

1Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC

In the matter of: )  
)  
LPFM Licensees Propose Necessary ) RM-11753  
Improvements to the Low Power FM )  
(LPFM) Radio Service )

**COMMENTS OF REC NETWORKS**

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## Introduction

1. REC Networks (“REC”) strives to assure a citizen’s right to access the airwaves and strongly advocates for the Low Power FM (“LPFM”) broadcast services. REC has reviewed the *Petition for Rulemaking* filed by Low Power FM Advocacy Group (“LPFM.AG”) and offers our comments in respect to the statements made, issues raised and proposed rule changes within the Petition. While REC completely disagrees with LPAM.AG on issues such as commercials for LPFM stations, easing of ownership limits and maximum power for FM boosters; we do agree in part on issues related to the use of “translator rules” contour overlap, but in a manner that is consistent with the Local Community Radio Act of 2010 (“LCRA”)<sup>1</sup>, issues related to assignments and transfers of licenses and permits and proposed changes to call signs of LPFM stations.

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<sup>1</sup> - Pub. L. No. 111-371, 124 Stat. 4072 (2011).

## I. COMMERCIALS ON LPFM

2. REC has been supporting the LPFM service from the original petitions for rulemaking in RM-9208 and RM-9242 and during the entire history of the LPFM service, the subject of “airing commercials” has come up. RM-9242 was written by a major player in the Low Power TV industry at the time who envisioned seeing LPFM as an LPTV for radio. When the Commission made the decision that LPFM would go forward as a non-commercial educational (“NCE”) service, the proponent of RM-9242 dropped all support for LPFM. Many of us still remember the “tombstone” on his website after the announcement. The parties behind RM-9208 have urged the FCC to pass rules to exempt low power radio services from auctions under the speculation that Congress would carve an exemption for low power radio.<sup>2</sup> The concept of commercial LPFM has crept up slightly in Commission proceedings during the 15 year history of the service. Due to the statutes that are outside the jurisdiction of the Commission and impacts to current and future LPFM stations that do not wish to become commercial, a commercial LPFM service is not in the public interest.

### A. The so-called “destruction” of 600 LPFM stations.

3. LPFM.AG makes reference to over 600 LPFM stations that have had their licenses or construction permits cancelled or they had lapsed. While there are a significant number of stations in this category, to paste them all as financial failures is without merit. LPFM.AG is under this impression that all LPFM stations follow the underwriting model and the stations were crowdfunded from the start. While that is true in some cases, it is not true in all. During the first generation (2000-2001) LPFM window, we saw some uncertainty and changes in the rules in the middle of the filing window series as a result of the Radio Broadcast Preservation Act. During the first generation, several state governments such as New York, Vermont and New Mexico as well as some local governments filed for a large number of stations. During the

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<sup>2</sup> - See *Petition for Rulemaking to Establish a Low Power AM Radio Service*, RM-11287, The Amherst Alliance of Michigan, et al. (8/23/2005) at para. 7.

2000s after these construction permits were granted, many municipal and state governments experienced a budget shortfall and some had to declare “fiscal emergencies”. As a result, funding for many transportation projects was lost including those to build travelers information radio stations. The first generation had several cancelled permits that were granted in groups of mutually exclusive applications as non-renewable, successive licenses.<sup>3</sup> Unlike in the second generation where we had involuntary time-sharing, the first window settled MX groups by splitting an 8 year license up by the number of tied applicants.<sup>4</sup> Each applicant was simultaneously granted their application and the first applicant to file their license to cover would be allowed to go on the air with the other applicant(s) having to keep their station in mothballs for in some cases, up to seven years. Some grantees with no other place to go had backed-out as a result of that arrangement. We also saw cases of alleged application fraud, where a speculator would file under the church’s name and then once the application is granted, the speculator would offer the church a “turnkey” offer to help them get EWTN and other satellite network programming on the air. Those churches that did not want to pay the speculator just ignored the fact they had a granted permit and let the permit lapse. In some cases, changes in the organization’s priorities or leadership and in some cases, the death of the pastor resulted in the lapsed or cancelled permit or license. Yes, there were some stations that went dark or never built because of lack of funding or because of encroachment by a primary station. In many of those cases, the ability for these stations to operate commercials would have had no bearing on their fate. The argument of the high number of “failed” LPFM stations carries no merit as an argument to allow commercials on LPFM stations. Appendix D gives details of 502 permits and licenses from the first generation that were cancelled which can be summed up as follows:

<b>Reason</b>	<b>First Generation</b>	<b>Second Generation</b>
Experimental Operations	5	n/a
Suspected speculative applications	39	n/a
Successive Licenses (MX)	9	n/a
Public Safety/Travelers Information Services	104	14
Cancelled Permits (never constructed/expired)	205	102
Cancelled Licenses (constructed)	140	2
<b>Totals</b>	<b>502</b>	<b>118</b>

<sup>3</sup> - See *Creation of a Low Power Radio Service, Report and Order*. (“R&O”) 15 FCC Rcd 2205 eq. seq (2000) at 136.

<sup>4</sup> - *Id.* at 149.

LPFM.AG's assertion that "over 600" LPFM stations have "failed" since the creation of the service is overblown and presumptive and assumes that all of these facilities failed because the stations weren't allowed to raise funds or permitted to play commercials. Of the 620 so-called "failed" LPFM stations, only 142 (23%) actually constructed their facilities before having their licenses cancelled. Short of interviewing the parties involved with all 620 facilities, any theory on the root cause of these cancellations would be pure speculation and does not satisfactorily show how LPFM stations being able to operate commercially would have "saved" these stations, especially the 77% of the stations that never made it on the air.

**B. Mandatory auctions.**

4. On August 10, 1993, the Omnibus Budget Reconciliation Act of 1993 added Section 309(j) to the Communications Act gives the Commission authority to employ competitive bidding procedures to choose among mutually exclusive applications for initial licenses.<sup>5</sup> Title III of The Balanced Budget Act of 1997 extended and expanded the Commission's authority and required the use of competitive bidding for mutually exclusive commercial spectrum uses including FM and AM broadcasting.<sup>6</sup> Exceptions in the legislation were carved out for public safety agencies such as municipal governments, non-commercial educational broadcast stations and to analog TV stations seeking additional spectrum for "companion channels" for the now-completed digital television transition.<sup>7</sup> Commission Rules state that in the event there is competition in spectrum between a commercial entity and an exempt non-commercial entity, the non-commercial entity would be trumped and only the

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<sup>5</sup> - See *Implementation of Section 309(j) of the Communications Act-Competitive Bidding, Report and Order*, 9 FCC Rcd 2348 (1994) at 3.

<sup>6</sup> - See *Implementation of Section 309(j) of the Communications Act-Competitive Bidding for Commercial Broadcast and Instructional Television Service Fixed Service Licenses and Issues Regarding Comparative Broadcast Hearings, Report and Order*, 13 FCC Rcd 15920 (1998) ("Hearings R&O") at 1.

<sup>7</sup> - *Id.* at 20-25.

commercial entities (as well as non-commercial entities that change to commercial) would be able to compete for their construction permit and through the auction process.<sup>8</sup>

5. LPFM.AG questions the use of FM translators for “HD-2” services and how those translators were able to come on the air without auctions. As of the day of this writing, none of the translators from the 2003 Auction 83 FM translator filing window<sup>9</sup> that came on the air were as a result of comparative reviews or auctions. In other words, these translators were given the flexibility to change frequency and location (like LPFMs were offered during their MX process) and through settlement agreements, voluntary dismissals and engineering changes, these translators became singletons and they were granted accordingly. These translators were granted to organizations such as Radio Assist Ministries, a NCE-eligible and then sold to other organizations with the intention of making them commercial. Other NCE-eligibles, such as Educational Media Foundation will broker their translators to commercial broadcasters. There is no regulation that prohibits an NCE organization from operating a commercial station but if they are providing a commercial service, they would be subject to filing and regulatory fees. Out of the over 13,000 applications that were filed in the Auction 83 “Great Translator Invasion” window, only 8 applications in 4 MX groups are going to auction.<sup>10</sup> This auction has yet to be scheduled.

6. A supermajority of LPFM stations are operated by small churches, educational institutions, municipal governments and service organizations that have other educational activities besides radio. These are the groups that LPFM was originally created to serve. With a commercial LPFM service, these types of groups would be completely shut out from the service due to competition for spectrum from commercial entities.

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<sup>8</sup> - See *Reexamination of the Comparative Standards for Noncommercial Educational Applicants, Report and Order*, 18 FCC Rcd 6691 (2003) at 21, *recon. denied*. 23 FCC Rcd 17423 (2008).

<sup>9</sup> - See *FM Translator Auction Filing Window and Application Freeze, Public Notice*. 18 FCC Rcd 1565 (2003).

<sup>10</sup> - See *FM Translator Auction 83 Mutually Exclusive Applications Subject to Auction*, Public Notice, 29 FCC Rcd 4868 (April 30, 2014) at Appendix A.

**C. Lifting of ownership caps**

7. Currently, the non-commercial LPFM service enjoys an ownership cap of one station that must be locally owned.<sup>11</sup> Originally, organizations were permitted to own up to 10 LPFM stations over time.<sup>12</sup> This was changed in the *Third Report and Order* where many organizations such as Prometheus Radio Project and Amherst Alliance urged that only one LPFM license should be available per licensee in order to prevent a network of LPFM stations and protect local broadcast programming.<sup>13</sup> The Commission revisits the original *Report and Order* with the two primary goals of establishing the LPFM service were to “create opportunities for new voices on the airwaves and to allow local groups including schools, churches and other community-based organizations, to provide programming responsive to local community needs and interests.”<sup>14</sup>

8. Section 202 of the Telecommunications Act of 1996<sup>15</sup> eliminated the nationwide ownership cap on AM and FM broadcast stations.<sup>16</sup> There has never been a nationwide ownership cap on FM translator stations, either commercial or non-commercial.<sup>17</sup> Translators are not counted towards the market-based ownership caps. Unlike LPFM stations, FM translators do not originate content, even FM translators that rebroadcast “HD-2” content in analog format. Therefore, they are not considered an additional “voice”. LPFM stations are an additional

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<sup>11</sup> - See 47 C.F.R. §73.855(a).

<sup>12</sup> - R&O at 42-46.

<sup>13</sup> - See *Creation of a Low Power Radio Service, Third Report and Order*. (“Third R&O”) 22 FCC Rcd 21912 et. seq. (2007) at pp. 21-23.

<sup>14</sup> - *Id.* at 23.

<sup>15</sup> - Pub. L. No. 104-104, 110 Stat. 56 (1996) (“Telecom Act”).

<sup>16</sup> - See *Broadcast Radio Ownership – 47 C.F.R. Section 73.3555, Order*. 11 FCC Rcd 12368 (1996).

<sup>17</sup> - This should not be confused with application caps for FM translators that were put in place following the Auction 83 window. See *Media Bureau Announces January 10-January 25, 2013 Filing Window for Auction 83 FM Translator Application Selections and Caps Showings, Public Notice*. 27 FCC Rcd 15961 (2013).

“voice”. REC’s interpretation is that LPFM stations operating commercially would fall under jurisdiction of Section 202.

**D. Statutory auctions + nationwide ownership = disaster for LPFM.**

9. REC is concerned that if Section 202 is applied towards a commercial LPFM service, this would preclude our long-standing rules assuring that LPFM stations were limited to one per organization and that those local organizations must be governed or headquartered within 10 or 20 miles of the transmitting antenna.<sup>18</sup> This would mean that LPFM would be open to companies like iHeartMedia, Cumulus and the likes. Even if there was a commercial LPFM service with auctions, many of the small owner-operators would be precluded by the large corporate owners, well-funded religious broadcasters such as Educational Media Foundation and the various speculators who regularly participate in broadcast auctions. Even with bidding credits, these small businesses created to operate LPFM stations could be out-bid every time. For what these groups would be paying to obtain an LPFM, especially in a dense suburban or urban area would far exceed the construction and operations costs for a considerable amount of time as a NCE LPFM station.

10. In their petition, LPFM.AG states that LPFM has no access to (1) cluster-style multiple local ownership, (2) the ability to upgrade LPFMs to Class A or higher and (3) long-distance ownership.<sup>19</sup>

(1) Cluster-style multiple local ownership: Commercial LPFM stations would fall under Section 202 of the Telecommunications Act which calls for the elimination of nationwide caps and maintains local market-based caps to prevent overconcentration in a single market.<sup>20</sup> As LPFM is a new voice, Section 202 would apply and a single

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<sup>18</sup> - See 47 C.F.R. §73.853(b).

<sup>19</sup> - Petition at 16.

<sup>20</sup> - Telecom Act §202(a)-(b).

owner can bring as many stations into the market as allowed under the rules that implemented Section 202.

(2) The ability to upgrade LPFM to “Class-A or higher”: This ability exists right now.

There is nothing stopping a party to an LPFM station to file a Petition for Rulemaking to amend the FM table of allotments to drop-in a channel in a particular area.<sup>21</sup> Then if there are competing applications, the party can participate in the auction and if they are successful, they can absolve themselves of the LPFM station. This is very unlikely to happen in many urbanized areas due to the Commission’s rules on allotments and the need to assure the fair distribution of licenses.<sup>22</sup>

(3) Long distance ownership: Again, this is a Section 202 issue. Under Section 202, the Commission is not permitted to limit the parties that own commercial stations to local applicants.<sup>23</sup>

11. LPFM.AG requests §73.5000 of the Commission’s Rules be modified to offer LPFM stations an exemption from auctions in the event of a mutually exclusive (MX) application situation.<sup>24</sup> Title III of the Balanced Budget Act of 1997 specifies that all mutually exclusive applications for commercial services are subject to competitive bidding.<sup>25</sup> This would include an LPFM service that carries commercials and therefore is non-NCE as defined in §397(6) of the Communications Act.<sup>26</sup> LPFM stations were meant to be operated by primarily by existing very well-established community organizations that were already established in their community.<sup>27</sup> These organizations are non-commercial, non-profit in nature and being MX with

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<sup>21</sup> - 47 C.F.R. §73.3573(f)

<sup>22</sup> - See 47 U.S.C. §307(b). See also *Faye & Richard Tuck, Inc.*, Memorandum Opinion and Order, 3 FCC Rcd 5374 (1988).

<sup>23</sup> - Telecom Act §202(a).

<sup>24</sup> - Petition at 30.

<sup>25</sup> - Hearings R&O at 1.

<sup>26</sup> - 47 U.S.C. 397(6)

<sup>27</sup> - R&O at 5.

a commercial application would force the non-commercial organization to change to commercial status and participate in the auction or their application will be returned.<sup>28</sup> The Commission has no authority under statute to exclude a commercial LPFM service from competitive bidding. REC does not support this proposed change.

**E. Keeping LPFM as an NCE service.**

12. Allowing LPFM to become a commercial service would price the service out of reach of those entities it was originally intended to serve. It will force organizations, especially in urban areas where there is no room for reserved band NCE stations to compete against speculators and megachurches for these remaining spaces on the dial. In the recently ending Auction 98 for full-power FM allotments, NCE broadcaster Educational Media Foundation (“EMF”) made an up-front payment of \$255,000 to participate in the auction.<sup>29</sup> What makes you not think that EMF wouldn’t put up the big bucks to participate in an LPFM auction, even as a secondary service?<sup>30</sup> Many LPFM stations from both the 2000/2001 and the 2013 filing windows are operating just fine as NCE stations.<sup>31</sup> Those stations should not be left having to worry whether they will have to deplete their entire bank account in order to compete in a future window to change their facilities. LPFM.AG is asking for this overly extensive change in the LPFM culture just to satisfy the needs of a few stations. While the Commission does have the ability to create a commercial LPFM service, REC feels nothing has changed since the original *Report and Order*, establishing LPFM as a noncommercial service will have the added benefit of [...] additional flexibility to assign licenses in a manner that is most likely to place them in the hands of community groups that are in the best position to serve local community needs.<sup>32</sup> The

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<sup>28</sup> - 47 C.F.R. §73.5002

<sup>29</sup> - See *Auction of FM Broadcast Construction Permits; 88 Bidders Qualified To Participate in Auction 98, Public Notice*. 30 FCC Rcd 7159 (2015) at Appendix A.

<sup>30</sup> - In Auction 98, EMF would end up winning two allotments totaling \$86,900 which included a rural Class-A allotment in Louisiana for \$85,000. If a rural Class-A can go for \$85K, imagine what an urban LPFM would go for at auction.

<sup>31</sup> - As of August 5, 2015, there are 1,309 LPFM stations on the air.

<sup>32</sup> - R&O at 18.

organizations that are demanding commercials on LPFM are not necessarily the schools, churches and other community-based organizations but are mostly new organizations, many with only one principal that was organized for the sole purpose of starting the LPFM station. Many of these organizations were incorporated just days prior to the filing of their applications. REC and other LPFM advocates worked with many stations to help them assure that their underwriting messages are compliant.

13. With that said, we do feel that there is some room for improvement in the ability for NCE radio stations (both low-power and full-power) where it comes to the scripting of underwriting announcements. REC feels that there is a triple-standard in NCE underwriting: (1) The PBS standard, (2) the NPR standard, (3) how local radio is expected to behave. In his concurring statement in *Maricopa Community College District* (“Maricopa”), Commissioner Ajit Pai questions, specifically, what we call “the PBS standard” of underwriting messages in reference to a cruise line enticing them to take a river cruise so they can be “transported to another world”.<sup>33</sup> REC does feel that there is some limited latitude to look at the definition of a commercial and what would be allowed under §399b of the Communications Act. This LPFM proceeding is not the appropriate venue as this would impact all NCE licensees.

#### **F. Commercial radio’s cost vs. LPFM**

14. In their *Petition*, LPFM.AG makes a presentation that LPFM stations have to pay outright for services that commercial stations can usually get through barter. This includes local weather forecasts, traffic reports, news, syndicated programming and even jingles.<sup>34</sup> LPFMs already have the ability of providing local weather, traffic and news through their own in-house abilities. Many of the tools necessary to do local traffic and weather are online through public resources. There is a lot of programming available through sources such as Pacifica’s Audioport

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<sup>33</sup> - See *Maricopa County College District Request for Experimental Authority to Relax Standards for Public Radio Underwriting Announcements on KJZZ(FM) and KBAQ(FM), Phoenix, AZ. MO&O. 29 FCC Rcd 15047* (2014).

<sup>34</sup> - *Petition* at 12 & 13.

and through the A-Infos Radio Project. This is programming that is not necessarily available through commercial radio and does not have the same market exclusivity that Casey Kasem’s flashback shows would have.<sup>35</sup> Currently, the only jingle company that does barter is TM Studios and this is only a recent offering through their ownership by Westwood One.<sup>36</sup> Barter for jingles was much more prevalent in the 1960s because the dominant jingle company at the time, PAMS was also in the advertising business.<sup>37</sup> TM Studios, through their Studio Dragonfly subsidiary offers jingles to LPFM stations with a minimum buy of 10 cuts, usually around \$2,000 with a renewal after two years.<sup>38</sup> JAM Creative Productions normally has a 5-cut minimum buy per package with renewals. LFM Audio, a company based out of New Zealand has a good quality jingle product and will produce custom cuts with a 3-cut minimum buy at a special “small FM” rate of under \$1,000 USD with no renewal fees.<sup>39</sup> The bottom line, the more resourceful that you are, the easier it would be for an LPFM station to sound like the big guns.

**G. “Fair access” to emergency programming**

15. LPFM.AG says that LPFM needs “*fair access*” to emergency programming.<sup>40</sup> Such access already exists. It’s called the Emergency Alert System (“EAS”). All stations, regardless of whether they are commercial or non-commercial are required to monitor EAS and can carry the regional alerts as well as the required national alerts.<sup>41</sup> Through a little effort and

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<sup>35</sup> - It is also very highly unlikely that Premiere Networks would clear Casey Kasem or other syndicated programming on an LPFM due to market exclusivity, especially in an urban area due to the small reach of LPFM stations vs. the ability to reach more listeners on a full power station.

<sup>36</sup> - See Deutsch, Ken R., *TM Studios: Inside Jingle Central*. Radio World. (October 29, 2014). Retrieved August 5, 2015 from <http://www.radioworld.com/article/tm-studios-inside-jingle-central/273073>

<sup>37</sup> - Id.

<sup>38</sup> - <http://studiodragonfly.com/>

<sup>39</sup> - <http://www.lfmaudio.com/services/radio/sung-jingles/>

<sup>40</sup> - Petition at 16.

<sup>41</sup> - 47 C.F.R. §11.11(a)

elbow grease, LPFM stations can provide emergency information beyond EAS through establishing relationships in the community with local police and fire departments as well as being involved in their state's disaster communications system. As we have seen demonstrated in places like Minot, North Dakota during a major train derailment, even *external* commercial sources don't provide detailed emergency information and EAS is prone to failure.<sup>42</sup> LPFM stations can be the hero of the day, just like WQRZ-LP which was one of the few stations that stayed on the air in the aftermath of Hurricane Katrina.<sup>43</sup> The volunteers of WQRZ-LP had to do all of the work themselves.<sup>44</sup> There was no LPFM.AG-defined *fair access* commercial service even available if they could carry it. The argument that LPFM stations must be commercial in order to properly relay emergency information is purely without merit. With the right planning, it can be done without using commercial sources.<sup>45</sup> LPFM.AG just wants it served up on a plate. When the real emergency happens, stations without these public-sector relationships will be high and dry. That is not in the public interest.

#### **H. Small business participation in radio.**

16. LPFM.AG raises a good point about the nature of radio in the 1990s.<sup>46</sup> In the 90s, we saw a large number of moves of stations on rural allotments that were moving their

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<sup>42</sup> - See *What Really Happened in Minot, N.D.?*, Slate (January 10, 2007). Retrieved August 5, 2015 from [http://www.slate.com/articles/news\\_and\\_politics/press\\_box/2007/01/what\\_really\\_happened\\_in\\_minot\\_nd.html](http://www.slate.com/articles/news_and_politics/press_box/2007/01/what_really_happened_in_minot_nd.html)

<sup>43</sup> - See *Radio Operator Honored for Katrina Service*, NPR Morning Edition (April 13, 2006). Retrieved August 5, 2015 from <http://www.npr.org/templates/story/story.php?storyId=5339847>

<sup>44</sup> - See *WQRZ: A Real Lifesaver*, Prometheus Radio Project (undated). Retrieved August 5, 2015 from <http://prometheusradio.org/node/2578>

<sup>45</sup> - As we saw in the case of Minot, the Clear Channel station was staffed and the EAS failed. Once the staff person on duty was informed by listeners that there was a derailment, attempts to reach official agencies were impossible. This is why it is important that LPFM stations get involved in their communities and assure that their station is part of the community's disaster communications plan. In the event of a disaster, first responders should not depend solely on EAS but should also build a relationship with local media, both full-power and low-power. See also *Examination of the Future of Media and Information Needs in a Digital Age, Letter from Jessica Marventano, Senior Vice President, Government Affairs, Clear Channel Communications, Inc.*, GN Docket 10-25 (May 6, 2010).

<sup>46</sup> - Petition at 22.

transmitter sites to better cover an urban area (the so-called “rim shot”). REC had fought some of those rim-shots and attempts to add allotments to rural towns in order to actually program to the urbanized area. This did increase the value of stations and small “mom and pop” owners had no choice but to take the buyout by regional and eventually national interests who were buying radio stations hand over fist. As a part of REC’s Radio History Project<sup>47</sup>, we are tracing the history of AM broadcast stations which for many stations means following the history of a family as the patriarch starts and runs the station, they pass on and the station is left to the widow. In many cases, she does not want to have anything to do with it, so the station is sold and then is eventually purchased by a regional owner who eventually sells to another regional owner who eventually sells to a national owner. This is where we are at now. It is the unfortunate truth that the days of “mom and pop” radio are in most (but not all) cases, over. Making LPFM commercial will do nothing to help restore the mom and pop stations. If anything, it will open up new opportunities for EMF, Calvary Chapel of Twin Falls and other organizations that have millions to spend on a station to participate in an auction. This problem can only be addressed by Congress, not the Commission.

17. LPFM.AG proposes to add a new definition of eligible owner as a “small business”.<sup>48</sup> LPFM.AG defines a “small business” as an individual or any other group who can prove it has yearly earnings of under \$1,000,000. Under Section 397(6) of the Communications Act, individuals and for-profit corporations can’t be the licensees of NCE broadcast stations.<sup>49</sup> If LPFM was to offer a non-NCE (commercial) service, the FCC can’t restrict the type of owner in accordance with Section 202 of the Telecommunications Act due to the elimination of national ownership caps.

18. One of LPFM.AG’s arguments for commercials on LPFM is based solely on obtaining programming and production elements that are designed to make LPFM stations sound

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<sup>47</sup> - <http://home.recnet.com/radio-history-project>

<sup>48</sup> - Petition at 26.

<sup>49</sup> - 47 U.S.C. § 397(6)

just like the other stations on the dial.<sup>50</sup> In other words, they want content spoon-fed to them instead of going out and making it. Here in the Salisbury-Ocean City, Maryland market where REC is located, we have a Clear Channel (iHeart Media) cluster of several FM and AM stations. Each week, only about 6 hours of local programming (other than commercials) come from those stations combined. A majority of their programming is voice tracking, automation and syndicated programs, the same ones that LPFM.AG are proposing that LPFM stations should be allowed to carry with commercials on a barter basis.<sup>51</sup> This goes completely against the hyperlocal nature of the LPFM service and only makes the LPFM stations sound like all of the other commercial stations, especially since, because of statute, they can eventually be owned by the big commercial companies. With that said, while REC supports an expansion of permitted underwriting under a revised interpretation of Section 399B, we do not support in any way, shape or form, the ability to remove the NCE status of LPFM stations.

## **II. PRIMARY STATUS FOR LPFM STATIONS**

19. LPFM.AG claims that LPFM stations are “bullied” because all a full-power station needs to do to destroy an LPFM competitor is to “move the transmitter”.<sup>52</sup> LPFM.AG states that it is possible to make LPFM a primary status based on a reading that LPFM stations are only secondary “at the time of licensing”. Section 5 of the LCRA reads:

The Federal Communications Commission, when licensing new FM translator stations, FM booster stations, and low-power FM stations shall ensure that—

- (1) licenses are available to FM translator stations, FM booster stations, and low-power FM stations.
- (2) such decisions are made based on needs of the local community; and

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<sup>50</sup> - Petition at 13-15.

<sup>51</sup> - Id.

<sup>52</sup> - Petition at 44.

- (3) FM translator stations, FM booster stations and low-power FM stations remain equal in status and secondary to existing and modified full-service stations.

For which LPFM.AG interprets as:

This only defines a time period that is during the time when a new LPFM is licensed. All other times, they are free from this regulation. That means the only time LPFM must be equal to the FM translators [sic] and FM boosters is during the licensing of a new LPFM station. It also means, quite literally that during that very defined time is only when LPFM must be secondary to full-service stations. How can be it be read any other way?<sup>53</sup>

20. The notion that the LCRA can be interpreted that the secondary status of LPFM is only mandated during the short period when the LPFM station is newly licensed is without merit. When a station for any radio service (both broadcast and non-broadcast) is allowed to use a particular frequency or frequency band, they are considered either a “primary” user or a “secondary” user. For example, in the 420-450 MHz band, the Amateur Radio Service is a secondary user where government radiolocation services are the primary user. In that case, the Amateur service must operate on a non-interference basis to radiolocation.<sup>54</sup> Likewise, in the 88-108 MHz band, LPFM, FM translators and FM boosters are secondary users and operate on a non-interference basis to full-service stations which are the primary user of the band. The intention of primary and secondary designators to spectrum users are for both the initial use of the spectrum such as where a primary user can displace a secondary user; and in the future (as in years later) when a secondary user may be subject to displacement due to the need for the spectrum by a primary user. Making LPFM or any service secondary only at the time of grant of a construction permit and then, by rule, making them primary would serve no purpose. They might as well be primary from the start. This is what the LCRA prohibits.<sup>55</sup>

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<sup>53</sup> - Petition at 48.

<sup>54</sup> - See 47 C.F.R. §97.303(b).

<sup>55</sup> - We also must take into consideration that provisions that LPFM remain a secondary service, equal in status with FM translators and FM boosters was a considerable aspect of the compromise reached

21. As a matter of policy, REC would support legislation to afford primary status to the LPFM service. However, the proper channel to afford LPFM stations any primary service protections is through legislation in Congress, not through trying to dig a long-shot loophole in the statute through the rulemaking process. LPFM stations are already afforded an additional 20 km “buffer zone” between full power stations and LPFMs that permit full-power stations to move while still reducing the risk of inbound interference to the LPFM station.<sup>56</sup> Due to Section 5(3) of the LCRA, the Commission does not have the jurisdiction to grant primary status to LPFM through the rulemaking process.

### III. ASSIGNMENTS AND TRANSFERS OF LPFM STATIONS

22. LPFM.AG states that when a construction permit or license is returned to the Commission that “it cheats the community out of radio station choices for news, information, education and emergency information; often the town’s only potential voice, if it is small.”<sup>57</sup> LPFM.AG further states that “stations are valuable to their communities and why their licenses should never be sent back to the FCC if it can be avoided. If there is a distressed license and a potential license is nearby, the license should never be lost by the community.”<sup>58</sup> LPFM.AG proposes that in their proposed §73.865(c) that “a license cannot be transferred to assigned where consideration promised or received exceeds the depreciated fair market value of the physical equipment and facilities for three years and the licensee must operate the station during the three-year period.” and paragraph (d), “no party may assign or transfer an LPFM construction permit where consideration promised or received exceeds the depreciated fair market value of the physical equipment and facilities”.<sup>59</sup>

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between the LPFM community and the full-power broadcast industry as a part of the joint support of the LCRA before Congress.

<sup>56</sup> - R&O at 64.

<sup>57</sup> - Petition at 49.

<sup>58</sup> - Petition at 50.

<sup>59</sup> - Petition at 55.

23. The way that we read this proposed rule is that LPFM.AG wants to allow unbuilt construction permits and licenses that have been covered for over 3 years to be transferrable or assignable as long as the consideration does not exceed the fair market value of the equipment and facility.

**A. History of assignments in the LPFM service.**

24. When LPFM was first created, there was a mixed opinion on the transferability of LPFM licenses. After a careful review of the comments, the Commission decided to prohibit the transfer of construction permits and licenses for LPFM stations citing that this prohibition would “best promote the Commission’s interest in ensuring that spectrum is used for low power operations as soon as possible”.<sup>60</sup> In 2005, with the massive speculation that went on in the Auction 83 FM translator window fresh in our minds, the Commission realized that the total prohibition on transfers “may be unduly restrictive and may hinder, instead of promote, LPFM service” and asked for comments on allowing for assignments and transfers.<sup>61</sup> Based on the comments including the concerns over the issues raised as a result of the FM translator window, the Commission amended the rules to what we have today.<sup>62</sup>

**B. LPFM stations are failing and others want to help.**

25. Since the 2013 LPFM filing window, we have seen some situations where changes in priorities for organizations or changes in leadership have eliminated support for the use of radio as a part of their organization’s educational program and as a result, the station was not going to get constructed. In these cases, other NCE-eligible groups that were willing to take over the permit and build the station to serve the community has been denied the ability to

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<sup>60</sup> - R&O at 162-163.

<sup>61</sup> - See *Creation of a Low Power Radio Service, Further Notice of Proposed Rulemaking*, 20 FCC Rcd 6763 et. seq. (2005) at 16-17.

<sup>62</sup> - See *Third R&O* at 14-17.

“save” the permit. Due to the rules, these grantees were precluded from assigning their construction permit and as a result, the permit had to be cancelled.

26. We have seen the outcome and the millions of dollars that some FM translator speculators profited from in this past window and we must keep that in mind as we think about whether the rules need to be changed again to help out “failing” LPFM stations.

**C. REC supports changes in the rules for assignments and transfers**

27. First and foremost, any easing of the rules to transfer and assign LPFM stations must be contingent on the realization that LPFM will not become a commercial service and that ownership caps for LPFM stations are not increased. With those points in mind, REC supports additional relief to LPFM licensees and construction permit holders that may not be able to construct their stations and wish to give their permits to another organization. REC’s concept of rule changes are as follows:

- LPFM original construction permits may be assigned to another organization fifteen months after the grant. This will give the initial organization the opportunity to build the station. When the permit is assigned, the inward organization would be able to toll the permit for another 18 months for the full 36 months.
- LPFM licenses may be assigned after the license application has been granted (e.g. the station is already constructed and on the air). We no longer see a need for a three-year waiting period if another NCE/LPFM qualified organization is willing to take the station.
- Policy must be changed to require parties to an application on all original construction permit, transfer of control and assignment of license applications to disclose their residential addresses and that organizations must disclose their physical headquarters address, which may be different than their mailing and main studio addresses. We have seen many applications where all parties to the application were at the same address. Our service depends on localism of the organization and its governance and to assure this localism, we must assure that either the board or the headquarters is within 10 or 20 miles of the transmitting antenna.

- If during the construction permit period or within the first three years of being fully licensed, if the LPFM station being assigned was granted their permit due to the outcome of a comparative review (points), the incoming organization must meet those point requirements. For a 5-point applicant, the incoming organization must make a showing that they have a local community presence for two years from the original filing of the original construction permit application, pledges to 8 hours of local programming (prorated to 1/3 of the broadcast day for time shares) and maintains a staffed main studio for at least 20 hours per week.
- We must maintain all rules that state that assignments and transfers can only be done in consideration of the depreciated fair market value of equipment and facilities and no consideration for the license/permit itself.

28. We agree with LPFM.AG that there should be relief for LPFM stations that are not able to build and there is another qualified organization willing to step up to finish the job. In order for this to work and to prevent speculation in future windows, we must assure that the ownership and NCE status rules stay as they currently are now and we must assure that rules are in place to prevent one organization to “hold the door open” for a less qualified organization to take over the station.

#### **IV. OWNERSHIP CAPS**

29. LPFM.AG proposes to increase the maximum number of LPFM stations that an organization can own from one to three.<sup>63</sup> Citing the fact that tribal nations may own up to two LPFM stations, LPFM.AG feels that all organizations should be able to hold LPFM “duopolies”.<sup>64</sup>

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<sup>63</sup> - Petition at 56.

<sup>64</sup> - Petition at 50.

**A. History of LPFM ownership caps.**

30. In the original *Report and Order*, the Commission allowed for a phased-in national cap which eventually led to an organization being able to own up to 10 LPFM stations.<sup>65</sup> While the Civil Rights Organizations and the United Church of Christ were opposed to multiple-ownership of LPFM stations, one of the biggest supporters was the National Association of Broadcasters who stated that because a nationwide ownership cap is not permitted under the 1996 Telecommunications Act that the Commission can't impose an ownership cap and that common ownership will improve efficiency in the service.<sup>66</sup> In the *First MO&O*, the Commission added an additional provision that state or local governments and not-for-profit organizations with a public safety purpose may propose and license as many stations as needed within their jurisdiction.<sup>67</sup>

31. Ownership caps would be revisited in the *Third R&O* where several organizations urged the Commission to maintain strict local and multiple ownership requirements to ensure that the LPFM service continues to advance the public's interest in localism and diversity.<sup>68</sup> The Commission agreed stating that by amending the Rules to permanently limit LPFM eligibility, we protect the public interest in localism and foster greater diversity of programming from community sources.<sup>69</sup>

32. In the *Fourth Further Notice*, the Commission sought comment on whether Tribal Nation applicants should be permitted to seek one more than one LPFM construction permit to ensure adequate coverage of Tribal lands due to the need to cover large, irregularly shaped or

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<sup>65</sup> - *Report and Order* at 37-39.

<sup>66</sup> - *Id.* at 38.

<sup>67</sup> - See *Creation of a Low Power Radio Service, First Memorandum, Opinion and Order* ("First MO&O"). 215 FCC Rcd 19208 et. seq. (2000) at 78-79.

<sup>68</sup> - See *Third R&O* at 21-22.

<sup>69</sup> - *Id.* at 23.

rural areas.<sup>70</sup> REC and others supported the ability for multiple ownership by Tribal Nations for those exact reasons. While Tribal enterprises are mainly considered public sector agencies, we did not expect them to carry public safety programming which would have qualified them for multiple stations throughout their jurisdiction. Instead, we envisioned these stations carrying educational programming which would otherwise place them under the one station maximum. The two station limit proposed would have allowed tribes, especially in places like Arizona where reservation boundaries are unusually shaped be able to provide services to their residents.

**B. The current ownership cap must be maintained.**

33. REC continues to feel that in order to assure as many new voices on the air as possible, we must continue to maintain a one station ownership cap for private sector LPFM organizations. We continue to support the use of up to two co-owned translators and/or boosters in order to maximize the LPFM station's coverage while still remaining within its hyperlocal nature. LPFM stations can be encouraged to carry a common program for a portion of the day such as an overnight period.<sup>71</sup> LPFM stations are still permitted to rebroadcast other LPFM stations but we do not support the creation of mini-clusters.

34. Unfortunately, even with the ownership limits, there will still be people who will attempt to game the system. We saw this play out in the first window series and it is currently playing out with the 2013 window applications. It would be a fairy tale to believe that there is no de-facto common ownership of LPFM stations taking place but it is happening. Loosening the rules to allow more common ownership will only legitimize the attempts to nationalize LPFM stations. If anything, we need more assurances put into place to assure local ownership. This includes a re-design of FCC Form 318 so applicants must disclose the location of their

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<sup>70</sup> - See *Creation of a Low Power Radio Service, Forth Further Notice of Proposed Rulemaking*. 27 FCC Rcd. 3315 et. seq. (2012) at 58.

<sup>71</sup> - In RM-11749, REC has asked the Commission to permit LPFM stations in time-share agreements to prorate their local programming obligation from a full eight hours to one-third of their actual authorized programming hours citing that the other time-share partners would be subject to the same proration and a channel on the air for 24-hours a day would still receive 8 hours a day of local programming collectively from all of the licensees.

headquarters (which may not always be the organization's main studio or mailing address) and to change the instructions for Form 318 to require all parties to the application must disclose their primary residential address (where they reside for a majority of a typical calendar year) and that address is used in order to determine whether an LPFM station is being governed locally.

35. With that said, REC finds no reason why the Commission should grant LPFM.AG's request to increase the nationwide cap for LPFM ownership from one to two or three.

#### **IV. UNDERWRITING AND FUNDRAISING**

36. In their *Petition*, LPFM.AG states that “[i]t is beyond reason that an LPFM that is required to be local by law cannot work with a local church without placing restrictions on the broadcast to water down the emotional drive, spiritual passion and real meaning of the service. Further, LPFMs should be able to help any and all nonprofits in its coverage area.”<sup>72</sup> LPFM.AG feels that LPFM “should be able to reach out and help the most important servants in the community” by enabling block programming for churches, schools and other community groups.<sup>73</sup> They further state that the current underwriting guidelines force American pastors to “snap out” of passionate states and to very carefully watch each word that comes out to the point of putting a “governor” on the free speech of the pastor and “waters down the broadcast”.<sup>74</sup> LPFM.AG is even concerned that many biblical passages contain “comparative statements” and “calls to action”.<sup>75</sup>

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<sup>72</sup> - *Petition* at 59.

<sup>73</sup> - *Id.*

<sup>74</sup> - *Petition* at 60.

<sup>75</sup> - *Id.*

**A. The paranoia over calls to action.**

37. REC is not aware of any landmark cases where an LPFM or a full-power NCE stations have ever been fined as a result of the context of a sermon. In fact, there is a lot of concern to the point of paranoia where it comes to content on NCE radio and especially where it comes to when a “call to action” is legal even when there is no consideration involved. REC has received many questions and “sample scripts” from LPFM stations concerned about the guidelines. We have also witnessed much discussion about this topic on social media. While there has been some guidance issued by the Commission in the past, much if it is based on case law. There really needs to be a “Ten Commandments of Underwriting” published by the Commission or better yet, codification of rules to implement Section 399B of the Communications Act.

38. When you consider that many LPFM stations are licensed to the churches and ministries that operate them, the church/ministry and the radio station are the same corporate entity. Any fundraising by the church over the radio station can directly support the church for which the radio station is solely an extension of. In this case, there is no underwriting in consideration of airtime as the church already owns the airtime. In this case, if a pastor encourages listeners to come to his or her church next Sunday, we do not see an issue with a call to action. A simple read of §73.503(d) of the Rules, which also applies to LPFM per §73.801 clearly address promotional announcements (those that would include “calls to action”):

(d) Each station shall furnish a nonprofit and noncommercial broadcast service. Noncommercial educational FM broadcast stations are subject to the provisions of § 73.1212 to the extent they are applicable to the broadcast of programs produced by, or at the expense of, or furnished by others. No *promotional* announcement *on behalf of for profit entities* shall be broadcast at any time in exchange for the receipt, in whole or in part, of consideration to the licensee, its principals, or employees. However, acknowledgements of contributions can be made. *The scheduling of any announcements and acknowledgements may not interrupt regular programming.*<sup>76</sup> (Emphasis is from original publication in the Code of Federal Regulations.)

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<sup>76</sup> - 47 C.F.R. §73.503(d); also 47 C.F.R. §73.801.

The rules clearly state that the prohibition on calls to action apply to for-profit entities that provide consideration to the station or its staff and does not inhibit “calls to action” (such as coming to church) by the licensee’s church or by any other non-profit organization that provides programming to the station for incidental costs allowed under §73.503(c) of the Rules. NCEs are expected to follow prohibitions on third-party fundraising that alters or suspends regular programming<sup>77</sup> and the endorsement of political candidates<sup>78</sup> but we fail to see how a pastor encouraging a listener to come to their church or through the reading of scripture can be construed as a prohibited call to action.

**B. Third party fundraising is already under consideration.**

39. Third party fundraising is already being considered by the Commission in MB Docket 12-106.<sup>79</sup> That proceeding was triggered as a result of a recommendation made in a report “The Information Needs of Communities” and promotes the goals of Executive Order 13579 by analyzing whether the Commission’s longstanding policy against fundraising for third-party non-profits may be tailored to grant NCE stations limited flexibility without undermining the [NCE] policy’s important goals.<sup>80</sup> In the past, the Commission has granted limited waivers to permit NCE stations to engage in third party fundraising in the wake of trigger events such as Hurricane Katrina, the September 11 terrorist attacks, the January 2005 tsunami in Southeast Asia, the 2010 earthquake in Haiti and the 2011 Great Tohoku earthquake and tsunami in northeastern Japan.<sup>81</sup> Likewise, the Commission denied a request for waiver where the proposed

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<sup>77</sup> - See 47 C.F.R. § 73.503(d); *Commission Policy Concerning the Noncommercial Nature of Educational Broadcast Stations*, Second Report and Order, 86 FCC 2d 157-58 at 42-43 (1981), Memorandum Opinion and Order, 90 FCC 2d 907 at 20 (1982), recon. granted, Memorandum Opinion and Order, 97 FCC 2d 264-65 at 19 (1984). See also *Ohio State Univ.*, 62 FCC 2d 449, 450 (1976).

<sup>78</sup> - 47 U.S.C. §399.

<sup>79</sup> - See *Noncommercial Educational Station Fundraising for Third-Party Non-Profit Organizations*, Notice of Proposed Rulemaking, 27 FCC Rcd 4515 et. seq. (2012).

<sup>80</sup> - *Id.* at 1.

<sup>81</sup> - *Id.* at 6.

fundraising for the Muscular Dystrophy Association occurred annual to address ongoing needs and was not limited to a specific one-time problem.<sup>82</sup>

40. In 2012, the Commission has opened the docket for public comment and received 23 comments including comments from REC. In our comments, we expressed concern over ongoing third-party fundraising, especially by licensees that are designated by “hate organizations” by the Southern Poverty Law Center and that unlimited third-party fundraising would allow funds to be raised for unrelated organizations that will further endorse violence against oppressed minority groups while those oppressed groups would not be able to raise funds for their own causes as they are excluded by the licensees of the NCE stations.<sup>83</sup> REC does support limited third-party fundraising in response to local, national and worldwide “trigger” events such as hurricanes, floods, large brush fires, earthquakes and tsunamis.<sup>84</sup>

41. Some stations in both the low-power and full-power sectors sometimes forget that the “E” in NCE stands for “educational” and that the primary mission of NCE licensees is to provide a radio service that is an extension of their primary organization’s educational outreach program. This educational mission can’t be properly fulfilled if the station is being used as a donation machine for other organizations. As the issue of third-party fundraising is already being considered in MB Docket 12-106, there is no need to consider it in RM-11753.

## **VI. FORFEITURES AGAINST LPFM STATIONS**

42. In their petition, LPFM.AG is requesting “forfeiture fairness” or the reduction of forfeitures for LPFM “to an appropriate playing field for underpowered LPFM.”<sup>85</sup> LPFM.AG claims that “LPFM is currently paying 100,000-watt fines with 100-watt transmitters” and that

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<sup>82</sup> - Id.

<sup>83</sup> - See *Letter from Michelle (“Michi”) Eyre*, MB Docket 12-106 (July 24, 2012).

<sup>84</sup> - Id.

<sup>85</sup> - Petition at 64.

finer levied by the Commission “may be the size of a day or two’s [sic] income for the full power NCE-FM; however it would be typically be more than a year’s income to the LPFM.”<sup>86</sup> LPFM.AG equates an LPFM violating Commission rules like police pursuits where since LPFM stations cover fewer counties than full-power stations, their fines should be lower similar to how fines related to police pursuits (car-chases) are lower when fewer counties are involved.<sup>87</sup> LPFM.AG also provides examples of where LPFM stations were assessed much larger forfeitures than full power stations for violations of Section 399b of the Communications Act.<sup>88</sup>

43. With the absurdity of the car-chase analogy aside, the theory that less power equals less audience and fewer people impacted has no merit. The population within the 60 dBu service contours of LPFM stations in urban and suburban areas are likely to rival those of rural full-power service contours. In Appendix D of the Petition, LPFM.AG cites two LPFM and two full-power FM enforcement proceedings involving underwriting announcements:

Station Location	Fine Amount	ERP	Date
KXPW-LP, Georgetown, TX	\$20,000	12 watts	March 18, 2009
WQAZ-LP, Edmond, WV	\$16,000	5 watts	February 27, 2015
WCVZ-FM, South Zanesville, OH	\$9,000	16,000 watts	May 9, 2008
WBLQ-FM, Westerly, RI (now WKIV)	\$1,000	1,200 watts	May 9, 2000

**A. KXPW-LP, Georgetown, TX**

44. KXPW-LP is an existing LPFM station in Georgetown, Texas within the Austin, Texas metro market. Based on their currently authorized facility, they reach a potential population of 34,245 persons within their service contour.<sup>89</sup> In this case, there were multiple complaints received by the Commission that over a 14-month period in 2003 and 2004, KXPW-

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<sup>86</sup> - Id.

<sup>87</sup> - Petition at 65.

<sup>88</sup> - Petition at Appendix D.

<sup>89</sup> - All population estimates in this pleading are based on 2010 Census Block centroid data from all points within the station’s 60 dBu service contour.

LP made thousands of unlawful announcements primarily for eight different underwriters.<sup>90</sup> In this case, the Commission found that while the base forfeiture is \$2,000 for violation of the enhanced underwriting requirements, the nature of the case including the gravity of violation and any other factors including the history of prior offenses can result in an upward adjustment of the forfeiture.<sup>91</sup> Citing another forfeiture case with similar circumstances, the Commission set a base forfeiture of \$20,000 and warned KXPW-LP and other NCE licenses that in future cases, violations of this type encountered here may result in even harsher sanctions than proposed in the case of KXPW-LP.<sup>92</sup> We do note that in this case, a presentation of the station's gross revenues and financial statements were taken into consideration and the forfeiture was reduced from \$20,000 to \$6,000.<sup>93</sup>

## **B. WQAZ-LP, Edmond, WV**

45. WQAZ-LP is an existing LPFM station near Edmond, West Virginia located in a rural mountain area southeast of Charleston. This station as a service contour population of 1,056 persons. While not all details of this case have been made public, WQAZ-LP had admitted to, during a 3-month period in 2010, airing announcements “which promoted products or services, and contained qualitative descriptions, price comparative language, pricing information and calls to action.”<sup>94</sup> Under the terms of the Consent Decree, WQAZ-LP will pay a civil penalty of \$16,000 payable in eight quarterly installments of \$2,000, designate a

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<sup>90</sup> - See *Power Radio Corporation, Notice of Apparent Liability of Forfeiture*, (“Power NAL”) 24 FCC Rcd 2572 et. seq. (2009) at 5-6.

<sup>91</sup> - See *Id.* at 10. Also, see *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17087, 17115 (1997), *recon. denied* 15 FCC Rcd 303 (1999); 47 C.F.R. §1.80(b).

<sup>92</sup> - Power NAL at 11-12.

<sup>93</sup> - See *Power Radio Corporation, Forfeiture Order*, 24 FCC Rcd 9265 (2009) at 5-8. We do note that in addition to this forfeiture, a previous forfeiture of \$3,000 had been levied against Power Radio Corporation for a violation of §73.875(c) of the Commission's Rules in relation to the replacement of a 3-bay antenna with a 4-bay antenna that was not reported on Form 319. See *Notice of Apparent Liability*, 19 FCC Rcd 23735 (2004); also *Forfeiture Order*, 21 FCC Rcd 6940 (2006).

<sup>94</sup> - See *The Syner Foundation, Inc, Consent Decree*, 30 FCC Rcd 1780 (2015) at 3.

compliance officer, develop a compliance plan and make periodic compliance reports with the Commission.<sup>95</sup> We do note that WQAZ has had a previous enforcement record as they were issued a *Notice of Violation* in 2012 for operating a studio-to-transmitter link on the incorrect frequency, no forfeiture was levied.<sup>96</sup>

**C. WCVZ(FM) – South Zanesville, OH**

46. WCVZ(FM) was an NCE-FM operating on a commercial channel. It was a Class-B1 facility with a 57 dBu service contour population of 172,131 persons. In 2004, WCVZ was issued a NALF for \$20,000 for receiving remuneration for airing messages on behalf of the station's underwriters of which, "ten of those messages were repeated approximately 3,149 times."<sup>97</sup> We do note that the original NALF was used as the basis for the forfeiture against KXPW-LP.<sup>98</sup> In the *Forfeiture Order*, the Commission determined one of the announcements was actually compliant and based on that and the station's compliance record, the forfeiture was reduced from \$20,000 to \$9,000.<sup>99</sup>

**D. WBLQ (FM) – Westerly, RI (now WKIV)**

47. WBLQ(FM) was a NCE-FM station in the Providence, Rhode Island metro market.<sup>100</sup> This was a Class-A station with an LPFM-like 60 dBu service contour population of

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<sup>95</sup> - Id. at 10-14.

<sup>96</sup> - See *The Syner Foundation, WQAZ-LP, WQAZ889, Edmond, WV, Notice of Violation*. Report # V20123240003, File # EB-11-CF-0083. (2012)

<sup>97</sup> - See *Christian Voice of Central Ohio, Inc., Licensee of Formerly Noncommercial Educational Station WCVZ(FM), South Zanesville, OH, Notice of Apparent Liability of Forfeiture*, 19 FCC Rcd 23663 et. seq. (2004).

<sup>98</sup> - Power NAL at 11.

<sup>99</sup> - See *Christian Voice of Central Ohio, Inc., Forfeiture Order*, 23 FCC Rcd 7594 (2008); *recon. denied*, 23 FCC Rcd 15943 (2008).

<sup>100</sup> - WBLQ(FM) changed call signs to WKIV(FM) on December 12, 2005.

18,302 persons.<sup>101</sup> In the 2000 NAL, WBLQ(FM)'s announcements in violation seemed to stem from giving information about discounts in pricing which the licensee maintained was not giving out pricing information. The Commission reduced the forfeiture from the \$2,000 base amount to \$1,000 based on prior compliance record.<sup>102</sup> In 2008, just prior to the station's assignment application to Educational Media Foundation ("EMF") being granted, the Commission entered into a *Consent Decree* with WKIV(FM) in regard to prohibited underwriting announcements that aired in 2004 and 2005.<sup>103</sup> In the *Consent Decree*, WKIV(FM) agrees to make a voluntary contribution to the United States Treasury in the amount of \$7,500.<sup>104</sup> WKIV(FM) was further liable for a forfeiture of \$1,500 for failing to file a renewal application in violation of §73.3539 of the Commission's Rules.<sup>105</sup>

**E. "Forfeiture fairness" already exists**

48. If we review the actual outcomes of the four proceedings cited by LPFM.AG, it looks more like the following for forfeitures involving underwriting messages:

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<sup>101</sup> - LPFM.AG claims this station operates 1,200 watts, which it does today. However at the time of the violations, WBLQ(FM) operated 100 watts non-directional at 12 meters above ground level and 20 meters above average terrain from a different site (see BLED-19980210KA). In 2006, an application was filed to assign the license to Educational Media Foundation (see BALEd-20060817ADD) and to change transmitter site and increase the ERP to 1.2 kW (see BPED-20060523ABM). For comparison reasons, we must take into consideration that at the time of the violations, the WBLQ(FM) facility was no bigger than an LPFM station.

<sup>102</sup> - See *Southern Rhode Island Public Broadcasting, Inc., Notice of Apparent Liability of Forfeiture*, 15 FCC Rcd 8115 (2000).

<sup>103</sup> - See *Southern Rhode Island Public Broadcasting, Inc., Consent Decree*, 23 FCC Rcd 3769 et. seq. (2008) at 3.

<sup>104</sup> - *Id.* at 10.

<sup>105</sup> - See *Southern Rhode Island Public Broadcasting, Inc., Notice of Apparent Liability of Forfeiture*, 23 FCC Rcd 4684 (2008).

Station Location	Fine Amount	ERP	Date
KXPW-LP, Georgetown, TX	\$20,000 reduced to <b>\$6,000</b>	12 watts	March 18, 2009
WQAZ-LP, Edmond, WV	<b>\$16,000</b> in quarterly payments	5 watts	February 27, 2015
WCVZ-FM, South Zanesville, OH	\$20,000 reduced to <b>\$9,000</b>	16,000 watts	May 9, 2008
WBLQ-FM, Westerly, RI (now WKIV)	\$1,000, increased to <b>\$8,500</b>	<b>100</b> watts	May 9, 2000

49. In the case of KXPW-LP, the LPFM station followed nearly the same path that its peer full-power station (WCVZ) followed for a violation of similar magnitude. Since WQAZ-LP went to consent decree, there was no request for reduction. Instead, WQAZ-LP agreed to stop the investigation, pay the fine and put in a compliance program. Especially in light of the warning that was put in the KXPW-LP NAL that, in future cases, “violations of the type encountered here may result in even harsher sanctions than we propose in this case”, WQAZ-LP apparently did not want to risk it.<sup>106</sup> WBLQ-FM was given a small fine for their first violation and was hit again a few years later. Like with WQAZ-LP, they decided to take the consent decree, especially in light of their sale to EMF. All of these stations except WBLQ had exhibited egregious violations of the rules based on the magnitude of the violations. It is our opinion that the Commission’s forfeiture policies were properly followed here in the cases of KXPW and WCVZ and these forfeitures were properly reduced to reflect the magnitude of the violations and the station’s ability to pay. A Commission license comes with responsibilities and as part of those responsibilities, it doesn’t matter whether the station is a 100-watt light bulb or a 50,000 watt blowtorch<sup>107</sup>, you need to follow the rules and the punishment should fit the crime, not the size of the criminal.

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<sup>106</sup> - Power NAL at 12.

<sup>107</sup> - Tribute to John Records Landecker, recently retired from decades in Chicago area radio.

## VII. CALL SIGNS

50. LPFM.AG brings up the issue of call signs for LPFM stations stating that some listeners may find the “LP” suffix in addition to the calls to be awkward and out of the norm.<sup>108</sup> LPFM.AG argues that there is no good reason to force LPFM stations to add a mandatory and confusing “LP” to the end of their call letters, either at the top of the hour or in general.<sup>109</sup> LPFM.AG asks that (1) LPFM stations are allowed to identify themselves without the –LP suffix if their primary calls are unique and must identify with the –LP suffix if their call sign is not unique and (2) to allow the station to amend the –FM suffix if the call is not unique.<sup>110</sup>

51. The use of the –LP suffix can be traced back to the Low Power TV service. In the LPTV service, stations can be cross-owned by full-power radio and television service. Therefore, there can be a WXXX-TV and a separate commonly-owned LPTV station WXXX-LP. LPFM does not allow that kind of cross-ownership. Also, REC has reason to believe that some LPFM stations may be operating with call signs with the –LP suffix that are already in use as FM, AM or TV stations and the owners of those stations may have not granted permission to the LPFM station to use those call signs.

52. REC supports the ability for LPFM stations to obtain call signs without suffixes as this does not impact the availability of these call signs in other services. If the call sign is in use by an LPFM station without the suffix and the LPFM grants permission to a station in another service, the LPFM station must take the –LP suffix.<sup>111</sup> If an LPFM station wishes to duplicate a call sign used in another service, the LPFM should be required to obtain written

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<sup>108</sup> - Petition at 72.

<sup>109</sup> - Id.

<sup>110</sup> - Petition at 73.

<sup>111</sup> - Under common practice, if there are multiple facilities using a call sign and one of those stations is an AM station, the AM station takes the call sign without a suffix. We do not propose to change that.

permission from the primary call sign holder and that permission must be submitted to the Media Bureau prior to the duplication of the call sign. The need for the –LP suffix in LPFM is not necessary to run the station, puts LPFM on a more level playing field with full-power NCE and commercial stations and also reduces the risk of unauthorized call sign duplication.

## **VIII. TECHNICAL PROPOSALS**

53. LPFM.AG proposes some technical changes to improve the reach of LPFM stations and maximize their coverage areas. Some of these proposed changes are not technically sound and would put LPFM in a higher playing field against even full-power stations, some changes can be implemented as proposed while others can be implemented but subject to additional restrictions as a result of statutory limitations.

### **A. FM Boosters for LPFM Stations**

54. As we mentioned in our comments for RM-11749, LPFM stations should be permitted to operate boosters. The booster should count like a translator towards the current 2-station cap for LPFM commonly-owned translators.<sup>112</sup> The ability to operate an FM booster will permit a small number of LPFM stations, especially those in the west to be able to fill in major gaps of their service contour which would not be serviceable by the primary LPFM station. While it may be possible, based on spectrum availability to operate a translator in that area, it would not be spectrum efficient if the terrain is properly conditioned to support a booster. The use of a booster in lieu of a translator would be more spectrum efficient because in the secondary services, this unserved spectrum is already being set aside for the LPFM station with respect to other secondary stations.<sup>113</sup>

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<sup>112</sup> - See *Improvements to the Low Power FM (LPFM) Radio Service*, RM-11749, Comments of REC Networks (June 15, 2015) at 1-2.

<sup>113</sup> - The service contour of an FM booster must be wholly contained within the service contour of the primary station. See 47 C.F.R. §74.1231(i).

55. In order to properly implement the ability for LPFM stations to operate booster stations, we would need to add an additional hurdle for LPFM stations to assure that if the (100/97/94 dBu) interfering contour of the FM booster overlaps the service contour of another facility on a second or third adjacent channel, a showing must be made that the FM booster's interference contour, using the U/D ("Living Way") method will not interfere with second or third adjacent channels.<sup>114</sup> In addition, in order for a booster to receive programming to be rebroadcast, it must come through an alternate source such as microwave. This would mean that an FM booster operated by an LPFM station should not be subject to §73.860(b)(2) of the Commission's Rules.<sup>115</sup>

56. LPFM.AG, without substantial explanation other than "LPFMs can benefit", proposes an arbitrary 200% power level of the maximum station class (either 200 or 500 watts).<sup>116</sup> LPFM.AG offers no basis, technical findings or even justification for that kind of excessive power in a booster. Boosters are supposed to fill-in small "holes" in the service contour and have to be very carefully engineered and would only be beneficial to an extremely small number of stations. With that said, REC supports LPFM stations being able to obtain FM boosters with a maximum ERP of 20% of the maximum station class (either 20 or 50 watts) but we do not support LPFM.AG's maximum power request.<sup>117</sup>

**B. "Blanket" replacement of LPFM rules with FM Translator rules.**

57. LPFM.AG is requesting a blanket replacement of "all technical rules from §73.801 through §73.845" with "all technical rules from "§74.1201 through §74.1250".<sup>118</sup> They

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<sup>114</sup> - See *Living Way Ministries, Inc.* Memorandum Opinion and Order, 17 FCC Rcd 17054, 17056 (2002) at 5. *Recon denied* 23 FCC Rcd 15070 (2008).

<sup>115</sup> - 47 C.F.R. §73.860(b)(2) requires an FM translator that is commonly-owned by an LPFM licensee to receive the LPFM station directly through space.

<sup>116</sup> - Petition at 70.

<sup>117</sup> - See 47 C.F.R. §74.1235(c).

<sup>118</sup> - *Id.*

claim that “translator rules have been proven to be very effective in both FCC administration and general FM spectrum efficiency.”<sup>119</sup> Furthermore, LPFM.AG states that “FM translator rules make sense for current and future administrative streamlined processes at the FCC and also for both the LPFM and FM translator services.”<sup>120</sup>

58. REC does agree with the general statements made by LPFM.AG that changing LPFM to a contour overlap model would be more efficient use of spectrum. When LPFM was first created, it was designed to be a simple service that could be applied for by someone who did not have a broadcast engineering background.<sup>121</sup> This was true for the 2000/2001 filing window. However, when the 2013 filing window came along, the filings were more advanced, especially where a second-adjacent channel short spacing was involved.<sup>122</sup> We have seen many “do-it-yourself” applications filed with errors on them or applicants who simply did not put a second adjacent channel waiver request on the application. Many of those applications were dismissed with no opportunity to amend *nunc pro tunc*.<sup>123</sup> REC does feel that LPFM can be an engineered service.

### **C. Maintaining the “hyperlocal” nature of LPFM.**

59. Current FM translator rules permit stations that are not operating in fill-in service to be permitted to operate the equivalent of 250 watts at 32 meters height above average terrain (HAAT) with a service contour of 7.3 kilometers in all areas east of the Mississippi River as well as in California south of the 40<sup>th</sup> parallel.<sup>124</sup> For all other areas in the west, FM translators may

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<sup>119</sup> - Petition at 69.

<sup>120</sup> - Id.

<sup>121</sup> - *Report and Order* at 68-70.

<sup>122</sup> - See 47 C.F.R. §73.807(e)(1).

<sup>123</sup> - See 47 C.F.R. §73.870(c).

<sup>124</sup> - See 47 C.F.R. §74.1235(b)(1).

operate the equivalent of 250 watts at 107 meters height above average terrain with a service contour of 13.3 kilometers.<sup>125</sup>

60. REC does feel that there is a line that should be drawn that defines hyperlocal. In RM-11749, REC proposed LPFM at 250 watts at 30 meters HAAT which would provide a service contour of 7.1 kilometers.<sup>126</sup> If LPFM is changed to a contour overlap model (translator rules), we propose a nationwide limit of 250 watts at 32 meters HAAT with a service contour of 7.3 kilometers. We feel that this power limit will still maintain the hyperlocal nature of LPFM while helping many LPFM stations that are currently experiencing building penetration and other issues within 3 miles of their stations to be able to improve service to their listeners.

61. We do note that even for stations at the current LP-100 levels, a small number of these stations may already be placing interference contours within the service contours of full-power stations. The change of LPFM from distance separation to contour overlap does have the risk that it will reduce the availability of LPFM stations in some areas such as the foothills. With that said, we do feel that LPFM stations should also be able to address contour overlap issues using reduced power and directional antennas.<sup>127</sup>

#### **D. Contour overlap with some restrictions is possible with the LCRA**

62. Section 2 of the LCRA prescribes the Commission to "...modify the rules authorizing the operation of low-power FM radio stations as proposed in MM Docket No. 99-25, to prescribe protection for co-channels and first- and second- adjacent channels..."<sup>128</sup> In Section

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<sup>125</sup> - See 47 C.F.R. §74.1235(b)(2).

<sup>126</sup> - See *Improvements to the Low Power FM (LPFM) Radio Service, Petition for Rulemaking*, RM-11749 ("REC Petition"), REC Networks (April 20, 2015) at 3.

<sup>127</sup> - We do remind LPFM stations that choose to operate directional antennas that there are additional engineering requirements during the construction phase which includes the need to hire a surveyor and perform proofs of performance which can substantially increase the construction costs of the station.

<sup>128</sup> - LCRA Section 2(a)(1).

3(b)(1) of the LCRA, the Commission “shall not amend its rules to reduce the minimum co-channel and first and second- adjacent channel distance separation requirements in effect on the date of the enactment of this Act between (A) low-power FM stations; and (B) full-service FM stations.”<sup>129</sup>

63. The LCRA uses the language “in effect on the date of the enactment”.<sup>130</sup> When the LCRA was signed into law on January 4, 2011, §73.807 of the Commission’s Rules contained tables for both the LP-100 and LP-10 services.<sup>131</sup> While no LP-10 construction permits were ever issued, the table was still codified. From a technical standpoint, the base of this proposed restructured LPFM service is LP-10 with using contour overlap to achieve more than the minimum facilities. The LCRA does not specify that the LP-100 table must be used nor does it specify the effective radiated power of LPFM stations.<sup>132</sup>

64. We also note that the language in Section 3(b)(1) also states that the mandatory use of distance separation tables applies between “low-power FM stations; and full-service stations”. While Congress does not define a “full-service station” within the LCRA, Section 3(a)(2) does make a specific distinction between “full-service” stations, FM translator stations and FM boosters by calling them out separately.<sup>133</sup> Based on that, the mandatory use of minimum distance separation tables only apply to LPFM stations in protecting full-power FM stations.<sup>134</sup> This means there is no LCRA mandate to provide minimum distance separation

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<sup>129</sup> - LCRA Section 3(b)(1).

<sup>130</sup> - *Id.*

<sup>131</sup> - The LP-10 table was codified as 47 C.F.R. §73.807(b) effective with the *Report and Order* and was eliminated in the *Sixth Report and Order* at 71.

<sup>132</sup> - See *Sixth Report and Order* at 206. (“We note, however, that the LCRA does not contain any language limiting the power levels at which LPFM stations may be licensed.”)

<sup>133</sup> - See LCRA Section 3(a)(2) (“In General- The Federal Communications Commission shall modify its rules to eliminate third-adjacent minimum distance separation requirements between—  
(1) low-power FM stations; and  
(2) full-service FM stations, FM translator stations, and FM booster stations.”)

<sup>134</sup> - REC interprets the LCRA that a Class-D (secondary) non-commercial FM station is a full-service FM station.

tables between LPFM stations and FM translators, FM boosters and other LPFM stations. Also, as shown in the Commission's decision on *North End Woodward Community Coalition*, the Commission has already interpreted that the LCRA mandatory distance separation provisions do not apply in respect to full-power foreign stations.<sup>135</sup>

**E. A §73.215-like solution for LPFM is possible.**

65. Considering that the LCRA does mandate the use of the minimum distance separation tables that were codified at the time the Act was signed into law, we can use the former LP-10 chart (which was codified when the Act was signed into law) as the underlying minimum protections for LPFM stations using contour overlap. The way it would work is that in order to protect a full-power station, an LPFM station must pass two tests. First, the interfering contour of the LPFM station can't overlap the service contour of the full power station; and second, the LPFM station must meet the minimum distance separation from the full-power station using the LP-10 value appropriate for the full-power station class and channel adjacency.

66. For LPFM stations operating 101 watts ERP or greater, the LPFM station must also meet the intermediate frequency (+/- 53 and 54 channels) guidelines. LPFM stations are also required under Section 4 of the LCRA to protect full-service FM stations carrying radio reading services. As such, second-adjacent channel protections would be extended to third-adjacent channels in this case.<sup>136</sup>

**F. REC presents an alternative proposal – “Plan B”**

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<sup>135</sup> - See *North End Woodward Community Coalition*, BMPL-20150526AAA (Granted, May 28, 2015). This application included a short spacing to a Canadian co-channel station. Through the use of a directional antenna, the LPFM was able to protect the Canadian station.

<sup>136</sup> - We also note that third-adjacent channel contour protections and intermediate frequency contour protections (regardless of the ERP of the LPFM station) would be afforded to foreign facilities and allotments.

67. While REC had introduced an upgraded LP-250 service in RM-11749, we would also like to put on the table our “Plan B”. Plan B was an alternate allocation scheme that we had been working on over the past two years. Plan B addresses the desire of LPFM.AG to change LPFM to “translator rules” but does so in a manner that is compliant with the LCRA. Plan B involves a hybrid of contour overlap and minimum distance separation using the LP-10 tables in order to be compliant with the LCRA. The minimum distance separation aspect of the LCRA only applies to protecting “full-service” FM stations and does not apply to protecting FM Translators, FM Boosters, other LPFM stations and foreign stations and allotments. Plan B has its pros and cons and while we do not specifically endorse the implementation of Plan B, we feel that both the REC LP-250 proposal in RM-11749 and the REC Plan B we are putting in the record in this proceeding should be considered and the best parts of each go forward in a Notice of Proposed Rulemaking.<sup>137</sup>

68. Under Plan B, new LPFM stations and future changes to existing LPFM stations would be engineered like FM translators located east of the Mississippi River regardless of their location (other than the restrictions that apply near international borders). LPFM would be subject to the “Maximum ERP” (MERP) method where the height above average terrain (HAAT) is measured along 12 different radials and for non-directional stations, the lowest of the 12 MERPs would be the assigned maximum ERP of the station. Directional LPFM stations may use the MERP of the radial that is closest to the peak lobe of their antenna. Under this plan, LPFM stations would be given a maximum service contour of 7.3 km. Unlike for translators, a minimum service contour of 3.2 km (10 watts at 32m HAAT) would be specified.

69. Because MERP would be used for determining the maximum ERP and due to the fact that the interfering contours of the LPFM station towards full service are taken into consideration, this would address the concerns of full-service broadcasters who state that the interfering contours of “foothill” LPFM stations are overlapping the service contours of full-service FM stations as currently allowed under §73.209(c) of the Commission’s Rules.

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<sup>137</sup> - The proposed rules in Appendix A of this pleading are based on the REC proposed “Plan B” scheme. A fact sheet on Plan B is included as Appendix B.

70. While the distance spacing plan in RM-11749 provides a path for many LPFM stations to upgrade including the ability to do so with minimal Commission interaction, Plan B offers the most flexibility to LPFM stations and holds LPFM stations up to the same standards as FM translators, a standard already accepted by the full-service broadcast industry.

**G. LCRA Section 5 ensuring availability of spectrum.**

71. Like with REC's proposal in RM-11749 to allow for LPFM stations to upgrade to LP-250, a contour overlap model like the one depicted in our comments should not be construed as us advocating that an opportunity to license new LPFM stations should take place prior to a filing window for FM translators. Due to the complexities involved with the mixing of commercial and non-commercial services in a single filing window (which was also one of our main objections to a non-NCE LPFM service) and due to the fact that FM translators does not have the same localism objectives that LPFM stations have, such as LPFM having a point system for determining the winners of mutually exclusive groups which may include the accommodation of voluntary and involuntary time sharing, we can not have a combined LPFM/FM translator filing window.

72. Therefore, the next filing window would be for FM translators. With that said, we need to stress that Section 5 of the LCRA is still in effect. In the Commission's analysis of Section 5 in the *Fourth Report and Order*, the Commission interprets Section 5 to require consideration of existing licenses.<sup>138</sup> The Commission further states:

[T]he word "new" appears in the first clause of Section 5 but not in subparagraph 1, suggesting that we should consider the availability of both new and existing stations in ensuring that "licenses are available" for both services. In addition, our interpretation is consistent with the title of Section 5, "Ensuring Availability for Low-Power FM Stations," as well as the Commission's longstanding license allocation policies under Section 307(b) of the Communications Act of 1934, as amended, which directs the

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<sup>138</sup> - *Fourth R&O* at 16.

Commission to ensure a fair, efficient and equitable distribution of radio service” “among the several States and communities.”<sup>139</sup>

Taking that analysis into consideration, we feel that it would only be appropriate to protect LPFM opportunities in metro markets where FM translators outnumber LPFM stations and Class D AM stations without translators<sup>140</sup> within either a 30 x 30 minute grid or a 20 x 20 minute grid based on population. In those metro markets, the channel points of potential LPFM opportunities (based on guideline using the current LP-100 minimum spacing) should be protected for future LPFM services.<sup>141</sup>

## IX. CONCLUSION

73. Earlier this year, REC has identified six primary segments of LPFM stations:

- Community Radio
- Cause-Based Organizations
- Micro-Broadcast
- Faith-Based Organizations
- Secular Educational
- Government/Public Safety

If we were to look at traditional NCE (full-power) radio, there would be substantial shifts in the number of stations in each segment in comparison with LPFM. LPFM is a very diverse service. In full-power NCE, the Micro-Broadcast segment all but doesn't exist. LPFM has opened the

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<sup>139</sup> - Id.

<sup>140</sup> - REC is proposing a “Community Needs Factor” where the number of FM translators within the grid is divided by the sum of LPFM stations and Class D AM stations within the grid. In the case of LPFM stations in a time share group, the “value” of the LPFM will be prorated by the number of stations in the time share group. For example, an LPFM station in a 2-station time share group would be counted as a half (0.5) station. If the Community Needs Factor value is less than 1 (100%), then REC proposes to Yes channel points in the upcoming FM translator window with the exception of FM translators operating adjunct to a Class D AM station. See Appendix C.

<sup>141</sup> - Even if LPFM was to change to a contour-overlap model, the use of the LP-100 table from §73.807(a) would be a good gauge for determining availability and it can be performed using existing computer programs.

door for Micro-Broadcast stations through ease of application and reduced regulations compared to its full-service counterpart. Because Micro-Broadcast stations do not have the “brick and mortar” foundation of a sponsoring organization like LPFM stations in the other five segments, they are most likely to have paid for their equipment and engineering services “out of pocket” and hope to recoup those expenses using “revenues” from the station. Some aspiring Micro-Broadcast station operators were misled into thinking that they could “profit” from LPFM while others have attempted to look for an opportunity either in ignorance of the rules or just the hope that no one will complain. As we have seen, some LPFM stations have pushed well past the envelope resulting in what started off as five-figure fines.

74. Not every LPFM station is in the situation that Micro-Broadcast stations are in. These other LPFM stations have found creative ways of handling their on air imaging, gathering their news, weather, traffic reports, producing local programming and presenting non-local programming all without the need for commercial sources through buy-out or barter. The mere suggestion that LPFM stations that can’t run commercials are denying “emergency services” to their communities is downright absurd. Through the use of the Emergency Alert System and building relationships with your local first-responder agencies, LPFM stations can be looked to as a clearinghouse of emergency information especially if the full power stations are knocked off the air. Plus, during a real emergency, what is the first thing that is taken off the air? Yes, the commercials.

75. Allowing LPFM to operate “non-NCE” and to apply for licenses as such is unfair to the large number of community groups, minority support organizations, educational institutions, faith-based institutions, state and local governments, some of which do not operate with the underwriter acknowledgement message business model, that would be competing for spectrum with a few speculators who will trump these community organizations by proposing commercial operation. We must also take into consideration that not all broadcast stations, especially on AM have been concentrated. These are small owners, even a few “mom and pop” owners with only an AM station or single AM-FM combo who still provides a local service to their community featuring local advertising and local public service. LPFM stations should be

on the air to complement the dial with diverse choices in programming, not necessarily to compete with the mom and pop station a few clicks up the dial.

76. The proposal fails to take into consideration that because of statutes, many of the items either can't be done or can be done with detrimental circumstances and would require an act of Congress to change. Because of statute, commercial LPFM stations would be subject to competitive bidding, the Commission can't limit ownership of LPFM stations to only small businesses, nor can there be any cross-ownership restrictions or ownership caps. Under current statutes, there would be nothing stopping iHeart Media, Cumulus or even deep-pocketed NCEs like Educational Media Foundation from paying top-dollar and buying out LPFM stations (as well as outbidding the small business aspiring micro-broadcasters regardless of how much bidding credit you get). Statute restricts the Commission from giving LPFM a primary status. LPFM stations must remain equal in status with FM translators and boosters and must remain secondary.

77. This proposal also fails to show how LPFM stations are being discriminated against where it comes to forfeitures. We have shown that LPFM stations that have engaged in egregious disregard of the underwriting rules have been given the same forfeitures as their full-power counterparts engaged in the same activity and we have further shown how the Commission's existing rules on reductions do take into consideration the LPFM station's ability to pay. This proposal addresses third-party fundraising which already has a full record and is currently under consideration. It proposes technical changes without a well thought-out discussion on why the change is necessary and does so without the data to qualify and quantify the change.

78. Despite what this proposal doesn't do, it does call to attention that the Commission should review and reconsider its interpretation of Section 399B of the Communications Act to give all NCE stations both full-power and low-power as much flexibility to reach the line in the sand without crossing it. The changes originally proposed by Maricopa Community Colleges is a step in the right direction. It also highlights that a triple standard does

exist where it comes to underwriting announcements. While NPR and PBS are getting a free ride, independent radio is getting hit from every angle.

79. This proposal does also reflect the reality that some stations are not able to raise the funds to start the station or a sudden change such as a death of a primary stakeholder has sent the project crashing and all of this time, there was another NCE qualified organization waiting in the wings with the funding to build and be responsible for the operation of the station. Many of our fears in the aftermath of the 2003 Auction 83 window (some of which were shared at the time by REC) did not pan out and despite some gamesmanship, we managed to grant construction permits to almost two thousand churches, organizations, schools, government agencies and micro-broadcasters across the country. REC agrees that we need to relook at the LPFM rules in regards to assignments of permits and licenses to assure that no station goes unbuilt.

80. LPFM stations should not be singled-out and given by what some (not all) would perceive as a “badge of shame” through the distinctive call sign suffix “-LP” for LPFM stations. There is absolutely no reason why LPFM stations would need to use that suffix, especially considering that LPFM stations can’t be commonly-owned with other broadcast services that use four-letter call signs.

81. The proposal also attempts to fix something that should have been the culture to begin with. While contour-overlap can’t be done exactly the same way as it is with translators, there are ways that it can be done to provide LPFM stations the most flexibility while still overprotecting full-service FM stations. This can be done in a manner that is still consistent with the Local Community Radio Act. Based on the added complexities of second-adjacent channel waivers, there now more than ever a need for LPFM applications to be prepared by professionals who live and breathe LPFM. The Bill Kennard days of the simple application are over. LPFM is real radio. It needs to be treated as such.

82. With that, REC supports only those changes that would positively impact and promote the original purpose of LPFM as a local alternative to concentrated commercial radio while protecting the service from commercial influence and protecting the spectrum from undue interference.

Respectfully Submitted,

/S/

Michelle Bradley  
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August 26, 2015

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**APPENDIX A**

**PROPOSED RULES**

*This is being offered as an alternative to REC's proposed rules in RM-11749.*

1. Modifications to Section 73.807 are proposed as follows:

**§73.807 Minimum distance separation between stations**

Minimum separation and contour overlap requirements for LPFM stations are listed in the following paragraphs. Except as noted below, an LPFM station will not be authorized unless the co-channel, and first- and second-adjacent distance separations are met and there is no contour overlap of the interference contour of the proposed LPFM station and the protected contour in respect to authorized FM stations, applications for new and existing FM stations filed prior to the release of the public notice announcing an LPFM window period, authorized LPFM stations, LPFM station applications that were timely-filed within a previous window, and vacant FM allotments. . LPFM modification applications must either meet the contour overlap requirements, and if required, distance separations in the following table or, if short-spaced, not lessen the spacing to subsequently authorized stations.

Minimum separation requirements apply only to domestic full-service commercial and non-commercial FM stations and Class D (secondary) non-commercial FM stations in which case, both minimum separation and contour overlap requirements must be met; whereas in respect to FM translator stations, FM booster stations, LPFM stations, only contour overlap requirements must be met. Protection to foreign facilities and allotments are made in accordance with the appropriate international agreements.

An LPFM station need not satisfy the third-adjacent channel separations towards domestic facilities in order to be authorized. For the purposes of Section 73.810, the second-adjacent channel separations and contours will be used to determine which third-adjacent channel interference regime applies to an LPFM station.

- (a) An application for an LPFM station will not be accepted for filing if the proposed operation would involve overlap of the predicted field contours with other authorized commercial or non-commercial FM broadcast stations, FM translators, Class D (secondary) non-commercial FM stations and other LPFM stations as set forth:

(1) Commercial Class B FM Stations (Protected Contour: 0.5 mV/m)

<b>Frequency Separation</b>	<b>Interference contour of proposed LPFM station</b>	<b>Protected contour of commercial Class B station</b>
Co-channel	0.05 mV/m (34 dBu)	0.5 mV/m (54 dBu)
200 kHz	0.25 mV/m (48 dBu)	0.5 mV/m (54 dBu)
400 kHz (600 kHz)	50.0 mV/m (94 dBu)	0.5 mV/m (54 dBu)

(2) Commercial Class B1 FM Stations (Protected Contour: 0.7 mV/m)

<b>Frequency Separation</b>	<b>Interference contour of proposed LPFM station</b>	<b>Protected contour of commercial Class B1 station</b>
Co-channel	0.07 mV/m (37 dBu)	0.7 mV/m (57 dBu)
200 kHz	0.35 mV/m (51 dBu)	0.7 mV/m (57 dBu)
400 kHz (600 kHz)	70.0 mV/m (97 dBu)	0.7 mV/m (57 dBu)

(3) LPFM Stations, FM Translators and FM Booster Stations (Protected Contour: 1 mV/m)

<b>Frequency Separation</b>	<b>Interference contour of proposed LPFM station</b>	<b>Protected contour of LPFM, FM translator or FM booster station</b>
Co-channel	0.1 mV/m (40 dBu)	1 mV/m (60 dBu)
200 kHz	0.5 mV/m (54 dBu)	1 mV/m (60 dBu)

(4) All other classes (Protected Contour: 1 mV/m)

<b>Frequency Separation</b>	<b>Interference contour of proposed LPFM station</b>	<b>Protected contour of other station</b>
Co-channel	0.1 mV/m (40 dBu)	1 mV/m (60 dBu)
200 kHz	0.5 mV/m (54 dBu)	1 mV/m (60 dBu)
400 kHz (600 kHz)	100 mV/m (100 dBu)	1 mV/m (60 dBu)

(5) In addition to the meeting the contour overlap requirements of subparagraph (1) of this paragraph, an application for an LPFM station must also meet the following minimum separation in respect to full-service FM stations and Class D (secondary) non-commercial FM stations:

<b>Station class protected by LPFM</b>	<b>Co-channel minimum separation (km)</b>	<b>First adjacent channel minimum separation (km)</b>	<b>Second (and third) adjacent channel minimum separation (km)</b>	<b>I.F. channel minimum separations (10.6 or 10.8 MHz)</b>
D	16	10	6	None
A	59	53	29	6
B1	77	70	45	9
B	99	91	66	12
C4 <sup>142</sup>	59	53	29	9
C3	69	64	39	9
C2	82	77	52	12
C1	103	97	73	20
C0	114	108	84	22
C	122	116	92	28

(6) In addition to meeting or exceeding the minimum separations and all contour overlap requirements for LPFM stations in this paragraph, new LPFM stations will not be authorized in Puerto Rico or the Virgin Islands unless the minimum distance separation in the following table is met with respect to authorized or proposed FM stations:

<b>Station class protected by LPFM</b>	<b>Co-channel minimum separation (km)</b>	<b>First adjacent channel minimum separation (km)</b>	<b>Second (and third) adjacent channel minimum separation (km)</b>	<b>I.F. channel minimum separations (10.6 or 10.8 MHz)</b>
A	72	66	42	10
B1	84	78	53	12
B	126	118	92	22

(7) LPFM stations must satisfy the second-adjacent channel minimum distance separation requirements and the 400 kHz frequency separation contour overlap requirements of this

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<sup>142</sup> - - For illustrative purposes, the minimum distance separation for Class C4 is shown in the event of implementation of this service class as proposed by SSR Communications in RM-11727. As Class C4 was not codified in §73.807 at the time that the Local Community Radio Act was implemented, it is not subject to any statutory protection as is other FM classes. For the sake of consistency and to reduce the impact to LPFM stations with the implementation of Class C4, we are proposing that minimum co-channel and first-adjacent channel spacing be the same for Class C4 as it is for Class A. A similar recommendation was made by REC in comments for RM-11727.

paragraph with respect to any third-adjacent channel FM station that, as of September 20, 2000, broadcasts a radio reading service via a subcarrier frequency.

(8)(i) The provisions of this subsection concerning prohibited overlap between two LPFM stations will not apply where the area of overlap lies entirely over water. In addition, an application otherwise precluded by this section will be accepted if it can be demonstrated that minimal or no interference will occur due to intervening terrain, lack of population or such other factors that may be applicable.

(ii) Supplemental showings including topographic maps as well as Longley/Rice and other similar propagation studies may be used to demonstrate minimal or no interference between two or more LPFM stations only.

(iii) Any short spacing between two LPFM stations must be done with the mutual consent of both short-spaced LPFM stations. Such short-spaced LPFM stations agree to accept the other station's interference, if any and such consent can be revoked at any time at the request of one of the two LPFM stations upon a showing of actual unacceptable interference. In the event of such revocation of consent by one proponent, the two LPFM stations must return to a time shared operation.

(9) LPFM stations operating with 100 watts ERP or less are not subject to the intermediate frequency (I.F.) separation requirements of this paragraph in respect to domestic facilities.

(10) Commercial and noncommercial educational stations authorized under subparts B and C of this part, as well as new or modified commercial FM allotments, are not required to adhere to the separations specified in this rule section, even where new or increased interference would be created.

Note to paragraph (a): Minimum distance separations towards "grandfathered" superpowered Reserved Band stations are as specified.

Full service FM stations operating within the reserved band (Channels 201-220) with facilities in excess of those permitted in § 73.211(b)(1) or § 73.211(b)(3) shall be protected by LPFM stations in accordance with the minimum distance separations for the nearest class as determined under § 73.211. For example, a Class B1 station operating with facilities that result in a 60 dBu contour that exceeds 39 kilometers but is less than 52 kilometers would be protected by the Class B minimum distance separations. Class D stations with 60 dBu contours that exceed 5 kilometers will be protected by the Class A minimum distance separations. Class B stations with 60 dBu contours that exceed 52 kilometers will be protected as Class C1 or Class C stations depending upon the distance to the 60 dBu contour. No stations will be protected beyond Class C separations.

(b) The following standards must be used to compute the distances to the pertinent contours:

(1) The distances to the protected contours are computed using Figure 1 of §73.333 [F(50, 50) curves] of this chapter.

(2) The distances to the interference contours are computed using Figure 1a of §73.333 [F(50, 10) curves] of this chapter. In the even that the distance to the contour is below 16 kilometers (approximately 10 miles), and therefore not covered by Figure 1a, curves in Figure 1 must be used.

(3) The effective radiated power (ERP) to be used is the maximum ERP to the main radiated lobe in the pertinent azimuthal direction. If the transmitting antenna is not horizontally polarized only, either the vertical component or the horizontal component of the ERP should be used, whichever is greater in the pertinent azimuthal direction.

(4) The antenna height to be used is the height of the radiation center above the average terrain along each pertinent radial, determined in accordance with §73.313(d) of this chapter.

(c) An application for a change (other than a change in channel) in the authorized facilities of an LPFM station will be accepted even tough overlap of field strength contours would occur with another tation in an area where such overlap does not already exist, it:

(1) The total area of overlap with that station would not be increased;

(2) The area of overlap with any other station would not increase;

(3) The area of overlap does not move significantly closer to the station receiving the overlap; and,

(4) No area of overlap would be created with any station which the overlap does not now exist.

(d) *Waiver of the second-adjacent channel separations.*

(1) The Commission will entertain requests to waive the second-adjacent channel separations in paragraph (a) of this section on a case-by-case basis. In each case, the LPFM station must establish, using methods of predicting interference taking into account all relevant factors, including terrain-sensitive propagation models, that its proposed operations will not result in interference to any authorized radio service. The LPFM station may do so by demonstrating that no actual interference will occur due to intervening terrain or lack of population. The LPFM station may use an undesired/desired signal strength ratio methodology to define areas of potential interference.

(2) *Interference.*

(A) Upon receipt of a complaint of interference from an LPFM station operating pursuant to a waiver granted under paragraph (e)(1) of this section, the Commission shall notify the identified LPFM station by telephone or other electronic communication within one business day.

(B) An LPFM station that receives a waiver under paragraph (e)(1) of this section shall suspend operation immediately upon notification by the Commission that it is causing interference to the reception of an existing or modified full-service FM station without regard to the location of the station receiving interference. The LPFM station shall not resume operation until such interference has been eliminated or it can demonstrate to the Commission that the interference was not due to emissions from the LPFM station. Short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

(e) *International considerations within the border areas.*

(1) *With respect to Canada.*

(A) An application for an LPFM station will not be accepted for filing if the proposed operation would involve overlap of the predicted field contours with Canadian FM stations as set forth:

(1) Canadian Class C stations (Protected Contour: 0.8 mV/m)

<b>Frequency Separation</b>	<b>Interference contour of proposed LPFM station</b>	<b>Protected contour of Canadian Class C station</b>
Co-channel	0.08 mV/m (38 dBu)	0.8 mV/m (58 dBu)
200 kHz	0.40 mV/m (52 dBu)	0.8 mV/m (58 dBu)
400 kHz	8.0 mV/m (78 dBu)	0.8 mV/m (58 dBu)
600 kHz	80.0 mV/m (98 dBu)	0.8 mV/m (58 dBu)

(2) All other classes of Canadian stations (Protected Contour: 0.5 mV/m)

<b>Frequency Separation</b>	<b>Interference contour of proposed LPFM station</b>	<b>Protected contour of commercial Class B station</b>
Co-channel	0.05 mV/m (34 dBu)	0.5 mV/m (54 dBu)
200 kHz	0.25 mV/m (48 dBu)	0.5 mV/m (54 dBu)
400 kHz (600 kHz)	5.0 mV/m (74 dBu)	0.5 mV/m (54 dBu)
600 kHz	50.0 mV/m (94 dBu)	0.5 mV/m (54 dBu)

(B) Applications for LPFM stations located within 320 km of the Canadian border will not be accepted if they have a 34 dBu interference contour that exceeds 60 km.

(C) An application for an LPFM station will not be accepted for filing if the proposed operation would involve overlap of the 91 dBu interfering contours of the proposed LPFM station and any Canadian station operating at 53 or 54 channels removed.

(2) *In respect to Mexico.*

(A) An application for an LPFM station will not be accepted for filing if the proposed operation would involve overlap of the predicted field contours with Canadian FM stations as set forth:

(1) Mexican Class B FM Stations (Protected Contour: 0.5 mV/m)

<b>Frequency Separation</b>	<b>Interference contour of proposed LPFM station</b>	<b>Protected contour of commercial Class B station</b>
Co-channel	0.05 mV/m (34 dBu)	0.5 mV/m (54 dBu)
200 kHz	0.25 mV/m (48 dBu)	0.5 mV/m (54 dBu)
400 kHz	50.0 mV/m (94 dBu)	0.5 mV/m (54 dBu)
600 kHz	50.0 mV/m (94 dBu)	0.5 mV/m (54 dBu)

(2) Mexican Class B1 FM Stations (Protected Contour: 0.7 mV/m)

<b>Frequency Separation</b>	<b>Interference contour of proposed LPFM station</b>	<b>Protected contour of commercial Class B1 station</b>
Co-channel	0.07 mV/m (37 dBu)	0.7 mV/m (57 dBu)
200 kHz	0.35 mV/m (51 dBu)	0.7 mV/m (57 dBu)
400 kHz	70.0 mV/m (97 dBu)	0.7 mV/m (57 dBu)
600 kHz	70.0 mV/m (97 dBu)	0.7 mV/m (57 dBu)

(4) All other classes of Mexican stations (Protected Contour: 1 mV/m)

<b>Frequency Separation</b>	<b>Interference contour of proposed LPFM station</b>	<b>Protected contour of other station</b>
Co-channel	0.1 mV/m (40 dBu)	1 mV/m (60 dBu)
200 kHz	0.5 mV/m (54 dBu)	1 mV/m (60 dBu)
400 kHz	100 mV/m (100 dBu)	1 mV/m (60 dBu)
600 kHz	100 mV/m (100 dBu)	1 mV/m (60 dBu)

(B) An application for an LPFM station will not be accepted for filing if the proposed operation would involve overlap of the 91 dBu interfering contours of the proposed LPFM station and any Canadian station operating at 53 or 54 channels removed.

(C) LPFM stations located within 125 kilometers of the Mexican border may operate with an ERP up to 50 watts (0.05 kW) ERP and may not produce a 32 dBu interfering contour in excess of 32 km from the transmitter site in the direction of the Mexican border, nor may be 60 dBu service contour of the LPFM station exceed 8.7 km from the transmitter site in the direction of the Mexican border.

(D) LPFM stations located between 125 kilometers and 320 kilometers from the Mexican border may operate with an ERP in excess of 50 watts, up to the maximum permitted ERP of 250 watts. However, in no event shall the location of the 60 dBu contour lie within 116.3 km of the Mexican border.

(3) The Commission will notify the International Telecommunications Union (ITU) of any LPFM authorizations in the US Virgin Islands. Any authorization issued for a US Virgin Islands LPFM station will include a condition that permits the Commission to

modify, suspend or terminate without right to a hearing if found by the Commission to be necessary to conform to any international regulations or agreements.

(4) The Commission will initiate international coordination of a LPFM proposal even where the above Canadian and Mexican spacing tables are met, if it appears that such coordination is necessary to maintain compliance with international agreements.

2. Proposed modifications to Section 73.809 are as follows:

**§73.809 Interference protection**

*(a) LPFM stations operating with a service contour of less than or equal to 5.6 kilometers:*

(1) If a full service commercial or NCE FM facility application is filed subsequent to the filing of an LPFM station facility application, such full service station is protected against any condition of interference to the direct reception of its signal caused by such LPFM station that operates on the same channel or first-adjacent channel and has a service contour of less than or equal to 5.6 kilometers provided that the interference is predicted to occur and actually occurs within:

(i) The 3.16 mV/m (70 dBu) contour of such full service station;

(ii) The community of license of such full service station; or

(iii) Any area of the community of license of such full service station that is predicted to receive at least a 1 mV/ m (60 dBu) signal. Predicted interference shall be calculated in accordance with the ratios set forth in § 73.215 paragraphs (a)(1) and (a)(2). Intermediate frequency (IF) channel interference overlap will be determined based upon overlap of the 91 dBu F(50,50) contours of the FM and LPFM stations. Actual interference will be considered to occur whenever reception of a regularly used signal is impaired by the signal radiated by the LPFM station.

(2) An LPFM station will be provided an opportunity to demonstrate in connection with the processing of the commercial or NCE FM application that interference as described in paragraph (a)(1) of this section is unlikely. If the LPFM station fails to so demonstrate, it will be required to cease operations upon the commencement of program tests by the commercial or NCE FM station.

(3) Complaints of actual interference by an LPFM station subject to subsections (1) and (2) must be served on the LPFM licensee and the Federal Communications Commission, attention Audio Services Division. The LPFM station must suspend operations within twenty-four hours of the receipt of such complaint unless the interference has been resolved to the satisfaction of the complainant on the basis of suitable techniques. An LPFM station may only resume operations at the direction of the Federal

Communications Commission. If the Commission determines that the complainant has refused to permit the LPFM station to apply remedial techniques that demonstrably will eliminate the interference without impairment of the original reception, the licensee of the LPFM station is absolved of further responsibility for the complaint.

(b) *LPFM stations with service contours that exceed 5.6 kilometers.*

(1) An authorized LPFM station with a service contour that exceeds 5.6 kilometers will not be permitted to continue to operate if it causes any actual interference to:

(i) The transmission of any authorized broadcast station; or

(ii) The direct reception by the public of the off-the-air signals of any broadcast station including TV Channel 6 stations, Class D (secondary) noncommercial educational FM stations, and previously authorized and operating LPFM stations, FM translators and FM boosters. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the LPFM station, regardless of the quality of such reception, the strength of the signal so used, or the channel on which the protected signal is transmitted.

(2) If interference cannot be properly eliminated by the application of suitable techniques, operation of the offending LPFM station shall be suspended and shall not be resumed until the interference has been eliminated. Short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures. If a complainant refuses to permit the LPFM licensee to apply remedial techniques which demonstrably will eliminate the interference without impairment to the original reception, the licensee of the LPFM station is absolved of further responsibility of that complaint.

(c) It shall be the responsibility of the licensee of an LPFM station to correct any condition of interference that results from the radiation of radio frequency energy outside its assigned channel. Upon notice by the FCC to the station licensee or operator that such interference is caused by spurious emissions of the station, operation of the station shall be immediately suspended and not resumed until the interference has been eliminated. However, short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

(d) In each instance where suspension of operation is required, the licensee shall submit a full report to the FCC in Washington, D.C., after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

3. Proposed modifications to Section 73.811 are as follows:

**§73.811 LPFM power and antenna height requirements**

(a) An application for an LPFM station will not be accepted for filing if it specifies an effective radiated power (ERP) which exceeds the maximum ERP (MERP) or is less than the minimum ERP (MinERP) values determined in accordance with this paragraph. The antenna height above average terrain shall be determined in accordance with §73.313(d) of this chapter for each of 12 distinct radials spaced 30 degrees apart with the bearing of the first radial bearing true north. Each radial HAAT value shall be rounded to the nearest meter. For each of the 12 radial directions, the MERP is the value corresponding with the following table. For an application specifying a nondirectional transmitting antenna, the specified ERP must not exceed the smallest of the 12 MERPs. For an application specifying a directional transmitting antenna, the ERP in each azimuthal direction must not exceed the MERP for the closest of the 12 radial directions.

Radial HAAT (meters)	Minimum ERP (MinERP in watts)	Maximum ERP (MERP in watts)
Less than or equal to 32	10	250
33 to 39	6	170
40 to 47	4	120
48 to 57	3	80
58 to 68	2	55
69 to 82	2	38
83 to 96	2	27
97 to 115	1	19
116 to 140	1	13
Greater than or equal to 141	1	10

4. Section §73.813 is deleted<sup>143</sup>:

**§73.813 Determination of antenna height above average terrain (HAAT)**

[Deleted]

5. Modifications to Section 73.816 are proposed as follows:

**§73.816 Antennas**

(a) Composite antenna and antenna arrays may be used where the total ERP does not exceed the maximum determined in accordance with §73.811 of this section.

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<sup>143</sup> - Merged with §73.811.

(b) Either horizontal, vertical, circular or elliptical polarization may be used provided that the supplemental vertically polarized ERP required for circular or elliptical polarization does not exceed the ERP otherwise authorized. Either clockwise or counterclockwise rotation may be used. Separate transmitting antennas are permitted if both horizontal and vertical polarization is to be provided.

(c) An application that specifies the use of a directional antenna must comply with §73.316, paragraphs (c)(1) through (c)(3) of this section. Prior to issuance of a license, the applicant must: (1) certify that the antenna is mounted in accordance with the specific instructions provided by the antenna manufacturer; and (2) certify that the antenna is mounted in the proper orientation. In instances where a directional antenna is proposed for the purpose of providing protection to another facility, a condition may be included in the construction permit requiring that before program tests are authorized, a permittee: (1) must submit the results of a complete proof-of-performance to establish both the horizontally and vertically polarized radiation components; and, (2) must certify that the relative field strength of neither the measured horizontally nor vertically polarized radiation components shall exceed at any azimuth the value indicated on the composite radiation pattern authorized by the construction permit.

(d) [deleted]

6. Modifications to Section 73.825 are proposed as follows:

**§73.825 Protection to reception of TV channel 6**

The provisions of this section apply to all applications for construction permits for new or modified facilities for a LPFM station on Channels 201-220, unless the application is accompanied by a written agreement between the LPFM applicant and each affected TV Channel 6 broadcast station, Low Power TV and Class-A TV licensee or permittee concurring with the proposed LPFM facility.

(a) Except as provided in paragraphs (b) and (c) of this section, LPFM stations will be authorized on Channels 201 through 220 if the pertinent minimum separation distances in the following table are met with respect to all full power TV Channel 6 stations as well as in respect to all Low Power TV and Class-A TV stations which are authorized to operate on Channel 6:.

<b>FM Channels</b>	<b>Distance to TV Channel 6 (kilometers)</b>	<b>Distance to LPTV/Class-A Channel 6 (kilometers)</b>
201	140	98
202	138	97
203	137	95

204	136	94
205	135	93
206 through 211	133	91
212 through 214	132	90
215	131	90
216 through 218	131	89
219 through 220	130	89

(b) *Collocated stations.* An application for a LPFM station operating on Channels 201-220 and located at 0.4 kilometers or less from a TV Channel 6 station will be accepted if it includes a certification that the applicant has coordinated the antenna with the affected TV station.

(c) *Contour overlap.* Except as provided in paragraphs (a) and (b) of this section, an application for a Maximized LPFM station with a service contour greater than 5.6 kilometers operating on Channels 201-220 will not be accepted if the proposed operation will involve overlap of its interference field strength contour with any TV Channel 6 station's Grade B contour, as set forth below.

(1) The distances to the TV Channel 6 Grade B (47 dBu) field strength contour will be predicted according to the procedures specified in §73.684 of this chapter, using the F(50,50) curves in §73.699, Figure 9 of this chapter.

(2) The distances to the acceptable LPFM interference contour will be predicted according to the procedures specified in §73.807(c) of this part.

(3) The applicable LPFM interference contours are as follows:

<b>FM Channels</b>	<b>Interference contour F(50,10) curves (dBu)</b>
201	54
202	56
203	59
204	62
205	64
206	69
207	73
208	73
209	73
210	73
211	73
212	74
213	75
214	77
215	78

216	80
217	81
218	85
219	88
220	90

7. Proposed modification to Section 73.853 by adding paragraph (d) as follows:

**§73.853 Licensing requirements and services**

(d) In the case of an applicant that is not a tribal applicant nor is proposing a public safety radio service:

(1) Applicants qualifying under subparagraph (b)(1) must disclose the street address of the physical headquarters of the applicant, its local chapter or branch.

(2) Applicants qualifying under subparagraph (b)(2) must disclose the primary residential street address where the party of the application is domiciled for a majority of a typical calendar year.

8. Proposed modification to Section 73.860 by revising paragraph (b) as follows:

**§73.860 Cross-ownership**

(a) \*\*\*\*\*

(b) A party that is not a Tribal Applicant, as defined in Section 73.853(c) of this Part, may hold attributable interests in one LPFM station and no more than two FM translator or FM booster stations or a combination thereof provided the following conditions are met:

(1) FM translator and booster station(s), at all times, synchronously rebroadcasts the primary analog signal of the commonly-owned LPFM station or, if the commonly-owned LPFM station operates in hybrid mode, synchronously rebroadcasts the digital HD-1 version of the LPFM station's signal;

(2) The FM translator station(s) receives the signal of the commonly-owned LPFM station over the air and directly from the commonly owned LPFM station itself; and

(3) The transmitting antenna of the FM translator(s) station is located within 16.1 km (10 miles) for LPFM stations located in the top 50 urban markets and 32.1 km (20 miles) for

LPFM stations outside the top 50 markets of either the transmitter site of the commonly owned LPFM station or the reference coordinates for that station's community of license.

9. Proposed modification to Section 73.865 is as follows:

**§73.865 Assignment and transfer of LPFM authorizations**

(a) Assignment/Transfer: No party may assign or transfer an LPFM license if:

(1) Consideration promised or received exceeds the depreciated fair market value of the physical equipment and facilities; and/or

(2) The transferee or assignee is incapable of satisfying all eligibility criteria that apply to a LPFM licensee; and/or

(3) If the station is not currently licensed or the station has been licensed for less than 3 years and the original construction permit was granted per the selection process for mutually exclusive LPFM applications pursuant to §73.872 of the Commission's Rules, and the transferee or assignee does not meet points that were claimed on the original construction permit application; and/or

(4) If the station was originally in a group of four or more equally-qualified mutually exclusive applicants where other applicants were dismissed in accordance with §73.872(d)(3) and the transferee or assignee has a community presence date newer than the community presence date of the applicant that ranked in third place during the comparative review.

(b) \* \* \* \* \*

(c) No party may assign or transfer an original construction permit that has been granted for less than 450 days.

(d) Transfers of control involving a sudden change of more than 50 percent of an LPFM's governing board shall not be deemed a substantial change in ownership or control, subject to the filing of an FCC Form 316.

(e) [deleted]

10. Proposed modification to Section 73.870 by revising paragraph (a) as follows:

**§73.870 Processing of LPFM broadcast station applications**

(a) A minor change for an LPFM station authorized under this subpart is limited to transmitter site relocations of 14.1 kilometers or less. These distance limitations do not apply to amendments or applications proposing transmitter site relocation to a common location filed by applicants that are parties to a voluntary time-sharing agreement with regard to their stations pursuant to §73.872 paragraphs (c) and (e). These distance limitations also do not apply to an amendment or application proposing transmitter site relocation to a common location or a location very close to another station operating on a

third-adjacent channel in order to remediate interference to the other station; provided, however that the proposed relocation is consistent with all localism certifications made by the applicant in its original application for the LPFM station. Minor changes of LPFM stations may include:

- (1) Changes in frequency to adjacent (first-adjacent, second-adjacent or third-adjacent) or I.F. frequencies or upon a technical showing of reduced interference, to any channel; and
- (2) Amendments to time-sharing agreements, including universal agreements that supercede involuntary agreements.

11. Proposed modification to Section 73.871 by revising paragraph (c) as follows:

**§73.871 Amendment of LPFM broadcast station applications**

(c) Only minor amendments to new and major change applications will be accepted after the close of the pertinent filing window subject to the provisions of this section, such amendments may be filed as a matter of right by the date specified in the FCC's Public Notice announcing the acceptance of such applications. For the purpose of this section, minor amendments are limited to:

- (1) Site relocations of 14.1 kilometers or less;
- (2) Changes in ownership where the original party or parties to the application retain more than a 50 percent ownership interest in the application as originally filed;
- (3) Universal voluntary time-sharing agreements to apportion vacant time among the licensees;
- (4) Other changes in general and/or legal information; and
- (5) Filings proposing transmitter site relocation to a common location submitted by applicants that are parties to a voluntary time-sharing agreement with regard to their stations pursuant to §73.872 paragraphs (c) and (e).

12. Proposed modification to section 73.872 by revising paragraph (b) as follows:

**§73.872 Selection procedure for mutually exclusive LPFM applications**

(b) Each mutually exclusive application will be awarded one point for each of the following criteria, based on certifications that the qualifying conditions are met and submission of any required documentation:

- (1) \* \* \* \* \*

(2) *Local program origination.* The applicant must pledge to originate locally at least eight hours of programming per day. For purposes of this criterion, local origination is the production of programming by the licensee, within ten miles of the coordinates of the proposed transmitting antenna. Local origination includes licensee produced call-in

shows, music selected and played by a disc jockey present on site, broadcasts of events at local schools, and broadcasts of musical performances at a local studio or festival, whether recorded or live. Local origination does not include the broadcast of repetitive or automated programs or time-shifted recordings of non-local programming whatever its source. In addition, local origination does not include a local program that has been broadcast twice, even if the licensee broadcasts the program on a different day or makes small variations in the program thereafter. In the event the applicant is subject to voluntary time-sharing in accordance with paragraph (c) or subject to involuntary time-sharing in accordance with paragraph (d), the applicant need only to originate locally for a period of at least one-third of the station's broadcast day to meet this criterion.

13. Proposed modification to section 73.3550 by revising paragraphs (f) and (m) as follows:

**§73.3550 Requests for new or modified call sign assignments**

(f) Only four-letter call signs (plus an LP, FM, TV or CA suffix, if used) will be assigned. However, subject to the other provisions of this section, a call sign of a station may be conformed to a commonly owned station holding a three-letter call assignment (plus FM, TV, CA or LP suffixes, if used).

\* \* \* \* \*

(m) Where a request call sign, without the “-FM”, “-TV”, “-CA” or “-LP” suffix, would conform to the call sign of any other non-commonly owned station(s) operating in a different service, an applicant using the on-line reservation and authorization system will be required to certify that consent to use the secondary call sign has been obtained by the holder of the primary call sign. In the case of LPFM stations, written certification which bears the signature of the authorized representative of the primary call sign holder must be submitted to the Federal Communications Commission, Media Bureau prior to the issuance of the secondary call sign.

14. Proposed modification to section 74.1203 by revising paragraph (a) as follows:

**§74.1203 Interference.**

(a) \* \* \* \* \*

(1) \* \* \* \* \*

(2) \* \* \* \* \*

(3) The direct reception by the public of the off-the-air signals of any authorized broadcast station including TV Channel 6 stations, Class D (secondary) non-commercial educational FM stations, low power FM stations, and previously authorized and operating

FM translators and FM booster stations. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the quality of such reception, the signal strength of the signal so used, or the channel on which the protected signal is transmitted.

15. Proposed modification to Section 74.1204 by revising the title and by revising paragraph (a) and adding paragraph (k) as follows:

**§74.1204 Protection of FM broadcast, FM translator and LPFM stations**

(a) An application for an FM translator will not be accepted for filing if the proposed operation would involve overlap of predicted field contours with any other authorized commercial or noncommercial educational FM broadcast stations, FM translators, Class D (secondary) noncommercial educational FM stations and low power FM stations, as set forth:

(1) \* \* \* \* \*

(2) \* \* \* \* \*

(3) \* \* \* \* \*

(4) LPFM stations (Protected Contour: 1 mV/m)

<b>Frequency Separation</b>	<b>Interference contour of proposed translator station</b>	<b>Protected contour of LPFM station</b>
Co-channel	0.1 mV/m (40 dBu)	1 mV/m (60 dBu)
200 kHz	0.5 mV/m (54 dBu)	1 mV/m (60 dBu)

[delete: Note to paragraph (a)(4)]

\* \* \* \* \*

(k) An application for an FM booster station proposing to retransmit the signals of an LPFM station where there is contour overlap of the interfering contour of the booster and the service contour of any FM broadcast station, FM translator or FM booster on a second or third adjacent channel must demonstrate, using methods of predicting interference taking into account all relevant factors, including terrain-sensitive propagation models, that its proposed operations will not result in interference to any authorized radio service on second- and third-adjacent channels. The FM booster station may do so by demonstrating that no actual interference will occur due to intervening terrain or lack of population. The FM booster station may use an undesired/desired signal strength ratio methodology to define areas of potential interference.

**APPENDIX B**

**REC “PLAN B” FACT SHEET  
COMPARISON WITH RM-11749 PROPOSAL**

	<b>CURRENT LPFM RULES</b>	<b>REC LP-250 PROPOSAL IN RM-11749</b>	<b>REC “PLAN B” PROPOSAL IN THIS PROCEEDING</b>
Protection of domestic full-service stations	LP-100 distance tables that take into consideration the maximum service contours plus a 20 km buffer zone.	Modified LP-100 distance separation tables by reducing the “buffer zones” around full-service class maximum contours.	A hybrid method first requiring a minimum distance separation using the LP-10 table (which was still codified when the LCRA was enacted) and then a contour overlap model.
Protection of LPFM, FM translators and boosters	LP-100 distance tables that (for translators) places each facility into one of three subclasses. LPFMs based on maximum facility.	Modified LP-100 distance separation tables taking into consideration the larger interference contour size of LP-250 stations.	Contour overlap method similar to that used for FM translators. (LCRA mandatory use of distance separation does not apply to translators, booster and other LPFM stations).
Protection of Canadian and Mexican FM stations.	Distance separation tables based on maximum service class.	Modified LP-100 distance separation tables taking into consideration the larger interference contour size of LP-250 stations.	Contour overlap method applying the “LPFM” rules in both international agreements plus protection to IF channels.
HAAT and ERP determination §73.811 and §73.813	The average HAAT along 8 equally spaced radials. Maximum ERP will be the power level necessary to not exceed a 5.6 km service contour. Minimum 50 watt 4.7 km service contour	The average HAAT along 12 equally spaced radials. Maximum ERP will be the power level necessary to not exceed a 7.1 km service contour. Minimum 50 watt 4.7 km service contour (using LP-100 protections)	The HAAT is measured along 12 different radials. Each radial is assigned a maximum ERP based on HAAT as determined by a chart. For non-directional, the <u>lowest</u> of the 12 ERPs calculated will be the assigned ERP for the station. For directional, the MERP on the radial closest to the direction of the antenna is used. MERP is based on 250w at 32m (similar to FM translators east of the Mississippi). Minimum ERP based on 10w at 32m HAAT.
Interference to full power stations §73.809	Interference is defined if it happens within the city grade contour, community of license or IF.	For service contours up to 5.6 km, the current LPFM rule. For service contours over 5.6 km, the current FM translator rule (can’t interfere with any signal regardless of contour).	For service contours up to 5.6 km, the current LPFM rule. For service contours over 5.6 km, the current FM translator rule (can’t interfere with any signal regardless of contour).

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<p>Antennas allowed §73.816</p>	<p>Directional antennas only allowed for public safety stations or to resolve second adjacent channel waivers. Can't be used to reduce minimum spacing between stations. ERP at farthest lobe can't exceed authorized ERP.</p>	<p>Directional antennas are permitted but can't be used to reduce spacing towards any stations except other LPFM stations and foreign FM stations. ERP at farthest lobe can't exceed authorized ERP.</p>	<p>Directional antennas are permitted and can reduce spacing towards any station however in no case shall spacing between an LPFM and a full-service station be spaced less than the LP-10 minimum regardless of direction of the antenna. ERP at farthest lobe can't exceed Maximum ERP of the closest of the 12 radials.</p>
<p>Channel 6 protections §73.825</p>	<p>Distance separation chart assuming that all full power, LPTV, Class-A and TV translators are operating at their maximum power levels on non-directional antennas.</p>	<p>Contour overlap method. A designated interference contour of the LPFM station (based on channel) can not overlap the Grade-B (47 dBu) contour of the Channel 6 station.</p>	<p>Contour overlap method. A designated interference contour of the LPFM station (based on channel) can not overlap the Grade-B (47 dBu) contour of the Channel 6 station.</p>

**APPENDIX C**

**REC PROPOSED “COMMUNITY NEEDS FACTOR”  
FOR ASSURING FUTURE LPFM AVAILABILITY  
UNDER SECTION 5 OF THE LCRA**

REC feels that within an urban area, the true community need for spectrum includes LPFM stations and FM translators for nearby Class D AM stations. We do not feel that FM translators, especially those that import programming from other communities are a true urban community need. Those types of translators are a true rural community need, but not for urban areas. FM translators that rebroadcast “HD-2” stations of existing full-service stations under the guise of a “fill-in” station already have their signal available through the use of a HD Radio receiver. We do not feel that these translators meet the community need within urban areas.

In order to determine whether an urban market’s community needs have been met, we will resurrect the 30x30 and 20x20 minute grids from the implementation of the LCRA in 2012. We will take the sum of LPFM stations, the number of Class D AM stations that currently do not have a translator and the number of translators carrying Class D AM stations and divide by the number of all other translators within the 30x30 or 20x20 minute grid. If the Community Needs Ratio is less than 1 (100%), then there is not a fair balance of stations within the urban market and therefore, LPFM channel points would be protected in the next FM translator window with the exception of applications that are commonly owned by Class-D AM stations located within the grid and requesting a translator.

To measure the number of LPFM stations, a time-share LPFM station is fractionally counted based on the number of stations in the time share group. An LPFM station in a 2-station time share group is counted as 0.5 of a station where a 3-station time share station is counted as 0.333. If all of the time share partners are inside the grid, the channel will total at 1 station. There are some cases where one of the LPFM stations is outside the grid and therefore there will be a fractional number of stations within the grid.

The New York City market currently has no protected LPFM channel points on any channel.

To view proposed protected channel points, visit:

<http://recnet.net/chanpoints>

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Market Rank	Market Name	LPFM Stations	FM translators not carrying Class D AM stations	FM translators carrying Class D AM stations	Class D AM stations without translators	Community Needs Factor	Must protect LPFM channel points?
1	New York NY	2.67	8	0	1	46%	N/A
2	Los Angeles CA	5.00	5	0	0	100%	No
3	Chicago IL	4.00	8	0	0	50%	Yes
4	San Francisco CA	6.67	7	0	0	95%	Yes
5	Dallas-Ft. Worth TX	7.50	5	0	1	170%	No
6	Houston-Galveston TX	15.00	5	0	1	320%	No
7	Philadelphia PA	6.00	11	1	5	92%	Yes
8	Washington DC	4.00	3	0	7	367%	No
9	Atlanta GA	7.00	13	0	10	131%	No
10	Boston MA	5.00	4	0	8	325%	No
11	Detroit MI	2.00	10	2	1	25%	Yes
12	Miami-Ft. Lauderdale-Hollywood FL	21.00	8	0	0	263%	No
13	Seattle-Tacoma WA	14.00	4	0	1	375%	No
14	San Juan PR	1.00	3	0	0	33%	Yes
15	Phoenix AZ	5.00	6	1	3	114%	No
16	Minneapolis-St. Paul MN	9.00	14	0	3	86%	Yes
17	San Diego CA	3.00	5	0	1	80%	Yes
18	Nassau-Suffolk (Long Island) NY	2.00	9	0	1	33%	Yes
19	Tampa-St. Petersburg-Clearwater FL	19.00	9	0	4	256%	No
20	Denver-Boulder CO	7.00	3	0	2	300%	No
21	Baltimore MD	1.00	9	0	3	44%	Yes
22	St. Louis MO	6.00	8	1	3	100%	No
23	Portland OR	17.00	9	0	3	222%	No
24	Charlotte-Gastonia-Rock Hill NC-SC	2.00	15	1	6	50%	Yes
25	Pittsburgh PA	0.00	5	1	6	100%	No
26	Riverside-San Bernardino CA	3.00	4	1	1	80%	Yes
27	Sacramento CA	11.00	5	0	1	240%	No
28	San Antonio TX	8.00	12	0	1	75%	Yes
29	Cincinnati OH	5.00	10	0	2	70%	Yes
30	Cleveland OH	1.00	6	0	2	50%	Yes
31	Salt Lake City-Ogden-Provo UT	1.00	4	0	4	125%	No
32	Las Vegas NV	6.00	14	1	1	47%	Yes
33	Kansas City MO-KS	8.00	7	2	4	133%	No

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Market Rank	Market Name	LPFM Stations	FM translators not carrying Class D AM stations	FM translators carrying Class D AM stations	Class D AM stations without translators	Community Needs Factor	Must protect LPFM channel points?
34	Orlando FL	20.00	17	1	4	133%	No
35	Columbus OH	7.00	4	0	2	225%	No
36	Austin TX	5.00	16	0	3	50%	Yes
37	San Jose CA	3.00	9	0	1	44%	Yes
38	Milwaukee-Racine WI	9.00	5	1	1	167%	No
39	Newburgh-Middletown NY (Mid Hudson Valley)	0.00	18	0	4	22%	Yes
40	Indianapolis IN	5.00	8	0	3	100%	No
41	Middlesex-Somerset-Union NJ	2.00	5	0	3	100%	No
42	Providence-Warwick-Pawtucket RI	3.00	1	1	2	250%	No
43	Raleigh-Durham NC	10.00	17	1	6	89%	Yes
44	Norfolk-Virginia Beach-Newport News VA	3.00	13	0	3	46%	Yes
45	Nashville TN	7.00	16	1	7	82%	Yes
46	Greensboro-Winston-Salem-High Point NC	6.00	12	0	4	83%	Yes
47	New Orleans LA	6.00	4	1	2	160%	No
48	Oklahoma City OK	10.00	14	2	1	69%	Yes
49	West Palm Beach-Boca Raton FL	3.00	13	2	1	27%	Yes
50	Jacksonville FL	4.00	11	3	3	50%	Yes
51	Memphis TN	7.00	10	0	4	110%	No
52	Hartford-New Britain-Middletown CT	12.00	5	0	6	360%	No
53	Monmouth-Ocean NJ	3.00	4	0	1	100%	No
54	Louisville KY	5.00	6	0	1	100%	No
55	Buffalo-Niagara Falls NY	0.00	12	0	3	25%	Yes
56	Richmond VA	5.00	10	0	6	110%	No
57	Rochester NY	5.00	5	1	0	83%	Yes
58	McAllen-Brownsville-Harlingen TX	7.00	4	0	0	175%	No
59	Birmingham AL	7.00	14	1	4	73%	Yes
60	Greenville-Spartanburg SC	10.00	14	0	5	107%	No
61	Tucson AZ	9.00	6	1	1	143%	No
62	Ft. Myers-Naples-Marco Island FL	6.00	7	0	1	100%	No

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Market Rank	Market Name	LPFM Stations	FM translators not carrying Class D AM stations	FM translators carrying Class D AM stations	Class D AM stations without translators	Community Needs Factor	Must protect LPFM channel points?
63	Dayton OH	2.00	5	0	3	100%	No
64	Honolulu HI	3.00	13	0	0	23%	Yes
65	Albany-Schenectady-Troy NY	5.00	9	0	2	78%	Yes
66	Tulsa OK	4.00	8	3	2	55%	Yes
67	Fresno CA	3.00	1	0	2	500%	No
68	Albuquerque NM	4.00	8	2	6	100%	No
69	Grand Rapids MI	3.00	5	1	2	83%	Yes
70	Allentown-Bethlehem PA	0.00	13	0	2	15%	Yes
71	Wilkes Barre-Scranton PA	3.00	23	6	0	10%	Yes
72	Knoxville TN	5.00	7	3	5	100%	No
73	Des Moines IA	3.00	14	0	0	21%	Yes
74	Omaha-Council Bluffs NE-IA	7.00	9	0	2	100%	No
75	El Paso TX	2.00	9	0	1	33%	Yes
76	Sarasota-Bradenton FL	5.00	7	2	1	67%	Yes
77	Bakersfield CA	3.00	6	0	2	83%	Yes
78	Akron OH	3.00	3	0	5	267%	No
79	Wilmington DE	3.00	5	1	4	117%	No
80	Harrisburg-Lebanon-Carlisle PA	0.00	6	0	1	17%	Yes
81	Baton Rouge LA	8.00	7	0	4	171%	No
82	Greenville-New Bern-Jacksonville NC	1.00	8	0	0	13%	Yes
83	Charleston SC	4.00	8	0	2	75%	Yes
84	Little Rock AR	3.00	4	1	3	120%	No
85	Syracuse NY	2.00	11	0	2	36%	Yes
86	Gainesville-Ocala FL	7.00	4	0	3	250%	No
87	Stockton CA	8.00	6	0	0	133%	No
88	Monterey-Salinas-Santa Cruz CA	1.00	5	0	1	40%	Yes
89	Columbia SC	7.00	7	1	4	138%	No
90	Portland ME	2.00	9	0	0	22%	Yes
91	Springfield MA	14.00	0	0	4	100%	No
92	Colorado Springs CO	5.00	14	0	3	57%	Yes
93	Spokane WA	2.00	6	1	2	57%	Yes
94	Daytona Beach FL	5.00	6	0	1	100%	No

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Market Rank	Market Name	LPFM Stations	FM translators not carrying Class D AM stations	FM translators carrying Class D AM stations	Class D AM stations without translators	Community Needs Factor	Must protect LPFM channel points?
95	Toledo OH	4.00	6	0	2	100%	No
96	Lakeland-Winter Haven FL	2.00	8	0	3	63%	Yes
97	Mobile AL	4.00	12	0	5	75%	Yes
98	Ft. Pierce-Stuart-Vero Beach FL	4.00	10	2	0	33%	Yes
99	Wichita KS	5.00	5	0	1	120%	No
100	Madison WI	6.00	8	0	2	100%	No
101	Boise ID	1.00	7	1	1	25%	Yes
102	Melbourne-Titusville-Cocoa FL	2.00	9	1	1	30%	Yes
103	Lexington-Fayette KY	5.00	5	2	2	100%	No
104	Visalia-Tulare-Hanford CA	4.00	5	0	0	80%	Yes
105	Johnson City-Kingsport-Bristol TN-VA	1.00	12	2	3	29%	Yes
106	Huntsville AL	3.00	13	1	3	43%	Yes
107	York PA	3.00	6	0	4	117%	No
108	Chattanooga TN	9.00	14	1	2	73%	Yes
109	Lafayette LA	7.00	2	0	2	450%	No
110	Augusta GA	4.00	5	1	3	117%	No
111	Corpus Christi TX	4.00	9	0	1	56%	Yes
112	Lancaster PA	0.00	8	0	2	25%	Yes
113	Ft. Wayne IN	4.00	8	0	0	50%	Yes
114	Roanoke-Lynchburg VA	2.00	11	0	4	55%	Yes
115	Worcester MA	5.00	3	0	2	233%	No
116	New Haven CT	3.00	11	0	3	55%	Yes
117	Morristown NJ	1.33	1	0	5	633%	No
118	Modesto CA	5.00	5	0	0	100%	No
119	Oxnard-Ventura CA	8.00	6	0	0	133%	No
120	Ft. Collins-Greeley CO	1.00	12	0	2	25%	Yes
121	Portsmouth-Dover-Rochester NH	4.00	3	0	1	167%	No
122	Santa Rosa CA	3.67	13	1	0	26%	Yes
123	Victor Valley CA	3.00	7	0	2	71%	Yes
124	Reno NV	3.00	15	0	1	27%	Yes
125	Bridgeport CT	0.00	13	1	4	29%	Yes
126	Jackson MS	5.00	4	0	2	175%	No

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Market Rank	Market Name	LPFM Stations	FM translators not carrying Class D AM stations	FM translators carrying Class D AM stations	Class D AM stations without translators	Community Needs Factor	Must protect LPFM channel points?
127	Lansing-East Lansing MI	0.00	7	1	4	50%	Yes
128	Pensacola FL	1.00	5	0	4	100%	No
129	Youngstown-Warren OH	0.00	3	0	5	167%	No
130	Fayetteville (North West Arkansas) AR	7.00	9	0	2	100%	No
131	Fayetteville NC	1.00	5	0	1	40%	Yes
132	Palm Springs CA	4.00	11	0	0	36%	Yes
133	Flint MI	5.00	3	1	2	175%	No
134	Reading PA	1.00	14	0	0	7%	Yes
135	Canton OH	1.00	1	0	3	400%	No
136	Shreveport LA	5.00	3	0	4	300%	No
137	Appleton-Oshkosh WI	1.00	12	0	2	25%	Yes
138	Springfield MO	3.00	3	0	2	167%	No
139	Saginaw-Bay City-Midland MI	0.00	3	0	0	0%	Yes
140	Salisbury-Ocean City MD	2.00	4	0	2	100%	No
141	Beaumont-Port Arthur TX	3.00	8	0	2	63%	Yes
142	Burlington-Plattsburgh VT-NY	4.00	8	0	1	63%	Yes
143	Killeen-Temple TX	7.00	3	0	1	267%	No
144	Tyler-Longview TX	2.00	4	0	1	75%	Yes
145	Atlantic City-Cape May NJ	4.00	10	0	0	40%	Yes
146	Trenton NJ	0.00	8	0	0	0%	Yes
147	Fredericksburg VA	1.00	5	1	0	17%	Yes
148	Stamford-Norwalk CT	0.00	6	0	4	67%	Yes
149	Eugene-Springfield OR	2.00	8	0	4	75%	Yes
150	Biloxi-Gulfport-Pascagoula MS	2.00	2	0	1	150%	No

**APPENDIX D**

**“FIRST GENERATION” LPFM FACILITIES WITH  
CANCELLED LICENSES OR PERMITS**

Taken from CDBS data from close of business August 27, 2015 including all LPFM facilities from the “first generation” filing window series (Facility ID numbers less than 140,000) with a facility status of “license cancelled” (LICAN), “permit cancelled” (PRCAN) or “experimental” (EXPER).

There is a total of 502 facilities on this list.

***Experimental Operations (5 facilities):***

The Comsearch applications were ordered by Congress as a part of the Radio Broadcast Preservation Act to study the impacts of short-spaced LPFM stations operating on third-adjacent channels to the reception of other broadcast services. The Gaithersburg, Maryland license was a 17 watt authorization to test special event broadcasting.

137417	BENICIA	CA	100.3	EXPER	COMSEARCH
137420	WINTERS	CA	103.1	EXPER	COMSEARCH
137414	AVON	CT	107.5	EXPER	COMSEARCH
137710	GAITHERSBURG	MD	89.7	EXPER	CITY OF GAITHERSBURG
137412	EAST BETHEL	MN	91.7	EXPER	COMSEARCH

***Lyle Evans Applications (39 facilities)***

These applications were suspect as being a part of speculation by the late Lyle Evans. Based on the information that REC gathered following the first-generation filing windows, Evans would file a speculative application for a new LPFM station at a Catholic church and then once granted, offer the applicant an equipment package which included a satellite receiver to pick up EWTN programming. It was REC’s belief that the signatories to these applications never authorized the filing of these applications. We do note that some of the original Lyle Evans applications were built and operated (as indicated by ‘LICAN’) and some are still operating.

135774	DECATUR	AL	98.1	PRCAN	DECATUR EDUCATIONAL ASSOCIATION
135168	CONWAY	AR	96.5	PRCAN	ST. MICHAEL EDUCATIONAL ASSOCIATION
135445	MARSHALL	AR	101.1	LICAN	ST. THERESE MISSIONARY SOCIETY
135169	FORT SMITH	AR	101.9	PRCAN	HOLY FAMILY EDUCATIONAL ASSOCIATION OF SEBASTIAN CTY, AR
133626	COTTONWOOD	AZ	92.1	PRCAN	COTTONWOOD EDUCATIONAL ASSOCIATION
135670	WAUCHULA	FL	99.9	PRCAN	WAUCHULA EDUCATIONAL BROADCASTING CORPORATION
133440	INDIANOLA	IA	94.1	PRCAN	ST ANTHONY’S EDUCATIONAL RADIO ASSOCIATION
133319	WAVERLY	IA	94.7	PRCAN	ST. PHILOMENA EDUCATIONAL RADIO ASSOCIATION
133284	MASON CITY	IA	94.7	PRCAN	MASON CITY EDUCATIONAL ASSOCIATION
133355	JOHNSTON	IA	95.7	LICAN	MERCY OF JESUS EDUCATIONAL RADIO ASSOCIATION
134506	WAUKON	IA	96.7	PRCAN	WAUKON EDUCATIONAL ASSOCIATION
133313	WEBSTER CITY	IA	103.3	PRCAN	WEBSTER CITY EDUCATIONAL ASSOCIATION
135693	ELIZABETH TOWN	KY	100.1	PRCAN	ST. JAMES RADIO ASSOCIATION
133196	POLSON	MT	107.9	LICAN	ST. JOSEPH’S EDUCATIONAL ASSOCIATION
133221	DEVILS LAKE	ND	98.5	PRCAN	DEVILS LAKE EDUCATIONAL PRAYER ASSOCIATION
133144	DICKINSON	ND	100.3	PRCAN	TRINITY EDUCATIONAL ASSOCIATION
135552	HASTINGS	NE	104.7	PRCAN	ST. MICHAEL EDUCATIONAL RADIO ASSOCIATION

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133132	SCHUYLER	NE	105.9	PRCAN	DIVINE MERCY EDUCATIONAL RADIO ASSOCIATION
134756	CARLSBAD	NM	101.3	PRCAN	CARLSBAD EDUCATIONAL PRAYER ASSOCIATION
134774	LAS VEGAS	NM	104.5	PRCAN	SACRED HEART EDUCATIONAL ASSOCIATION
134994	NEWPORT	OR	94.3	LICAN	SACRED HEART OF JESUS EDUCATIONAL ASSOCIATION
133806	MEADVILLE	PA	92.7	PRCAN	MEADVILLE EDUCATIONAL ASSOCIATION
133809	CARLISLE	PA	100.3	PRCAN	FIAT EDUCATIONAL RADIO ASSOCIATION
133544	HONDO	TX	93.5	PRCAN	ST. JOHN'S EDUCATIONAL ASSOCIATION
133622	WILLS POINT	TX	95.5	PRCAN	ST LUKE CATHOLIC PARISH
133523	BEEVILLE	TX	97.1	PRCAN	OUR LADY OF VICTORY EDUCATIONAL ASSOCIATION
133522	WACO	TX	99.1	PRCAN	ST. JOSEPH EDUCATIONAL ASSOCIATION
135133	PALESTINE	TX	100.1	PRCAN	ST. LUKE EDUCATIONAL ASSOCIATION
135273	PREMONT	TX	102.5	PRCAN	SAINT THERESA OF THE INFANT JESUS CATHOLIC CHURCH
133502	LUFKIN	TX	104.1	LICAN	LUFKIN EDUCATIONAL ASSOCIATION
133505	NACOGDOCHES	TX	104.1	PRCAN	ST. ANN'S EDUCATIONAL ASSOCIATION
135703	GRAHAM	TX	105.3	PRCAN	GRAHAM EDUCATIONAL ASSOCIATION
133611	PARIS	TX	105.5	PRCAN	VICTORY EDUCATIONAL ASSOCIATION
133613	PORT LAVACA	TX	105.9	PRCAN	OUR LADY OF THE GULF EDUCATIONAL ASSOCIATION
135124	ORANGE	TX	107.1	PRCAN	ST. MARY'S EDUCATIONAL ASSOCIATION
135614	CRUZ BAY	VI	90.9	PRCAN	OUR LADY OF MT. CARMEL RADIO ASSOCIATION
134712	BELLOWS FALLS	VT	97.5	PRCAN	ST. CHARLES EDUCATIONAL ASSOCIATION
132407	BELOIT	WI	92.9	LICAN	ST. JEROME EDUCATIONAL ASSOC.
132230	BEAVER DAM	WI	106.7	PRCAN	HEART TO HEART EDUCATIONAL ASSOCIATION

*Successive Licenses (9 facilities)*

These are construction permits that were issued with conditions that were successive licenses splitting a license term based on the first station to cover their license. These licenses were non-renewable unless a universal settlement agreement could be reached. REC archive documentation was also used in these determinations:

126309	THREE OAKS	MI	106.7	PRCAN	THREE OAKS BUSINESS ASSOCIATION
126959	THREE OAKS	MI	106.7	PRCAN	RIVER VALLEY MINISTERIAL ASSOCIATION
126344	THREE OAKS	MI	106.7	PRCAN	DOWNTOWN DEVELOPMENT AUTHORITY FOR VILLAGE OF THREE OAKS
132419	CARTHAGE	MO	107.9	PRCAN	RESTORATION OUTREACH CHURCH
132088	CARTHAGE	MO	107.9	PRCAN	CARTHAGE CRISIS CENTER, INC.
135586	BRENTWOOD	TN	98.7	PRCAN	CITY OF BRENTWOOD, TN
134787	NASHVILLE	TN	98.7	PRCAN	DAVID LIPSCOMB UNIVERSITY
133174	HARLINGEN	TX	103.3	PRCAN	OUR LADY OF GUADALUPE COMMUNICATIONS
133496	HARLINGEN	TX	103.3	PRCAN	HARLINGEN ROSARY CENACLE

*Public Safety/Travelers Information Services (104 facilities)*

These are permits and licenses that were issued to state or local governments as a part of a multi-station network of traveler’s information stations. Due to the fiscal crisis of the previous decade that impacted the budgets of public sector agencies as well as for other reasons, these permits and licenses were cancelled:

124080	TALLAPOOSA	GA	92.5	PRCAN	GEORGIA DEPARTMENT OF TRANSPORTATION
124176	LOUISE	GA	97.1	PRCAN	GEORGIA DEPARTMENT OF TRANSPORTATION
124540	LAVONIA	GA	105.3	PRCAN	GEORGIA DEPARTMENT OF TRANSPORTATION
133901	TAMA	IA	92.9	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
133634	OSCEOLA	IA	92.9	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION

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134016	OTTUMWA	IA	93.5	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
133662	STUART	IA	94.1	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
133586	LOVELAND	IA	95.1	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
133751	MARQUETTE	IA	96.7	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
134043	SIBLEY	IA	97.5	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
134019	MOUNT PLEASANT	IA	98.5	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
133664	PRAIRIE CITY	IA	99.5	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
133654	NEOLA	IA	102.5	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
133656	AVOCA	IA	102.9	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
133915	VILLISCA	IA	103.1	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
134014	THAYER	IA	104.7	PRCAN	IOWA DEPARTMENT OF TRANSPORTATION
135473	ELMO	MT	93.7	LICAN	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS.
135468	LONEPINE	MT	94.1	LICAN	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS.
135470	DIXON	MT	97.9	LICAN	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS.
135625	TURTLE LAKE	MT	98.1	LICAN	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS.
135572	CHARLO	MT	101.5	LICAN	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS.
134673	JEFFERSON CITY	MT	101.9	PRCAN	JEFFERSON COUNTY DISASTER & EMERGENCY SERVICES
135345	PABLO	MT	102.1	LICAN	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS.
134670	CLANCY	MT	102.3	PRCAN	JEFFERSON COUNTY DISASTER & EMERGENCY SERVICES
134571	VIRGINIA CITY	MT	106.5	PRCAN	MADISON COUNTY DISASTER & EMERGENCY SERVICES
134563	NORRIS	MT	106.5	PRCAN	MADISON COUNTY DISASTER & EMERGENCY SERVICES
134568	HARRISON	MT	107.1	PRCAN	MADISON COUNTY DISASTER & EMERGENCY SERVICES
135348	FINLEY POINT	MT	107.1	LICAN	CONFEDERATED SALISH & KOOTENAI TRIBES DISASTER & EMER. SVS.
134582	ENNIS	MT	107.5	PRCAN	MADISON COUNTY DISASTER & EMERGENCY SERVICES
134578	PONY	MT	107.5	PRCAN	MADISON COUNTY DISASTER & EMERGENCY SERVICES
134324	ALDER	MT	107.5	PRCAN	MADISON COUNTY DISASTER & EMERGENCY SERVICES
134573	STATION 2	MT	107.5	PRCAN	MADISON COUNTY DISASTER & EMERGENCY SERVICES
134320	TWIN BRIDGES	MT	107.5	PRCAN	MADISON COUNTY DISASTER & EMERGENCY SERVICES
134664	DEVILS LAKE	ND	93.9	PRCAN	NORTH DAKOTA DEPT. OF TRANSPORTATION
134660	DICKINSON	ND	94.9	PRCAN	NORTH DAKOTA DEPT. OF TRANSPORTATION
134628	MINOT	ND	95.7	PRCAN	NORTH DAKOTA DEPT. OF TRANSPORTATION
134540	VALLEY CITY	ND	96.3	PRCAN	NORTH DAKOTA DEPT. OF TRANSPORTATION
134791	GRAND FORKS	ND	98.9	PRCAN	NORTH DAKOTA DEPT. OF TRANSPORTATION
133556	CHAMA	NM	92.7	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133559	CLAYTON	NM	94.7	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133699	TAOS	NM	96.9	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133581	MORIARTY	NM	101.1	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133562	CUBA	NM	101.7	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133680	LA MESITA NEGRA	NM	101.7	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133553	CARLSBAD	NM	102.5	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

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133708	FORT SUMNER	NM	104.1	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133561	CLOVIS	NM	104.1	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133710	ROSWELL	NM	105.5	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133588	SANTA ROSA	NM	106.1	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133673	TUCUMCARI	NM	106.5	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133674	VAUGHN	NM	106.9	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133706	SAN JON	NM	106.9	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133555	CARRIZOZO	NM	106.9	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133703	RATON	NM	107.1	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133677	ROWE	NM	107.1	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133594	SPRINGER	NM	107.9	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133591	SOCORRO	NM	107.9	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133688	GALLUP	NM	107.9	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
133552	ARTESIA	NM	107.9	PRCAN	NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
131982	HARTFORD	NY	92.7	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
132013	WALTON	NY	92.9	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131997	COOPERS PLAINS	NY	93.3	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
132001	WATERTOWN	NY	94.1	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
132008	GODEFFROY	NY	94.3	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131999	OWEGO	NY	94.9	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131509	WITHERBEE	NY	95.1	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131992	WATERLOO	NY	96.1	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
132007	AUSTERLITZ	NY	96.9	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131857	PORTER CORNERS	NY	97.1	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131983	WARRENSBURG	NY	97.5	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131996	BELMONT	NY	97.9	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131993	MEXICO	NY	98.3	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131558	RIPLEY	NY	98.7	LICAN	NY STATE THRUWAY AUTHORITY
131981	BLUE MOUNTAIN LAKE	NY	99.5	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131989	ALBION	NY	100.1	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131986	SLOANSVILLE	NY	100.5	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131998	HORNELL	NY	101.1	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
132004	DICKINSON CENTER	NY	102.5	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
132012	STAMFORD	NY	102.7	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
132002	WEST BEEKMANTOWN	NY	103.7	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131858	HUNTER	NY	104.1	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131991	GENESEO	NY	104.5	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
132005	MARTINSBURG	NY	105.5	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
132014	ONEONTA	NY	106.1	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
131990	BOSWELL CORNERS	NY	106.5	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION

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132006	RUSSELL	NY	107.3	PRCAN	NEW YORK STATE DEPARTMENT OF TRANSPORTATION
133755	RUTLAND	VT	93.3	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133159	SPRINGFIELD	VT	94.3	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133753	MIDDLEBURY	VT	94.9	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133843	FAIRLEE	VT	95.9	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133785	STOWE	VT	96.5	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133844	THETFORD	VT	96.5	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133778	MIDDLESEX	VT	96.9	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133820	MILTON	VT	97.1	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133817	WILLISTON	VT	98.1	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133838	DERBY	VT	98.3	LICAN	VERMONT AGENCY OF TRANSPORTATION
133841	BOLTONVILLE	VT	98.5	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133752	MANCHESTER	VT	98.9	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133757	WEST DOVER	VT	99.1	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133839	ORLEANS	VT	99.3	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133750	PUTNEY	VT	99.5	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133815	RANDOLPH	VT	100.1	LICAN	VERMONT AGENCY OF TRANSPORTATION
133816	JONESVILLE	VT	105.5	PRCAN	VERMONT AGENCY OF TRANSPORTATION
133169	LYNDONVILLE	VT	106.7	PRCAN	VERMONT AGENCY OF TRANSPORTATION

*Cancelled Construction Permits (205 facilities)*

These are facilities that never completed construction. We can't speculate the exact reasons why each of these applicants did not construct. We know in some cases it was due to subsequent filings by full-service FM stations (encroachment) especially in light of the big "rim-shot" fad of the 2000s. In some cases, such as 102.3 in North Edwards, CA, the pastor passes away after the grant and the remaining church either dissolves or does not desire to construct. Sometimes, the station was filed by a board member who may have not received the permission of the entire board to file but saw an opportunity. In some cases, the organization's priorities have changed or they were not able to secure funding through donations or grants to construct the station. Some of these could have also been speculative filings.

124656	SAVOONGA	AK	88.1	PRCAN	NATIVE VILLAGE OF SAVOONGA
135444	HUNTSVILLE	AL	97.9	PRCAN	HUNTSVILLE CHINESE MINISTRY ASSOCIATION
135736	JACKSON	AL	103.1	PRCAN	SOUTH ALABAMA PUBLIC SERVICE BROADCASTERS
135463	TUSCALOOSA	AL	103.3	PRCAN	TUSCALOOSA CHINESE MINISTRY ASSOCIATION
134125	PELHAM	AL	105.5	PRCAN	OAK MOUNTAIN COMMUNITY RADIO, INC.
135211	SEARCY	AR	94.5	PRCAN	CHRISTIAN FELLOWSHIP CHURCH
133771	PRESCOTT	AZ	94.3	PRCAN	COYOTE RADIO
134301	PRESCOTT	AZ	94.3	PRCAN	PRESCOTT COMMUNITY ACCESS CHANNEL, INC.
134416	TONOPAH	AZ	105.7	PRCAN	CHRISTIAN FELLOWSHIP MINISTRIES, A NON-PROFIT CORP.
124500	ALLENSWORTH	CA	92.3	PRCAN	THE ALLENSWORTH PROGRESSIVE ASSOCIATION
124791	GRIDLEY	CA	93.1	PRCAN	THREE ANGELS EDUCATIONAL BROADCASTING, INC.
124829	EL CENTRO	CA	93.7	PRCAN	CALVARY CHAPEL OF IMPERIAL VALLEY, INC.
124745	VISALIA	CA	94.1	PRCAN	PACIFIC FRIENDS OUTREACH SOCIETY
124192	GRASS VALLEY	CA	95.1	PRCAN	CALVARY CHAPEL GRASS VALLEY
124757	STOCKTON	CA	95.7	PRCAN	FIRST BAPTIST CHURCH - STOCKTON
124840	MANTECA	CA	95.9	PRCAN	CHRISTIAN WORSHIP CENTER
124328	PORTERVILLE	CA	98.1	PRCAN	THE LAWYERS SECOND AMENDMENT SOCIETY INC.
124337	NORTH EDWARDS	CA	102.3	PRCAN	CALVARY CHAPEL NORTH EDWARDS

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123630	GLEN ELLEN	CA	103.3	PRCAN	GLEN ELLEN FIRE PROTECTION DISTRICT
124620	POTRERO	CA	103.3	PRCAN	MOUNTAIN EMPIRE COMMUNITY BROADCASTING INC.
124491	IRVINE	CA	103.9	PRCAN	ROBERTS LIARDON MINISTRIES,INC./ SPIRIT LIFE BIBLE COLLEGE
124497	SAN CLEMENTE	CA	104.1	PRCAN	SETEC ASTRONOMY CLUB INC.
124841	UKIAH	CA	104.3	PRCAN	UKIAH COMMUNITY RADIO
123988	ROHNERT PARK	CA	105.7	PRCAN	SONOMA STATE UNIVERSITY
123918	PENNGROVE	CA	105.7	PRCAN	ONE MINISTRIES, INC.
123817	CHICO	CA	105.7	PRCAN	RADIO EDUCATION ASSOCIATES (R.E.A)
124742	PETALUMA	CA	105.7	PRCAN	PETALUMA COMMUNITY ACCESS
124425	MENDOCINO	CA	107.3	PRCAN	MENDOCINO PRESBYTERIAN CHURCH
124400	SAN DIEGO	CA	107.5	PRCAN	SAN DIEGO COUNTY SER JOBS FOR PROGRESS, INC.
131781	BASALT	CO	93.5	PRCAN	BASALT HIGH SCHOOL
131707	LAMAR	CO	97.5	PRCAN	SOUTH EAST COLORADO LIVING SPRINGS
132512	EAGLES NEST	CO	100.7	PRCAN	ROCKY MOUNTAIN PUBLIC SERVICE BROADCASTERS
132359	FORT COLLINS	CO	101.5	PRCAN	FIRESIDE EDUCATIONAL GROUP
132090	GRAND JUNCTION	CO	101.5	PRCAN	VICTORIOUS LIVING RADIO
132495	WHEAT RIDGE	CO	102.3	PRCAN	ROCKY MOUNTAIN RADIO CORPORATION
135007	KISSIMMEE	FL	93.7	PRCAN	CITY OF KISSIMMEE
135213	BOCA GRANDE	FL	93.7	PRCAN	GASPARILLA ISLAND COMMUNITY RADIO COALITION
134937	AUBURNDALE	FL	96.1	PRCAN	SOUTHEASTERN UNIVERSITY, INC.
134243	BROOKSVILLE	FL	99.1	PRCAN	BROOKSVILLE PUBLIC RADIO, INC.
133600	OCALA	FL	100.7	PRCAN	PRIMERIA INGLESIA BAUTISTA HISPANIC ASSOCIATION
132528	CHIPLEY	FL	104.3	PRCAN	CHIPLEY HIGH SCHOOL
134618	MARIANNA	FL	104.5	PRCAN	GRACE UNITED METHODIST CHURCH
134379	PORT SAINT LUCIE	FL	105.9	PRCAN	PORT SAINT LUCIE BIBLE CHURCH, INC.
134473	FORT LAUDERDALE	FL	106.9	PRCAN	RADIO CLUB CULTUREL
134402	LEHIGH ACRES	FL	107.9	PRCAN	RADIO RESPLANDECE
134009	NAPLES	FL	107.9	PRCAN	IGLESIA DE CRISTO ELIM DE NAPLES
135652	PALM BAY	FL	107.9	PRCAN	PUBLIC RADIO INFORMATION SERVICES OF CENTRAL FLORIDA, INC.
123412	ATHENS	GA	93.3	PRCAN	ATHENSTOWN MEDIA ENTHUSIASTS ASSOCIATION
123731	GAINESVILLE	GA	93.3	PRCAN	FREE CHAPEL WORSHIP CENTER, INC.
124796	DOUGLAS	GA	96.5	PRCAN	SOUTH GEORGIA HISPANIC MINISTRIES
123807	COLQUITT	GA	103.3	PRCAN	M & D CHRISTIAN EDUCATIONAL MEDIA, INC.
132105	CAPTAIN COOK	HI	96.9	PRCAN	KONA SEVENTH-DAY ADVENTIST CHURCH
132109	KAPAA	HI	101.1	PRCAN	KAPAA SEVENTH-DAY ADVENTIST CHURCH
132098	KAILUA	HI	101.1	PRCAN	CALVARY CHAPEL WINDWARD
132106	KEAAU	HI	103.5	PRCAN	PUNA SEVENTH-DAY ADVENTIST CHURCH
132275	VOLCANO VILLAGE	HI	103.5	PRCAN	COOPER CENTER COUNCIL
132115	HONOKAA	HI	107.9	PRCAN	HONOKAA SEVENTH-DAY ADVENTIST CHURCH
134734	WAVERLY	IA	96.9	PRCAN	WAVERLY LIGHT & POWER
133472	CEDAR FALLS	IA	96.9	PRCAN	CEDAR VALLEY MUSIC AUTHORITY, INC.
135651	DENISON	IA	99.1	PRCAN	FAITH ASSOCIATION
132339	TWIN FALLS	ID	97.5	PRCAN	COMMISSIONED BY CHRIST
132482	SANDPOINT	ID	97.7	PRCAN	SANDPOINT LOW POWER CHRISTIAN RADIO
125782	SHELBYVILLE	IL	93.7	PRCAN	FIRST UNITED METHODIST CHURCH OF SHELBYVILLE, IL
127109	SPRINGFIELD	IL	95.9	PRCAN	INSIGHT MINISTRIES, INC.
126558	SPRINGFIELD	IL	95.9	PRCAN	I WORSHIP CENTER
127111	SPRINGFIELD	IL	95.9	PRCAN	ABUNDANT FAMILY LIFE CENTER
126912	MCHENRY	IL	98.3	PRCAN	CALVARY FELLOWSHIP OF MCHENRY

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125927	GRANT PARK	IL	101.5	PRCAN	GRANT PARK CUSD #6
126873	EUREKA	IL	103.1	PRCAN	EUREKA COLLEGE
126936	ATHENS	IL	106.5	PRCAN	ATHENS BROADCASTING FOUNDATION
126854	LYONS	KS	99.3	PRCAN	KNIGHTS OF COLUMBUS COUNCIL #7422 EDUCATIONAL COMMITTEE, INC
134991	SHELBYVILLE	KY	93.7	PRCAN	ABUNDANT LIFE, INC
135353	BOWLING GREEN	KY	102.7	PRCAN	RESURRECTION CHURCH
133180	LEXINGTON	KY	107.5	PRCAN	CALVARY CHAPEL OF LEXINGTON, INC.
124795	COVINGTON	LA	100.3	PRCAN	COVINGTON HIGH SCHOOL
123609	CHALMETTE	LA	103.7	PRCAN	FAMILY RADIO BROADCASTING, INC.
133976	SPRINGFIELD	MA	99.7	PRCAN	CITYLIGHT MINISTRY CENTER
134467	SHUTESBURY	MA	103.1	PRCAN	SIRIUS COMMUNITY
134445	MONTAGUE	MA	105.3	PRCAN	MONTAGUE COMMUNITY CABLE INC
124878	OAKLAND	MD	95.3	PRCAN	ST. MATTHEW'S EPISCOPAL CHURCH
124359	PRINCE FREDERICK	MD	99.9	PRCAN	ST. JOHN VIANNEY ROMAN CATHOLIC CHURCH
124807	ST. LEONARD	MD	100.7	PRCAN	ALTERNATIVES FOR COMMUNITIES IN CRISIS, INC.
126940	KALAMAZOO	MI	92.7	PRCAN	COMMUNITY ACCESS CENTER
126577	JACKSON	MI	95.9	PRCAN	THE TRINITY EVANGELICAL LUTHERAN CHURCH OF JACKSON, MICHIGAN
125907	BATTLE CREEK	MI	97.1	PRCAN	CHAPEL HILL UNITED METHODIST CHURCH
126042	ROGERS CITY	MI	101.7	PRCAN	SUNRISE ASSEMBLY OF GOD
126605	MANISTEE	MI	104.3	PRCAN	MANISTEE UNITED METHODIST CHURCH
126921	MT. PLEASANT	MI	106.7	PRCAN	ROCK MINISTRIES
126326	SHERBURN	MN	92.3	PRCAN	ASSEMBLY OF GOD CHURCH
126706	ALEXANDRIA	MN	98.5	PRCAN	CARAVAN BROADCASTING ASSOCIATION
126897	ESKO	MN	106.1	PRCAN	ESKO SENIOR CITIZENS
126012	HOUSTON	MN	107.9	PRCAN	BLUFF COUNTRY BROADCASTING
131793	PORTAGEVILLE	MO	94.1	PRCAN	FIRST BAPTIST CHURCH
131743	CAMERON	MO	97.3	PRCAN	CAMERON KNIGHTS OF OUR LADY, INC.
131980	OSAGE BEACH	MO	100.9	PRCAN	LAKE OF THE OZARKS LATIN CULTURAL ASSOCIATION
131904	GORIN	MO	101.3	PRCAN	GORIN BROADCASTING CO.
132124	JOPLIN	MO	107.9	PRCAN	CALVARY CHAPEL OF JOPLIN
125702	RIDGELAND	MS	103.9	PRCAN	ST. ANDREW'S EPISCOPAL SCHOOL
124409	GULFPORT	MS	103.9	PRCAN	KEEPERS OF THE PLEDGE, INC.
134757	HELENA	MT	93.1	PRCAN	FAITH CHRISTIAN CENTER
134905	FRENCHTOWN	MT	97.7	PRCAN	FRENCHTOWN RURAL FIRE DISTRICT
134860	PARADISE	MT	103.5	PRCAN	PLAINS-PARADISE EMERGENCY SERVICES
135430	PLENTYWOOD	MT	104.1	PRCAN	HI PLAINS AMATEUR RADIO CLUB
134849	SHERIDAN	MT	106.5	PRCAN	SHERIDAN, TOWN OF
134911	PINEVILLE	NC	93.1	PRCAN	LAZARUS MINISTRIES, INC.
133387	MARSHVILLE	NC	100.5	PRCAN	CHRIST BIBLE TEACHING CENTER
134680	CHARLOTTE	NC	101.1	PRCAN	CENTRAL PIEDMONT COMMUNITY COLLEGE
135492	KNIGHTDALE	NC	107.5	PRCAN	MEGA EDUCATIONAL COMMUNICATIONS
133970	WEST FARGO	ND	96.3	PRCAN	EAGLE ROSE FELLOWSHIP
135093	JAMESTOWN	ND	102.3	PRCAN	SEVENTH-DAY ADVENTISTS
126928	CENTER CONWAY	NH	106.5	PRCAN	CHRISTIAN FELLOWSHIP OF NEW ENGLAND
127124	MEREDITH	NH	107.9	PRCAN	LAKES REGION CONSERVATION TRUST
135386	PLEASANTVILLE	NJ	101.7	PRCAN	MIDDLE SCHOOL OF PLEASANTVILLE
134675	WEST CREEK	NJ	106.5	PRCAN	CALVARY CHAPEL OF SOUTHERN OCEAN COUNTY
134091	FLEMINGTON	NJ	107.9	PRCAN	HUNTERDON COUNTY ESC
133874	RATON	NM	95.7	PRCAN	SHULER RESTORATION COMMISSION, INC.

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132953	TAOS	NM	97.7	PRCAN	TAOS INSTITUTE OF ARTS, INC.
133764	ROSWELL	NM	101.7	PRCAN	GATEWAY CHURCH
134318	RUIDOSO	NM	104.5	PRCAN	CALVARY CHAPEL RUIDOSO
126251	SILVER SPRINGS	NV	94.1	PRCAN	SILVER SPRINGS CHRISTIAN RADIO
132493	SHOREHAM	NY	93.3	PRCAN	SHOREHAM BROADCASTING CORP.
132323	CANTON	NY	93.5	PRCAN	FIRST BAPTIST CHURCH
132089	CENTRAL ISLIP	NY	93.5	PRCAN	CALVARY CHAPEL OF SUFFOLK COUNTY
132423	ELLENVILLE	NY	93.7	PRCAN	ELLENVILLE OUTREACH SERVICES
131732	JEFFERSON	NY	94.3	PRCAN	JESUS CHRIST'S COMMUNITY
132145	HUDSON	NY	97.1	PRCAN	THE ENLARGED CITY SCHOOL DISTRICT
132068	COLONIE	NY	98.7	PRCAN	COLONIE EDUCATIONAL RADIO SERVICES
132365	UTICA	NY	105.9	PRCAN	PLANET UTICA
131680	DEFIANCE	OH	92.9	PRCAN	FIRST BAPTIST CHURCH
131392	CINCINNATI	OH	95.7	PRCAN	FOREST HILLS SCHOOL DISTRICT
131795	TIFFIN	OH	98.3	PRCAN	CALVARY BAPTIST CHURCH
131674	COLUMBUS	OH	102.1	PRCAN	COMMUNITY REFUGEE AND IMMIGRATION SERVICES, INC.
132038	GROVEPORT	OH	102.1	PRCAN	GROVEPORT MADISON LOCAL SCHOOL DISTRICT
132364	RICHWOOD	OH	102.5	PRCAN	VILLAGE OF RICHWOOD (OHIO)
132331	WASHINGTON COURT HSE	OH	103.7	PRCAN	WASHINGTON COURT HOUSE CITY SCHOOLS
132206	LANCASTER	OH	104.5	PRCAN	LIVING HOPE RADIO
131532	MAGNOLIA	OH	106.1	PRCAN	SANDY VALLEY BAPTIST TEMPLE OF MAGNOLIA, OH
132388	POMEROY	OH	106.7	PRCAN	HOPE RADIO OF POMEROY
123983	GORE	OK	92.5	PRCAN	CHEROKEE COMMUNICATIONS COUNCIL
124419	HENNESSEY	OK	97.7	PRCAN	HENNESSEY CHURCH OF CHRIST
124605	ENID	OK	101.5	PRCAN	ENID EDUCATIONAL RADIO ASSOCIATION
124307	MORRISON	OK	103.7	PRCAN	MORRISON UNITED METHODIST CHURCH
134593	CONDON	OR	92.1	PRCAN	NORTH CENTRAL EDUCATION SERVICE DISTRICT
133991	MERRILL	OR	94.7	PRCAN	LOST RIVER HIGH SCHOOL
132668	SEASIDE	OR	99.7	PRCAN	DISCIPLES WAY MINISTRIES
135018	HOOD RIVER	OR	99.9	PRCAN	HOOD RIVER CHRISTIAN FELLOWSHIP
135769	CANNON BEACH	OR	100.7	PRCAN	CANNON BEACH CONFERENCE CENTER
134609	ONTARIO	OR	101.1	PRCAN	CORNERSTONE COMMUNITY CHURCH OF ONTARIO, INC.
135608	CLATSKANIE	OR	104.7	PRCAN	CLATSKANIE SCHOOL DISTRICT 6J
133747	SUNRIVER	OR	106.5	PRCAN	SUNRIVER OWNERS ASSOCIATION
135199	BROOKVILLE	PA	99.5	PRCAN	BROOKVILLE AREA SCHOOL DISTRICT
123967	BARRINGTON	RI	96.5	PRCAN	ZION BIBLE INSTITUTE
131787	CONWAY	SC	95.3	PRCAN	WESTMINSTER PRESBYTERIAN CHURCH
131770	SPARTANBURG	SC	97.1	PRCAN	CROSSOVER MINISTRIES
128529	ROCK HILL	SC	100.9	PRCAN	COMMUNITY EDUCATIONAL RADIO, INC.
131859	NEWBERRY	SC	102.7	PRCAN	SOUTH CAROLINA ETHNIC PROGRAMMERS
131840	TAYLORS	SC	106.1	PRCAN	TAYLORS PUBLIC RADIO, INC.
133088	ONEIDA	TN	95.5	PRCAN	CATV INC.
135226	MARYVILLE	TN	101.1	PRCAN	MARYVILLE HOPE RADIO INC.
134105	GREENEVILLE	TN	102.3	PRCAN	TOWERING OAKS BAPTIST CHURCH
134624	PARIS	TN	102.9	PRCAN	EAST WOOD CHURCH OF CHRIST
134674	JOHNSON CITY	TN	107.9	PRCAN	SOUTHSIDE BAPTIST CHURCH
135509	KERRVILLE	TX	93.5	PRCAN	KERRVILLE CHURCH OF CHRIST
135234	DONNA	TX	94.3	PRCAN	I.F.O.C.P.C. MINISTRIES & MISSIONARIES, INC.
134007	JACKSONVILLE	TX	95.1	PRCAN	BETHEL CHURCH OF JACKSONVILLE, INC.

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135436	SHEPHERD	TX	96.1	PRCAN	SHEPHERD ISD
135393	BRYAN	TX	97.1	PRCAN	ASSEMBLAGE OF PRAISE CHURCH
135570	LA JOYA	TX	97.7	PRCAN	LA JOYA INDEPENDENT SCHOOL DISTRICT
134210	BASTROP	TX	99.7	PRCAN	BASTROP COUNTY ENVIRONMENTAL NETWORK
135045	LUFKIN	TX	100.9	PRCAN	LUFKIN FAMILY EDUCATION RADIO
134984	GOLIAD	TX	102.1	PRCAN	GRACE TEMPLE INTERNATIONAL MINISTRIES INC
133855	LAMB COUNTY	TX	103.3	PRCAN	LUBBOCK PUBLIC ACCESS TELEVISION
134743	KERRVILLE	TX	107.1	PRCAN	THE SOUL CAFE, INC.
135094	PADRE ISLAND	TX	107.9	PRCAN	PADRE ISLAND - FLOUR BLUFF EDUCATIONAL BROADCASTING
126901	FARMVILLE	VA	94.1	PRCAN	HERITAGE BAPTIST CHURCH
126852	QUICKSBURG	VA	94.5	PRCAN	SHENANDOAH COUNTY (VA) PUBLIC SCHOOLS
125913	WARRENTON	VA	96.7	PRCAN	CLARK COMMUNICATIONS
127805	WASHINGTON	VA	97.9	PRCAN	RAPPAHANNOCK ASSOCIATION FOR THE ARTS AND THE COMMUNITY
127068	PULASKI	VA	102.9	PRCAN	PULASKI BIBLE RADIO, INC.
125995	RICHMOND	VA	102.9	PRCAN	FOUR MILE CREEK BAPTIST CHURCH
135317	MORTON	WA	94.7	PRCAN	FOOTHILLS LIFE RADIO, INC.
133776	SUNNYSIDE	WA	95.9	PRCAN	PACIFIC NORTHWEST TEJANO MUSIC ASSOCIATION
133450	SUNNYSIDE	WA	97.7	PRCAN	GRACE BRETHREN CHURCH
134972	ZILLAH	WA	97.9	PRCAN	STEEPLE PRODUCTIONS
133461	TOLEDO	WA	98.9	PRCAN	TOLEDO FIRST BAPTIST CHURCH
134086	MOUNT VERNON	WA	99.5	PRCAN	CHRIST THE KING COMMUNITY CHURCH OF SKAGIT VALLEY
135521	CATHLAMET	WA	104.9	PRCAN	CHANNEL LIGHT BROADCASTING OF CATHLAMET
134999	AMANDA PARK	WA	105.5	PRCAN	LAKE QUINAULT COMMUNITY ACTION FORUM
132405	BARABOO	WI	92.7	PRCAN	MT. ZION EDUCATION ASSOCIATION
132122	NEENAH	WI	95.1	PRCAN	FOX VALLEY ADVENTIST BROADCASTING, INC.
132303	RIVER FALLS	WI	96.1	PRCAN	SCHOOL DISTRICT OF RIVER FALLS
131903	CRANDON	WI	96.5	PRCAN	NORTHWOODS ECONOMIC DEVELOPMENT PROJECT
132137	DANE	WI	97.1	PRCAN	WISCONSIN POLKA APPRECIATION SOCIETY, INC.
132273	GREEN BAY	WI	97.7	PRCAN	CALVARY CHAPEL GREEN BAY
131935	ASHLAND	WI	101.3	PRCAN	NORTHERN WISCONSIN HISTORY CENTER
132175	CASHTON	WI	101.3	PRCAN	CASHTON COMMUNITY WELLNESS GROUP INC.
131676	LA CROSSE	WI	101.5	PRCAN	SCHOOL DISTRICT OF LA CROSSE
132166	SHEBOYGAN	WI	103.3	PRCAN	ST. GERARD
131898	EAU CLAIRE	WI	107.9	PRCAN	TECHNOLOGY INFORMATION FOUNDATION
133723	PINE GROVE	WV	93.3	PRCAN	WETZEL COUNTY BOARD OF EDUCATION
134584	MATEWAN	WV	98.1	PRCAN	COALFIELDS SOCIETY FOUNDATION INCORPORATED
133745	ST. MARYS	WV	98.1	PRCAN	THE CELEBRATION CENTER OF ST. MARYS
135356	N. MITCHELL HEIGHTS	WV	98.3	PRCAN	YOUR COMMUNITY RADIO, INC.
135257	SHEPHERDSTOWN	WV	99.1	PRCAN	CORPORATION FOR CHARLESTOWN PUBLIC BROADCASTING
133704	FAIRMONT	WV	99.7	PRCAN	WBWV CHRISTIAN RADIO MINISTRY

### *Cancelled Licenses (140 facilities)*

These are facilities that had completed construction of their facilities and filed to cover their original construction permit and then subsequently requested their licenses be cancelled, failed to renew or remained silent for a period exceeding 365 consecutive days.

124750	SITKA	AK	88.1	LICAN	CITY & BOROUGH OF SITKA
124752	ST. MICHAEL	AK	92.9	LICAN	ANTHONY A. ANDREWS SCHOOL
124266	ANCHORAGE	AK	104.9	LICAN	ORGANIZATION FOR NORTHERN DEVELOPMENT D/B/A OUT NORTH

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135519	AUBURN	AL	94.3	LICAN	AUBURN CHINESE MINISTRY ASSOCIATION
134041	GALLION	AL	101.9	LICAN	GALLION URBAN BROADCAST ASSOCIATION
135500	IDER	AL	103.1	LICAN	IDER EDUCATIONAL BROADCASTING
133695	TUSCALOOSA	AL	103.3	LICAN	CRUCIFEST MINISTRIES
135311	EHRENBERG	AZ	95.7	LICAN	E Q SCHOLARS, INC.
135085	LAKESIDE	AZ	100.5	LICAN	TRUTH & LIFE MINISTRIES
134896	BACAVI	AZ	101.5	LICAN	THE PATH, INC.
124373	VENTURA	CA	92.3	LICAN	CALVARY CHAPEL OF VENTURA
124319	VISALIA	CA	94.1	LICAN	FRIENDS OF RADIO GRITO /PROYECTO CAMPESINO
124826	GOLETA	CA	96.3	LICAN	CALVARY CHAPEL OF SANTA BARBARA
124223	YUCCA VALLEY	CA	97.1	LICAN	JOSHUA SPRINGS CALVARY CHAPEL
124818	BORREGO SPRINGS	CA	99.1	LICAN	BORREGO SPRINGS CHRISTIAN CENTER
124207	MALIBU	CA	101.5	LICAN	PEPPERDINE UNIVERSITY
124422	BANNING	CA	103.5	LICAN	CALVARY CHAPEL OF THE PASS
124867	VALLEY SPRINGS	CA	103.7	LICAN	CALVARY CHAPEL FELLOWSHIP OF VALLEY SPRINGS
124877	WEIMAR	CA	104.1	LICAN	WEIMAR INSTITUTE, INC.
124490	FRESNO	CA	104.5	LICAN	HMONG AMERICAN COMMUNITY, INC.
124855	LUCERNE	CA	104.5	LICAN	LAKE COUNTY COMMUNITY RADIO
124370	MODESTO	CA	106.9	LICAN	CALVARY CHAPEL OF MODESTO INC.
124381	SAN DIEGO	CA	107.5	LICAN	HORIZON CHRISTIAN FELLOWSHIP
124077	LA GRANGE	CA	107.5	LICAN	LA GRANGE HISTORICAL ASSOCIATION INC.
131484	BRIGHTON	CO	101.9	LICAN	ALIANZA MINISTERIAL VISION MILENIAL
132410	CUCHARA	CO	106.9	LICAN	CUCHARA COMMUNITY BROADCAST ASSOCIATION
133883	SUWANNEE	FL	93.1	LICAN	SUWANNEE RIVER FISHING ASSOCIATION
135636	MELBOURNE	FL	93.1	LICAN	BREVARD YOUTH EDUCATION BROADCASTING CORPORATION
133371	BARTOW	FL	96.1	LICAN	RIDGE AREA RADIO SUPPORT GROUP INC.
135735	ANTHONY	FL	96.3	LICAN	NEW HOPE M.B. CHURCH
134707	GIBSONTON	FL	96.5	LICAN	CALVARY CHAPEL OF BRANDON, INC.
133320	FLAGLER BEACH	FL	97.7	LICAN	HALIFAX CHRISTIAN COMMUNITY CHURCH INC.
134683	DESTIN	FL	101.1	LICAN	CALVARY EMERALD COAST, INCORPORATED
135344	BROOKSVILLE	FL	102.7	LICAN	LANDMARK BAPTIST CHURCH
135497	THE VILLAGES	FL	103.3	LICAN	THE VILLAGES CHAMBER OF COMMERCE, INC.
134924	MICCO	FL	105.5	LICAN	BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
134200	SOUTHPORT	FL	107.1	LICAN	VICTORY OF FAITH FELLOWSHIP
133863	SEASIDE	FL	107.1	LICAN	SEASIDE SCHOOL, INC.
124527	CARROLLTON	GA	95.3	LICAN	TALK OF YOUR LIFE RADIO
124858	THOMASTON	GA	97.1	LICAN	THOMASTON CHRISTIAN RADIO
124851	LAGRANGE	GA	98.9	LICAN	LAGRANGE CHRISTIAN RADIO
123614	FROGTOWN	GA	100.5	LICAN	FROGTOWN COMMUNITY RADIO, INC.
124185	FORT VALLEY	GA	104.3	LICAN	THE BROADCASTERS CLUB
123976	GUYTON	GA	105.7	LICAN	CROSS COMMUNICATIONS
124033	ATLANTA	GA	106.3	LICAN	FELLOWSHIP OF HOLY HIP HOP, INC.
123549	DOUGLASVILLE	GA	106.3	LICAN	ZION HILL BAPTIST CHURCH & TRUTH CENTER, INC.
131576	WAILUKU	HI	91.5	LICAN	MANA'O RADIO
132241	KULA	HI	97.3	LICAN	KING'S VOICE ON THE MOUNTAIN RADIO ASSOCIATION
132315	CAPTAIN COOK	HI	102.5	LICAN	KONA INFO INC.
132268	HONOKAA	HI	107.3	LICAN	KING'S HERALD RADIO ASSOCIATION
133227	DES MOINES	IA	94.1	LICAN	GRAND VIEW COLLEGE

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133836	PLEASANTVILLE	IA	94.1	LICAN	PLEASANTVILLE BAPTIST CHURCH
134901	POCAHONTAS	IA	95.3	LICAN	WINDS OF FIRE MINISTRIES
132196	MOSCOW	ID	92.5	LICAN	RADIO FREE MOSCOW, INC.
126788	MT. CARMEL	IL	93.9	LICAN	MT. CARMEL PUBLIC BROADCASTING, INC.
126298	WEST FRANKFORT	IL	95.5	LICAN	SOUTHERN ILLINOIS EDUCATIONAL LOW POWER RADIO ASSOC., INC.
126290	PEORIA	IL	101.9	LICAN	PEORIA CHINESE MINISTRY ASSOCIATION
126492	CARMI	IL	103.3	LICAN	CROSS ROADS FAMILY BROADCASTING
124827	CRAWFORDSVILLE	IN	93.9	LICAN	CALVARY CHAPEL OF CRAWFORDSVILLE, INC.
125793	DODGE CITY	KS	100.5	LICAN	FIRST PRESBYTERIAN CHURCH OF DODGE CITY, KS
134599	LOUISVILLE	KY	92.7	LICAN	BRYCC HOUSE INC.
135462	WINCHESTER	KY	93.7	LICAN	FRANKLIN AVENUE CHURCH OF THE LIVING GOD, INC.
134741	BOWLING GREEN	KY	107.9	LICAN	MEADOWLAND BAPTIST CHURCH
123496	MANSFIELD	LA	106.1	LICAN	FIRST BAPTIST CHURCH OF MANSFIELD
135082	EAST HARWICH	MA	97.7	LICAN	CAPE COD CHRISTIAN BROADCASTING
126095	CASSOPOLIS	MI	97.1	LICAN	PRAYER TOWER MINISTRY
127095	MOUNT PLEASANT	MI	98.9	LICAN	CHILDREN SAVING CHILDREN SERVICES
126701	NORTON SHORES	MI	100.9	LICAN	MARANATHA BIBLE AND MISSIONARY CONFERENCE
127137	SAINT LOUIS	MI	105.9	LICAN	BRECKENRIDGE COMMUNITY SERVICES
126979	MOUNT PLEASANT	MI	107.7	LICAN	MOUNT PLEASANT BAPTIST ACADEMY
131727	WEST QUINCY	MO	102.5	LICAN	SCHOOL OF CHRIST
132020	CAPE GIRARDEAU	MO	103.7	LICAN	SOUTHEAST MISSOURI STATE UNIVERSITY BOARD OF REGENTS
126610	CANTON	MS	100.5	LICAN	CANTON CONVENTION & VISITORS BUREAU
126174	HOUSTON	MS	103.7	LICAN	COMPASS POINTS EDUCATIONAL FOUNDATION, INC.
133947	LIBBY	MT	105.3	LICAN	LIBBY AREA CHAMBER OF COMMERCE
133487	CANDLER	NC	95.7	LICAN	MONTMORENCI UNITED METHODIST CHURCH
134850	STANLEY	NC	100.5	LICAN	VOICE OF EVANGELISM CATHEDRAL INC.
134417	LINCOLNTON	NC	100.9	LICAN	LIGHT OF THE WORLD
135024	WINSTON SALEM	NC	103.1	LICAN	IGLESIA BAUTISTA EL CAMINO
135316	MARBLE	NC	104.3	LICAN	EMMANUEL BAPTIST CHURCH
135192	SIMPSON	NC	105.1	LICAN	DYNAMIC LIVING RADIO, INC.
133916	HOBGOOD	NC	105.3	LICAN	THE TOWN OF HOBGOOD
135442	SHELTON	NE	92.7	LICAN	PLATTE VALLEY EDUCATIONAL RADIO
135508	GRAND ISLAND	NE	92.9	LICAN	GRAND ISLAND ADVENTIST EDUCATIONAL RADIO
133625	CALLAWAY	NE	102.7	LICAN	CALLAWAY VILLAGE RADIO
135313	SCOTTSBLUFF	NE	107.9	LICAN	CALVARY CHAPEL SCOTTSBLUFF
126893	DUBLIN	NH	100.3	LICAN	KINGDOM CHRISTIAN MINISTRIES, INC.
126871	ETNA	NH	107.3	LICAN	NDIMENSION
126022	JACKPOT	NV	93.9	LICAN	JACKPOT COMBINED SCHOOL
132059	ONEONTA	NY	104.7	LICAN	THE STATE UNIVERSITY OF NEW YORK COLLEGE AT ONEONTA
131439	LIMA	NY	104.9	LICAN	ELIM GOSPEL CHURCH OF LIMA NY
132055	MANSFIELD	OH	95.7	LICAN	NORTH CENTRAL STATE COLLEGE
132215	PORTSMOUTH	OH	96.1	LICAN	HOLY REDEEMER CHURCH
132093	HEATH	OH	98.7	LICAN	MOUNDBUILDERS CHRISTIAN RADIO CORPORTION
131339	DEFIANCE	OH	104.1	LICAN	FIRST PRESBYTERIAN CHURCH OF DEFIANCE
131917	FREMONT	OH	105.7	LICAN	FREMONT EDUCATIONAL RADIO, INC.
123916	BARTLESVILLE	OK	101.9	LICAN	BARTLESVILLE CITIZENSHIP NETWORK, INC.
124554	ENID	OK	104.7	LICAN	ENID PUBLIC RADIO ASSOCIATION
123922	SAPULPA	OK	107.7	LICAN	CITIZENSHIP TULSA, INC.

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134808	GLIDE	OR	92.5	LICAN	LIFE AT ITS BEST, INC.
133024	DALLAS	OR	94.3	LICAN	COMMUNITY INFORMATION SYSTEM, INC.
135011	EAGLE POINT	OR	94.9	LICAN	MULTICULTURAL ASSOCIATION OF SOUTHERN OREGON
135128	NEWBERG	OR	96.3	LICAN	WESTERN OREGON RADIO CLUB, INC.
135780	CANYONVILLE	OR	97.7	LICAN	CANYONVILLE CHRISTIAN ACADEMY
133682	BEND	OR	106.7	LICAN	CONSERVATION FOR CENTRAL OREGON
135061	CANYONVILLE	OR	106.9	LICAN	KEEP PRAISING OUR LORD INC.
134345	CAVE JUNCTION	OR	107.9	LICAN	BRIDGEVIEW COMMUNITY CHURCH
134565	BROOKVILLE	PA	95.9	LICAN	FIRST BAPTIST CHURCH
133885	BEAVER SPRINGS	PA	100.1	LICAN	BEAVER SPRINGS FAITH BAPTIST CHURCH, INC.
133192	INDIANA	PA	103.7	LICAN	GODSTOCK MINISTRIES
133889	LAKE WYLIE	SC	93.7	LICAN	LAKE WYLIE COMMUNITY RADIO PROJECT
132503	NORTH MYRTLE BEACH	SC	98.7	LICAN	CITY OF NORTH MYRTLE BEACH
132443	GREENWOOD	SC	102.3	LICAN	RADIO GOOD HOPE
131617	SAINT GEORGE	SC	105.9	LICAN	EDUCATIONAL RADIO OF ST GEORGE, INC.
133423	NEW TAZEVELL	TN	98.3	LICAN	CLAIBORNE COMMUNICATIONS INC.
135481	SOMERVILLE	TN	107.9	LICAN	SOMERVILLE EDUCATIONAL BROADCASTING
133930	BRECKENRIDGE	TX	92.7	LICAN	SACRED HEART CATHOLIC CHURCH
135416	UVALDE	TX	95.5	LICAN	COMMUNITY COUNCIL OF SOUTHWEST TEXAS, INC.
133362	MOUNT PLEASANT	TX	95.7	LICAN	INTER COUNTY AMATEUR RADIO ENTHUSIASTS, INC.
135088	CENTERVILLE	TX	98.1	LICAN	JAMES ELLISON MINISTRIES
134171	MINERAL WELLS	TX	99.9	LICAN	COMMUNITY BROADCASTING, INC.
134601	ACE	TX	104.7	LICAN	ACE RADIO INC
134264	BROOKSHIRE	TX	107.9	LICAN	ROYAL INDEPENDENT SCHOOL DISTRICT
123621	LOGAN	UT	106.1	LICAN	CITY OF LOGAN
126828	WOODSTOCK	VA	95.7	LICAN	PORTERING THE GLORY INTERNATIONAL, INC.
126857	DANVILLE	VA	97.9	LICAN	INTERNATIONAL RELIGIOUS SOCIETY, INC.
127098	SUSAN	VA	102.3	LICAN	ANTIOCH BAPTIST CHURCH
125974	WILLIAMSBURG	VA	102.5	LICAN	THE POPULAR ASSEMBLY OF NEW HORIZONS 300 AND HIS SUCESSORS
126617	WILLIAMSBURG	VA	102.5	LICAN	CHRISTIAN LIFE CENTER
126745	HOPEWELL	VA	107.7	LICAN	ESSENCE OF LOVE MINISTRIES
135150	BELLOWS FALLS	VT	100.1	LICAN	FALLS AREA COMMUNITY TELEVISION, INC.
135744	PORT ANGELES	WA	95.5	LICAN	DRY CREEK COMMUNITY BROADCASTING
134411	COUPEVILLE	WA	96.9	LICAN	WHIDBEY ISLAND CENTER FOR THE ARTS
133223	PULLMAN	WA	98.5	LICAN	THE CHURCH IN PULLMAN
133879	OCEAN SHORES	WA	100.1	LICAN	OCEAN SHORES EDUCATIONAL MEDIA
134087	KETTLE FALLS	WA	101.5	LICAN	COUNCIL FOR ALTERNATIVE ENERGY
131421	RED CLIFF	WI	92.3	LICAN	FIRST AMERICAN PREVENTION CENTER
132353	APPLETON	WI	101.9	LICAN	CALVARY CHAPEL APPLETON
135335	SALEM	WV	99.9	LICAN	MIRACLE MEADOWS SCHOOL, INC.
126226	POWELL	WY	105.3	LICAN	LIVING WORD MINISTRIES