

In the Matter of )  
Creation of a Low Power Radio Service )  
TO THE COMMISSION )

MM Docket No. 99-25

RM-9202

RM-9242

**RECEIVED**  
MAY 17 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**SUGGESTION FOR A COMPROMISE RESOLUTION OF THE ISSUES  
RAISED IN THE PETITION TO CORRECT INADVERTENT OMISSION**

The Minority Media and Telecommunications Council ("MMTC") and the 23 organizations it represents in the Low Power FM proceeding respectfully submit this suggestion for a resolution of the issues raised in their February 29, 2000 "Petition to Correct Inadvertent Omission" ("Petition"), as supplemented by their March 7, 2000 "Additional Points and Authorities."

The Petition sought assistance for minority broadcast training institutions ("MBTIs") in obtaining LPFM permits. The Petition noted that remedying discrimination against MBTIs would raise no constitutional concerns because MBTIs are mission- rather than race-based.

However, with the window for the first LPFM applications fast approaching, it is paramount that all schools -- public and private, religious and secular, nonminority and minority -- enjoy a fair opportunity to obtain LPFM permits. As we have noted, schools are seldom able to time-share, and are loath to game the system by prearranging time shares among like-minded, comparatively tied applicants. Moreover, schools typically need more time than other applicants to obtain the financial and fiduciary approvals needed to apply for federal permits. Thus, under the rules as they stand now, schools face serious procedural disadvantages. Consequently, many schools, particularly minority schools, presently expect to forego the opportunity to seek LPFM permits.

This dilemma cannot be cured by broadening efforts to recruit educational applicants. The education community is almost entirely on-line; it is quite familiar with LPFM. No amount of recruitment will induce schools to invest time and money in a futile pursuit of LPFM permits.

Seeding the first wave of permittees with educational institutions will do much to ensure the success and spectrum integrity of LPFM. It is worth recalling that the first radio licensees were schools, as were the early low power, Class D licensees. Schools are stable, enduring enterprises, and they are among the most responsible and careful of all licensees. It is almost unheard of for an educational licensee to commit an engineering violation. Schools can train other LPFM pioneers in

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the techniques of good broadcasting, and can help them avoid overmodulated, overpower, or out of band broadcasts. By ensuring that many of the first LPFM permittees are schools, the Commission would be responsive to good-faith concerns, articulated by LPFM skeptics including members of Congress, that inexperienced LPFM broadcasters will interfere with the signals of full power stations.

Consequently, we suggest that the Commission provide that an LPFM applicant may claim one additional comparative point if it is an educational institution, broadly defined. This point could be claimed in addition to any points the applicant receives for established community presence, proposed operating hours and local program origination.

We respectfully request the Commission to act very quickly on this suggestion in light of the shortness of time before the opening of the first LPFM window.

Sincerely,



David Honig  
Executive Director

Counsel for:

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Black College Communications Association  
Cleveland Talk Radio Training Consortium  
Cultural Environment Movement  
Fairness and Accuracy in Reporting  
League of United Latin American Citizens  
Media Action Network for Asian Americans  
Minority Business Enterprise Legal Defense  
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National Asian American Telecommunications  
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National Association for the Advancement of  
Colored People  
National Association of Black Journalists  
National Bar Association  
National Hispanic Foundation for the Arts  
National Hispanic Media Coalition  
National Indian Telecommunication Institute  
National Latino Telecommunications Taskforce  
Native American Journalists Association  
Project on Media Ownership  
Puerto Rican Legal Defense & Education Fund  
Rainbow/PUSH Coalition  
San Diego Community Broadcasting School  
Telecommunications Research and Action Center  
Women's Institute for Freedom of the Press

May 17, 2000

## CERTIFICATE OF SERVICE

I, David Earl Honig, hereby certify that I have this 17th day of May, 2000 caused a copy of the foregoing "Suggestion for a Compromise Resolution of the Issues Raised in the Petition to Correct Inadvertent Omission" to be delivered by U.S. First Class Mail, postage prepaid, to the following:

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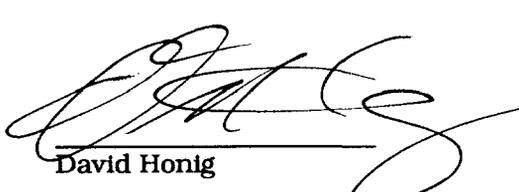
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