

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Petition for Rulemaking of) RM No.11579
National Public Radio to Repeal) MB Docket No. _____
Section 73.525 of the Commission's Rules)

**STATEMENT OF THE WBEZ ALLIANCE, INC.
IN SUPPORT OF PETITION FOR RULEMAKING OF
NATIONAL PUBLIC RADIO, INC.**

Pursuant to Section 1.405 of the Commission's Rules, 47 C.F.R. § 1.405(a), The WBEZ Alliance, Inc., files this Statement in Support of the Petition for Rulemaking, filed by National Public Radio, Inc. ("NPR"), to initiate a rulemaking proceeding to repeal Section 73.525 of the Commission's Rules, 47 C.F.R. § 73.525. As the NPR Petition indicates, this rule, which places restrictions on FM facilities operating in the reserved FM band in order to prevent interference to reception of television transmitters operating on the adjacent channel 6 spectrum (TV-6), has outlived its usefulness and now serves to hinder, rather than serve, the public interest. NPR has raised necessary questions about important policy issues regarding the most appropriate allocation of scarce broadcast spectrum, and has done so in a thoughtful and reasonable manner, backed by evidence-based scientific support. These are issues that deserve a public airing that

will fairly weigh the pros and cons of continuing to protect a declining spectrum use – analog TV-6 – at the expense of an active and vital spectrum use – NCE radio.

Statement of Interest

The WBEZ Alliance, Inc. (“WBEZ” or “WBEZ Alliance”) is a nonprofit corporation that is the licensee of three full-power NCE FM radio stations: WBEZ(FM), Chicago, IL (91.5 MHz, Channel 218), WBEQ(FM) (90.9 MHz, Channel 215), Morris, IL, and WBEW(FM) (89.5 MHz, Channel 208), Chesterton, IN, as well as an FM translator station, W217BM (91.3 MHz, Channel 217) in Elgin, Illinois.

WBEZ, which is also locally known as Chicago Public Radio, offers more than 560,000 listeners a wide variety of programs — from news and public affairs to music and arts. Supported by contributing listeners, the station produces such programming as *City Room* (its local news and public affairs program), *Eight Forty-Eight*, *Performance Space*, *Stories on Stage*, and *Worldview*, and broadcasts a wide array of jazz, blues, and world music. Chicago Public Radio is also the home of three programs it produces and syndicates nationally, including the Peabody award-winning *This American Life*, *Odyssey*, and *Wait, Wait . . . Don't Tell Me!*, which is co-produced with NPR. WBEW offers a highly-innovative programming alternative, a website and radio station called *Vocalo.org*, which describes itself as YouTube for Radio. The station accepts program content created by regular citizens, amateur radio “geeks,” and professional journalists and artists, and broadcasts it. Although the programs have specific hosts, the format depends to a large extent on energetic and talented volunteers from the community to provide much of the programming. *Vocalo.org* provides free training in audio production and story-telling for radio, and helps members of the public to produce their own projects.

It is entirely irrational, and wasteful of spectrum efficiency, that public radio must continue to provide technical protection for existing channel 6 LPTV/translators and digital TV-6 operations. While WBEZ does not have precise numbers, we believe there are over 100 channel 6 LPTV/translators, subject to protection, and perhaps about a dozen digital TV 6 operations. For these reasons, the WBEZ Alliance has a strong interest in the subject matter of NPR's proposed rulemaking and intends to participate actively in the rulemaking proceedings if the Commission grants NPR's Petition.

I. LPTV Stations Are Improperly Invading the Noncommercial FM Band.

In the meantime, LPTV stations have begun to invade FM radio, broadcasting audio signals that were licensed for TV broadcast as if they were commercial radio stations on 87.7 MHz. Not only are these signals inappropriately being broadcast as radio, they are also bleeding 24-hour dance music, with commercial advertising, over into the noncommercial stations that are on the lower NCE FM channels. Like squatters moving into recently-vacated homes, these LPTV stations are, in effect, intentionally broadcasting commercial radio which spills over onto the reserved portion of the FM band, trespassing on the limited territory of their noncommercial neighbors. Before this phenomenon becomes entrenched, the Commission owes the public, as well as public radio stations, a reasoned consideration of this problem. The long-awaited television digital transition has now provided a significant opportunity for the Commission and the broadcast industry to consider whether it will truly serve the public interest to continue to restrict NCE broadcasters' ability to make full use of the limited spectrum allocated to them and to allow the bizarre encroachment represented by channel 6 TV broadcasters making themselves into unsanctioned FM broadcasters, with superior protection

rights, over properly licensed NCE stations.

II. High Demand for NCE FM Spectrum

In October 2007, the Commission opened up a one-week window for applications to be filed for new NCE FM radio stations. Over 3600 applications were filed, demonstrating not only the pent-up demand for FM spectrum that had built up over the many years of the NCE FM freeze, but also the tremendous growth of interest in noncommercial public radio. This window saw an unprecedented level of applications from Native American population centers and small community-based groups, in addition to the more traditional applicant pool of academic institutions and religious broadcasters.

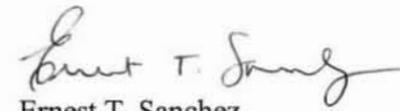
For the past several years, the Commission has called for an increase in locally-originated broadcasting and local ownership. The wellspring of truly local applicants during the 2007 window demonstrates that localism is more likely to be found, and to thrive, in NCE radio than in any other sector of the broadcast spectrum. Similar, but somewhat more limited results, can be anticipated for the upcoming February 2010 NCE window. In recognition, perhaps, that Rule 73.525 has outlived its usefulness, the Commission recently announced that, as of October 27, 2009, NCE FM applicants will no longer be required to demonstrate compliance with this rule with regard to “affected” TV Channel 6 stations that have ceased analog transmissions and have a new DTV assignment. Applicants before that date, however, are still being required to adhere to the rule, despite the lack of need for such protection. *Media Bureau Establishes October 27, 2009, Initial Filing Date for Acceptance of Certain Noncommercial Education FM Minor Change Applications*, Public Notice, ___ FCC Rcd _____ (MB rel. October 13, 2009)(DA 09-2214).

It is time for the Commission and the public to take a hard look at a policy that does more harm than good to the public interest and look toward adoption of consistent, reasonable, and evidence-based policies that treat NCE stations as fairly as other broadcasters.

The WBEZ Alliance, Inc., joins its voice with that of NPR in calling for a much-needed rulemaking proceeding to consider repeal of Rule 73.525.

THE WBEZ ALLIANCE, INC.

Respectfully submitted,



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