulations that disenfranchise people who have come to depend on a particular broadcast service nor ignoring the concerns of the members of that listening public who actually petition the Commission – a federal agency – about their concerns. The Commission is not free to arbitrarily or capriciously refuse petitions submitted pursuant to citizens’ exercise of First Amendment rights, any more than it is free to ignore the Public Interest under the Communications Act or the Congressional mandate to foster LPFM in the interests of diversity and localism under LCRA, and to treat the LPFM service as anything other than equal in status to the FM Translator service, in the all the ways described in this Reply to Comments.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael W. Richards".

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Sep. 5, 2018

EXHIBIT R-1

UPDATED LIST OF COALITION MEMBERS

MEMBERS OF LPFM COALITION

CALL SIGN & LICENSEE

KAKU-LP Maui Community Television, Inc.
KALY-LP Somali American Community
KBOG-LP Bandon Community Radio
KCIW-LP Curry Coast Community Radio
KCLA-LP Civic Light Opera
KCMU-LP Jean Arnold Group Foundatoin
KCPK-LP Center of the World Festival
KCXU-LP Center for Careers and Training
KDAK-LP Dakota Media Access
KDLB-LP Future Roots, Inc.
KDLZ-LP Verge Center for the Arts
KDOO-LP Cascade Community Radio
KDRT-LP Davis Community Television
KEPW-LP Eugene Peaceworks
KEXU-LP Poor Magazine
KFFD-LP Freeform Portland
KFFP-LP Radio 23
KGCE-LP Grace Orthodox Presbyterian Church of Modesto, Ca
KGIG-LP Fellowship of The Earth
KHBG-LP National Hispanic Media Coalition
KHUG-LP Sloan Canyon Communications
KIEV-LP The Way to Salvation Community Church
KISJ-LP Borderlands Community Media Foundation, Inc.
KISN-LP Western Oregon Radio Club
KJJG-LP Iglesia Centro De Liberacion
KJMR-LP Ntrepid Group
KJSO-LP North Omaha Loves Jazz Center
KJZX-LP Third Coast Activist Resource Center
KLEK-LP The Voice of Arkansas Minority Advocacy Council
KMRD-LP Madrid Community Radio
KODX-LP Earth On-the-Air Independent Media
KOUV-LP Recording NW
KPCA-LP Petaluma Community Access
KPPQ-LP Community Access Partners of San Buenaventura
KPSQ-LP Omni Center For Peace Justice & Ecology
KPYT-LP Pascua Yaqui Tribe
KQRZ-LP Oregon Amateur Radio Club
KQUA-LP Umpqua Watersheds
KRSA-LP La Maestra Family Clinic
KRSM-LP Pillsbury United Communities
KSFP-LP San Francisco Public Press
KTAL-LP Southwest Environmental Center
KTRH-LP Two Harbors Community Radio
KUBU-LP Access Sacramento
KUHS-LP Low Key Arts Incorporated

LOCATION

Kahului, HI
Minneapolis, MN
Bandon, OR
Brookings, OR
San Pedro, CA
Napa, CA
Pine Mountain Club, CA
San Jose, CA
Bismarck, ND
Los Angeles, CA
Sacramento, CA
Portland, OR
Davis, CA
Eugene, OR
Oakland, CA
Beaverton, OR
Portland, OR
Modesto, CA
Modesto, CA
Pasadena, CA
Castaic, CA
Camas, WA
Bisbee, AZ
Portland, OR
South Houston, TX
Chattaroy, WA
Omaha, NE
Austin, TX
Jonesboro, AR
Madrid, NM
Seattle, WA
Vancouver, WA
Petaluma, CA
Ventura, CA
Fayetteville, AR
Tucson, AZ
Hillsboro, OR
Roseburg, OR
El Cajon, CA
Minneapolis, MN
San Francisco, CA
Las Cruces, NM
Two Harbors, MN
Sacramento, CA
Hot Springs, AR

KUPR-LP Las Placitas Association	Placitas, NM
KUTZ-LP Midtown Radio	Sacramento, CA
KVSH-LP Voice of Vashon	Vashon Island, WA
KWUS-LP Radio-4-Us	Clarksville, TN
KXRW-LP Media Institute for Social Change	Vancouver, WA
KXVS-LP Peace and Justice Network of San Joaquin County	Stockton, CA
KXVY-LP Willsonville Radio Project	Wilsonville, OR
KYWS-LP West Sacramento Neighbors Fair, Inc.	West Sacramento, CA
KZNQ-LP Santa Clarita Public Broadcasters Corporation	Santa Clarita, CA
KZZH-LP Access Humboldt	Eureka, CA
WAMF-LP Voice of the People	New Orleans, LA
WAYO-LP Muccc, Inc.	Rochester, NY
WBPU-LP African People's Education and Defense Fund, Inc.	St. Petersburg, FL
WBTV-LP Vermont Community Access Media	Burlington, VT
WCIW-LP Coalition of Immokalee Workers	Immokalee, FL
WCXP-LP Chicago Independent Radio Project	Chicago, IL
WDYO-LP Workers' Dignity	Nashville, TN
WDYX-LP Woods and Waters Land Trust	Frankfort, KY
WEQY-LP Dayton's Bluff	St. Paul, MN
WFNU-LP Frogtown Community Radio	St. Paul, MN
WFPR-LP Franklin Public Radio	Franklin, MA
WHIV-LP New Orleans Society of Infectious Disease Awareness	New Orleans, LA
WHNH-LP Associated Churches Of Fort Wayne And Allen County, Inc	New Haven, IN
WHPB-LP Howell Family Consultant Inc	Orlando, FL
WJOP-LP Newburyport Community Media Center	Newburyport, MA
WKCG-LP The Ordinary People Society	Dothan, AL
WLGM-LP Edgewater Alliance Church	Edgewater, FL
WLWR-LP Marinette Radio Association	Marinette, WI
WNJI-LP Gospel Light Prayer Church	Kearney, NJ
WNRC-LP Nichols College	Dudley, MA
WOHM-LP Media Reform SC	Charleston, SC
WOMM-LP The Big Heavy World Foundation	Burlington, VT
WONH-LP Pequeñas Ligas Hispanas de New Haven Inc	New Haven, CT
WOOC-LP Media Alliance	Troy, NY
WOWD-LP Historic Takoma Inc.	Takoma Park, MD
WOZO-LP The Neighborhood Center	Knoxville, TN
WPPM-LP Philadelphia Public Access Corporation	Philadelphia, PA
WQNP-LP Beware, Inc.	Miami, FL
WQRT-LP Big Car Media	Indianapolis, IN
WRBG-LP Rhythm and Blues Group Harmony Association	Millsboro, DE
WRFN-LP Radio Free Nashville	Nashville, TN
WSPV-LP Valley Community Baptist Church	Avon, CT
WSVQ-LP Partnership of African American Churches	Charleston, WV
WSYP-LP Sankofa Youth Development Program Inc	Birmingham, AL
WUBP-LP All African People's Development and Empowerment Project	St. Petersburg, FL
WUGM-LP West Michigan Community Help Network	Muskegon, MI
WUJM-LP Caribbean Festival Association	St. Petersburg, FL

WUMO-LP Aframsouth
WUVS-LP West Michigan Community Help Network
WVAO-LP Athol-Orange Community TV
WWPP-LP WeCount!
WXDN-LP Awakening/Art & Culture
WXHR-LP Hillman Community Radio
WZMR-LP Zumix, Inc.
WZPH-LP Pasco County Educational Corporation

Montgomery, AL
Muskegon, MI
Athol, MA
Homestead, FL
Orlando, FL
Hillman, MI
East Boston, MA
Dade City, FL

ADVOCACY ORGANIZATIONS

Common Frequency, Inc.
Prometheus Radio Project
Media Alliance at the Pacific Felt Factory

Davis, CA
Philadelphia, PA
San Francisco, CA

EXHIBIT R-2

TECHNICAL EXHIBIT – SECOND ADJACENT INTERFERENCE

SECOND ADJACENT – CASE STUDY

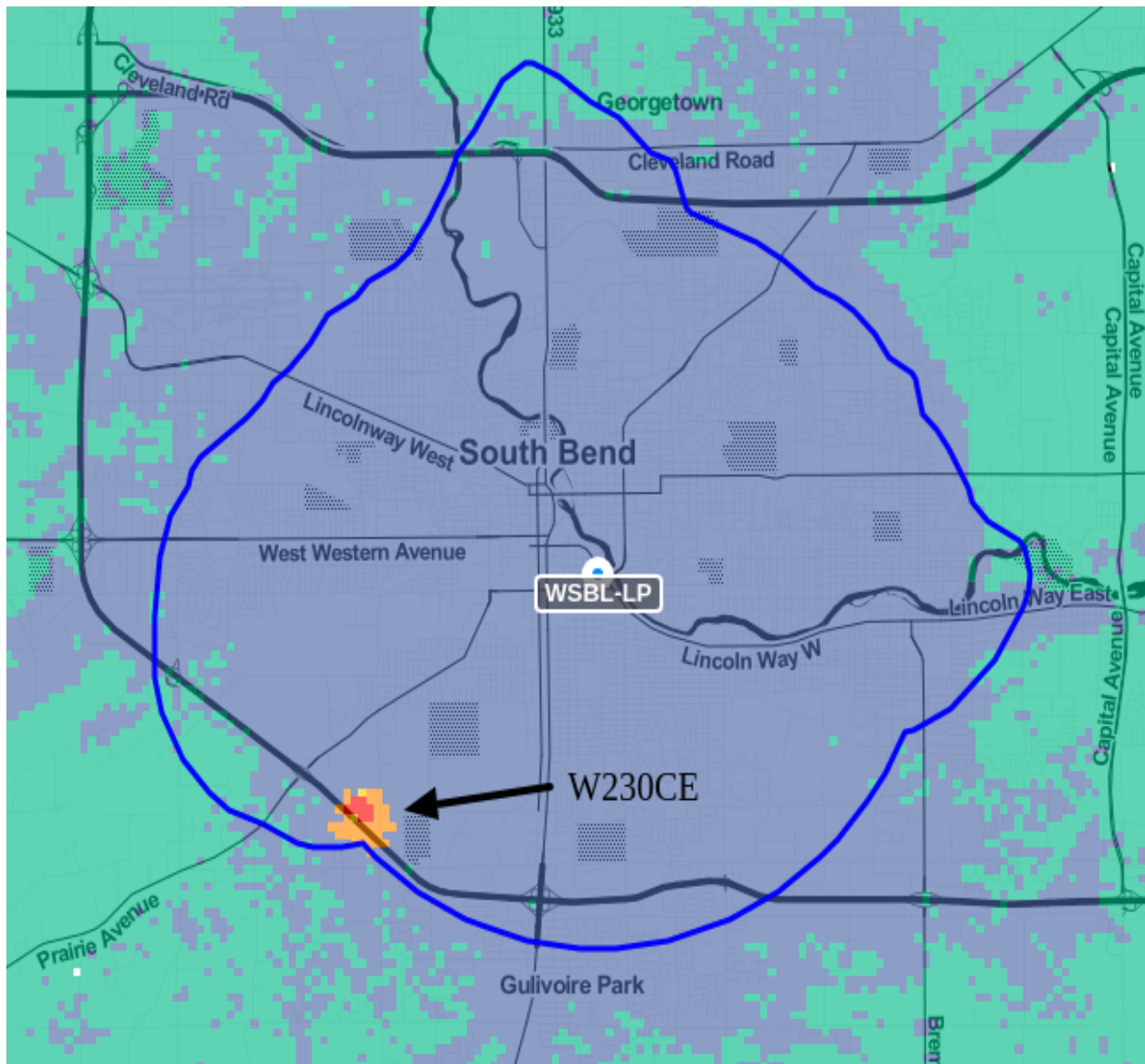
FM translators are not required to protect LPFM stations on second and third adjacent channels at permitting and licensing, militating for continued listener opportunities for seek protection from and redress of such translator interference.

While rare, such interference to an LPFM station is not merely theoretical – but entirely real, as depicted in attached graphic showing an actual second adjacent interference situation.

The figures in the attached map depict, in orange and red, impermissible interference predicted by Longley-Rice methodology from second-adjacent translators located within the service contour (blue line) of LPFM stations. Listeners receiving interference within these areas would have no recourse if second-adjacent interference complaints could be ignored

This argument is equally valid for third-adjacent interference since the U/D protection ratios are identical.

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The information and calculations presented herein are true and accurate to the best of my knowledge.

Respectfully submitted,

/ s /

Paul Bame, Technical Consultant

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