

On July 8, 2010, Prometheus Radio Project and Educational Media Foundation proposed a Memorandum of Law for how to proceed with processing existing FM translator applications and open an LPFM window. Prometheus and EMF also proposed new LPFM frequencies of 87.5, 87.7 and 87.9, with the condition that they not interfere with existing television, low power television or FM radio services. One Ministries, Inc. requests that the Commission first process the pending Low Power TV applications for channels 5 and 6 before opening any windows for 87.5, 87.7 and 87.9 for LPFM. One Ministries, Inc. has five pending LPTV applications for channel 6 that were filed in the rolling LPTV window that opened in August of 2009. Three of One Ministries applications for channel 6 have already been put on public notice on April 13, 2010 as being accepted for filing with a 30 day period for petitions to deny. The Commission has been holding the grants of new applications for channels 5 and 6 due to rule-makings to convert channels 5 and 6 to FM radio channels. Nevertheless, One Ministries, Inc. is concerned that the Commission has adopted a double jeopardy mindset where the Commission opens filing windows and accepts applications and filing fees for new stations only to subsequently change its mind without any rule change and not grant pending applications and repurpose the spectrum. Unlike the MXed groups of FM translator applications, the new pending applications for channels 5 and 6 are not mutually exclusive and have been accepted for filing. One Ministries, Inc supports LPFM and was an LPFM permit holder before it upgraded to a small 100 watt full power FM station with its studio on a high school campus with high school students as disc jockeys. One Ministries, Inc requests that the Commission first close the rolling window for new LPTV stations on channel 5 and 6 and process those applications before opening any new window for LPFM frequencies on 87.5, 87.7, and 87.9 and below. One Ministries, Inc further requests that the Commission allow low power TV stations to continue to provide broadcast services both to televisions on channel 6 and to FM radios on 87.7 MHz. Low Power TV operators are often small local operators, and allowing them to continue providing local radio service on 87.7 MHz in addition to television fits the spirit of using 87.5, 87.7 and 87.9 for local community broadcast services. It is actually more desirable to allow local entities to use LPTV station on channel 6, because they provide two services (radio and TV), whereas using channel 6 for LPFM service on 87.7 only provides one service to local communities. Furthermore, if the adoption of HD radio is any indicator on how long it will take to roll out new radios to use channel 5 and 6 spectrum, then newly proposed radio spectrum below 87.5 MHz may never be viable in our lifetimes, and using internet for new broadcasters will be much more preferable.