

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Reexamination of the Comparative Standards for	)	
Noncommercial Educational Applicants	)	MM Docket No. 95-31
	)	
Association of America's Public Television	)	
Stations' Motion for Stay of Low Power	)	
Television Auction (No. 81)	)	

To: The Commission

**COMMENTS OF  
NATIONAL PUBLIC RADIO, INC.**

**Introduction**

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, National Public Radio, Inc. ("NPR") hereby submits its Comments in response to the Public Notice in the above-captioned proceeding proposing to limit the number of applications that may be filed by a single entity in the October 2007 filing window for new noncommercial educational ("NCE") stations and major modifications to existing NCE stations.<sup>1</sup>

NPR is a non-profit membership organization comprising more than 800 full-service noncommercial educational radio stations nationwide. In addition to broadcasting award-

winning NPR programming including *All Things Considered*<sup>®</sup>, *Morning Edition*<sup>®</sup>, and *Talk Of The Nation*<sup>®</sup>, NPR's Member stations are significant producers of news, information, and cultural programming. NPR also operates the Public Radio Satellite System ("PRSS") and provides representation and other services to its Member stations.

**I. The Commission Should Limit The Number Of Applications Any Single Entity May File To Deter Speculative Filings And To Facilitate The Expedient Processing of Applications**

NPR supports the imposition of an application limit to deter the filing of speculative applications and to permit the expeditious processing of the applications filed during the filing window. See Public Notice at 2. As the Notice itself recounts, the March 2003 filing window for non-reserved FM band translator applications elicited a substantial number of apparently speculative applications from a few entities. See id. at 2 n.4. It is far simpler to limit the number of applications that may be filed than to attempt to address the matter after-the-fact. See In the Matter of Creation of a Low Power Radio Service, Second Order on Reconsideration and Further Notice of Proposed Rulemaking, 20 FCC Rcd. 6763, 6778 (2005).

There is also good reason to expect the filing of speculative applications during the October filing window. The barrier to the filing of applications is low, properly so given the limited resources NCE applicants typically possess; there has not been an opportunity to submit NCE major modification or new station applications in many years; and a full-power broadcast station construction permit holds substantial value. Public Notice at 2-3. An application filing limit will also simplify and expedite the processing of the filed applications. Id. at 3.

---

<sup>1</sup> Public Notice, FCC Seeks Comment on Proposed Application Limit for NCE FM New Station Applications in October 12–October 19, 2007 Window FCC 07-145, MM Docket No. 95-31 (rel. Aug. 9, 2007) [hereinafter "Public Notice"].

Accordingly, the Commission is correct to limit the number of applications any single entity may file during the October NCE filing window.

**II. The Commission Should Increase The Number Of Applications Any Single Entity May File From Ten To Fifteen**

While NPR supports limiting the number of applications any single entity may file, we believe the ten application limit is too low. The pent-up demand for new NCE facilities raises a justified concern about the filing of speculative applications, but it also reflects a bona fide interest in constructing new NCE stations. The filing of new NCE station applications has been frozen for more than seven years. Public Notice at 2 & n.2. Because NCE applicants and licensees typically operate with limited resources and access to capital, moreover, they are largely excluded from the process of auctioning non-reserved spectrum. Particularly for public radio licensees, the October filing window provides a significant opportunity to extend existing networks to new audiences, with no assurance of regularly occurring window filing opportunities in the future.

The October filing window also has significant consequences for FM translator stations. First authorized in 1970, Report and Order in Docket No. 17159, 20 RR 2d 1538 (1970), FM translator stations have long provided an important means by which public radio stations serve the American people. Indeed, the Federal Government has provided substantial funding for the construction of FM translator stations through the Public Telecommunications Facilities Program of the National Telecommunications and Information Administration. See <http://www.ntia.doc.gov/ptfp>. As a result, public radio licensees have constructed extensive networks of FM translator stations to extend their services in a cost effective manner.

The October NCE filing window provides an important opportunity for public radio licensees to upgrade their translator stations to full power stations, which would both preserve

existing retransmission services and improve upon them by converting them to origination services. At the same time, however, because translator stations are secondary to full power stations, the October NCE filing window threatens to displace significant numbers of existing translator stations. In the case of "daisy chain" translator networks, the displacement of a single translator could eliminate the service provided by all the translators "fed" directly or indirectly by the displaced translator. With a filing limit of only ten applications, we fear that public radio licensees may lose a number of long established translator services.

A modest increase in the number of permissible applications -- from ten to fifteen -- would increase the prospects for obtaining construction permits without opening the door to the mass filing of speculative applications. A fifteen application limit would provide applicants with a more meaningful opportunity to preserve existing translator stations, upgrade them to origination services, and otherwise offer NCE service to new audiences. Such a limit would not permit a relatively small number of applicants to submit an extraordinarily large number of applications -- the problem that arose in the 2003 filing window. See Public Notice at 2 n.4. Accordingly, we submit that a fifteen application filing limit would better serve the "public interest, convenience, and necessity," 47 U.S.C. § 307(a), and we urge the Commission to adopt such a limit.

## **Conclusion**

For the foregoing reasons, NPR supports the imposition of an application filing limit but asks the Commission to increase the number of applications any one entity may file in the October filing window from ten to fifteen applications.

Respectfully submitted,

**NATIONAL PUBLIC RADIO, INC.**

Gregory A. Lewis /s/

Neal A. Jackson

Vice President for Legal Affairs,  
General Counsel and Secretary

Dana Davis Rehm

Senior Vice President, Strategy & Partnerships

Michael Riksen

Vice President, Government Relations

Michael Starling

Vice President, Chief Technology Officer and  
Executive Director, NPR Labs

Gregory A. Lewis

Associate General Counsel

September 6, 2007