



of a Low Power Radio Service,<sup>1</sup> which resulted in the Commission determining that the LP250 Proposal was favored broadly<sup>2</sup> and that those incumbent full power broadcasters objecting to the proposal had not demonstrated the validity of their objections.<sup>3</sup> The Commission has already sought and received numerous Comments broadly supportive of the LP250 class of service.<sup>4</sup>

However, the Commission previously decided that “further study” was necessary before the changes could be promulgated,<sup>5</sup> citing as cause for tabling the matter the considerable disagreement regarding technical parameters and restrictions on station

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<sup>1</sup> *Fourth Further Notice*, MB Docket No. 99-25, *Report on Notice of Proposed Rulemaking*, FCC 12-28 ¶¶49 -51 (2012) [citing advocacy by CRA and seeking comment on a proposal to increase to 250 watts the maximum power for which a LPFM facility may be authorized]. *See also Final Report and Order*, FCC 12-144, ¶49, N.122 (2012), citing *Comments of Amherst Alliance* at 2 (Feb. 2, 2011); *Comments of Catholic Radio Association* at 8 (June 10, 2011).

<sup>2</sup> *Id* at FCC 12-144, ¶205 (2012), citing improved “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.” *See* N.532 - 536.

<sup>3</sup> *Id* at ¶206-207 (2012), citing claims of a greater interference risk to full power stations, the existing availability of 250 watt Class A licenses, a supposed contradiction to the local character of the LPFM service, and an alleged intent of Congress to limit LPFM facilities to 100 Watts. *See* N.537. The Commission concluded comments raising these objections had not supplied sufficient evidence in support of their claims. *Id.* at ¶206.

<sup>4</sup> *Final Report and Order*, FCC 12-144, ¶205 (2012), citing improved “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.” *See* N.532 - 536.

<sup>5</sup> *Id.* at ¶206-207 (2012).

locations.<sup>6</sup> We herein urge the Commission to revisit that previously tabled discussion and to act to allow upgraded LPFM facilities expeditiously.

We therefore adopt and incorporates herein the Comments previously supplied by CRA, wherein the core case for the LP250 Proposal was set forth as follows:

“ ... we urge the FCC to consider the inherent difficulty that LPFM licensees encounter -- even in prosperous economic times -- with respect to their efforts to maintain sustainable operations notwithstanding the limited power restrictions in this service and a corresponding limit to the coverage of potential, much less actual, listeners. The extended economic downturn will further exacerbate this difficulty faced by LPFM applicants. We submit that the 100 watt limit on power for a LPFM is unnecessarily draconian in rural areas where larger coverage areas are possible, and where such larger coverage areas would mitigate the economic challenges faced by rural LPFM operators in particular. With this in mind, the agency should open a filing window for new LPFM facilities where power is authorized up to 250 watts....”<sup>7</sup>

Throughout much of America, the economic downturn referenced by CRA has not truly ended, certainly not with any robust recovery that has accompanied most previous recessions. We therefore underscore this point first raised by CRA and submit that it remains compelling cause to allow for upgraded LPFM facilities.

For the same reasons, the Commission should seek comment on additional ways to improve the viability of LP100 stations and to assist low power facilities in building a sustainable audience. For example, loosening the multiple ownership restrictions --

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<sup>6</sup> *Id* at ¶207 (2012). The Commission found that neither the text nor legislative history of the Local Community Radio Act appeared to prohibit increasing the range of authorized power restrictions for LPFM facilities. *Id.* See also N.537-540.

<sup>7</sup> *Comments of Catholic Radio Association* at 8 (June 10, 2011), *Fourth Further Notice*, MB Docket No. 99-25, Report on Notice of Proposed Rulemaking, FCC 12-28 (2011).

allowing control of two LPFM facilities by a single licensee – might be appropriate in some rural regions where plenty of spectrum exists for other prospective new entrants and where additional coverage may prove necessary in order to secure the economic viability of LPFM facilities.

Finally, we submit that the application process for upgrading a facility from a LP100 station to a LP250 station be *treated as a minor modification acceptable for filing at any time*. This will save the FCC – and numerous LPFM applicants – the severe administrative burdens connected with a filing window.

### CONCLUSION

For the reasons set forth herein, the Cor Christi and WitnessWorks urge the Commission to initiate a proposed rulemaking to study and to promulgate improvements to the LPFM service.

Respectfully submitted,

**COR CHRIST ACADEMY  
AND  
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