

February 4, 2000

*Via Electronic Filing*

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, NW  
Washington, DC 20554

Re: MM Docket No. 95-31  
Reexamination of the Comparative Standards for Noncommercial  
Educational Applicants  
Presentation by National Public Radio, Inc. and  
the Association of America's Public Television Stations  
Ex Parte Notice

Dear Ms. Salas:

Pursuant to Section 1.1200, et seq., of the Commission's Rules, National Public Radio, Inc. ("NPR") hereby notifies the Commission of the following *ex parte* presentations by NPR and the Association of America's Public Television Stations ("APTS") regarding the above-referenced proceeding.

On February 4, 2000, Gregory Lewis, NPR Associate General Counsel, Michelle Shanahan, NPR Assistant General Counsel, and Lonna Thompson, APTS' Director, Legal Affairs, met separately with Helgi C. Walker, Senior Legal Advisor to Commissioner Harold Furchtgott-Roth, Rick Chessen, Senior Legal Advisor to Commissioner Gloria Tristani, and David Goodfriend, Legal Advisor to Commissioner Susan Ness, to discuss NPR's and APTS' proposals to resolve mutually-exclusive applications for reserved noncommercial spectrum, as well as mutually-exclusive applications by noncommercial educational and commercial applicants for frequencies in the non-reserved broadcast spectrum, as set forth in the Comments filed by NPR, APTS and the Corporation for Public Broadcasting. At these meetings, NPR and APTS presented the attached summary.

Please direct any questions regarding this matter to the undersigned at (202) 414-2055, or to Lonna Thompson, APTS' Director, Legal Affairs, at (202) 887-7030.

Sincerely,

Michelle M. Shanahan  
Assistant General Counsel

cc: Helgi C. Walker, Esq.  
Rick Chessen, Esq.  
David Goodfriend, Esq.  
Lonna Thompson, Esq.

**National Public Radio, Inc. and Association of America's Public Television Stations  
MM Docket No. 95-31**

**I. Resolving Mutually-Exclusive Applications for Reserved NCE Frequencies:**

- A. **Full-Service Stations**: Adopt the following point system emphasizing localism, diversification, and spectrum efficiency:

**Localism**

- Local headquarters credit (one point). **Local** is defined as within 100-mile radius or within the same state.
- Local directors and officers credit, where (a) at least 75% of the directors and officers are local, or (b) the applicant is a state or municipality (one point)
- Local funding credit, where at least 50% of the expected funding is from local, CPB or public sources (one point)
- Established local educational presence credit (one point)
- Representativeness credit, for applicants with board members who are widely-representative of the local community (one point)

**Diversification**

- Diversity of ownership credit, for applicants who own no more than 5 or 10 other radio stations or 5 or 10 other television stations (two points for 5 or fewer stations or if part of state-wide plan, one point for 10 or fewer stations)

**Spectrum Efficiency**

- Fair distribution of service credit (two points for first NCE aural or video service in a community, one point for second NCE aural or video service in a community)
- Technical differences credit for materially greater technical proposals (up to two points)
- Credit for public funding or PTFP eligibility and application (one point)
- Facilities improvement credit (two points)

- B. **FM and TV Translator Stations**: Adopt the point system above, with the following distinctions:

- FM Translators: first priority for fill-in service, second priority for proposals to replace displaced translators, third priority for other applicants.
- TV Translators: first priority for applicants proposing to replace a displaced translator, second priority for other applicants.
- Eliminate facilities improvement credit

- C. **Tiebreaker**: Award to applicant with fewest pending applications

## II. Resolving Mutually-Exclusive Applications for Non-Reserved Frequencies

- A. **Reject Auctions.** Auctions violate the Balanced Budget Act of 1997 and public policy.
- B. **Adopt Special NCE Processing Track.**

### **OR**

- C. **Adopt Hybrid Point System.** If an NCE applicant receives the most points, the NCE applicant should receive the FCC authorization. If a commercial applicant receives the most points, the FCC should hold an auction. Points should be awarded as follows:

- Local headquarters credit (one point)
- Local directors and officers credit (one point)
- Local funding credit (one point)
- Diversity of ownership credit (up to two points)
- Fair distribution of service credits (up to two points). Points given for first or second full-time service – commercial or noncommercial
- Technical differences credits (up to two points)
- Facilities improvement credits (two points)

**FM and TV Translators:** Adopt the point system above, with the following distinctions:

- FM Translators: first priority for fill-in service, second priority for proposals to replace displaced translators, third priority for other applicants
- TV Translators: first priority for applicants proposing to replace a displaced translator, second priority for other applicants
- Eliminate facilities improvement credit