

February 15, 2004



Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in MB Docket No. 99-25

Dear Ms. Dortch:

On February 14, 2005, Harold Feld of Media Access Project met with Jon Cody, Legal Advisor to Chairman Powell. Mr. Feld thanked Mr. Cody for an the incredibly successful LPFM Forum, and urged Mr. Cody to press ahead on the translator issue. Mr. Feld stated that without providing LPFM's with primary status, LPFM would have no future. Mr. Feld also described a report, attached to this filing, demonstrating the dramatic reduction in available LPFM stations as a consequence of opening a translator window in March 2003.

With regard to the issue of encroachment raised by the panelists at the Forum, Mr. Feld suggested that the Commission could issue a processing guideline stating that prior to grant of an application for an increase in power by a fully licensed station, staff must consider whether such a grant will deny a local community local content by reducing the coverage area available to LPFM stations. Because applications for increase in power are major modifications subject to the public interest standard of Sec. 307 and Sec. 309, the Commission may issue a processing guideline without seeking notice and comment. Furthermore, such a policy would further the Communication's Act interest in fostering localism and diversity of ownership. It would in no way change the classification of LPFM stations from secondary licensees. Where it would further the public interest to grant the application despite a loss of service to an LPFM licensee, the LPFM would remain secondary to the expanded primary full power station.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld
Senior Vice President

cc:
Jon Cody