

October 4, 2010

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554



Re: Notice of *Ex Parte* Presentation  
MM Docket No. 99-25 (Creation of Low Power Radio Service)

Dear Ms. Dortch:

On Friday, October 1, 2010, Brian Gantman and David Oxenford, representing Educational Media Foundation (“EMF”), and Pete Tridish and Matt Wood, representing Prometheus Radio Project (“Prometheus”), met separately to discuss matters in the above-captioned docket with Rosemary C. Harold, Legal Advisor, Media, to Commissioner Robert M. McDowell; and with Krista Witanowski, Acting Legal Advisor for media issues to Commissioner Meredith Attwell Baker.

In both meetings, the EMF and Prometheus participants discussed the revised version of their Memorandum of Agreement Regarding LPFM/FM Translator Priorities (the “MOA”) filed in the docket on September 22, 2010. To provide additional information on the new proposal put forward by Prometheus in the MOA for processing 2003 FM Translator Window applications, the meeting participants also provided Commission staff with a copy of a study prepared by the advocacy organization Common Frequency. That study likewise was filed in the docket under separate cover on September 28, 2010, and is attached hereto (without the associated appendices).

As the EMF and Prometheus participants explained, that study suggests the detrimental impact on LPFM opportunities in most metropolitan areas that could be expected under the previously proposed cap and parameters for processing such translator applications. That cap also could result unintentionally in rural populations and other underserved areas not receiving radio service if and when applicants chose to forgo protection of applications in such areas. Prometheus referred to the study’s prediction that as many as 97% of open frequencies in the top 150 radio markets could be assigned to translator applicants under the proposed ten application limit. The study also noted that even allowing FM translator applicants to protect a lower number of applications across all markets, such as three applications total per applicant, also could eliminate LPFM opportunities without providing significant safeguards against potential speculation in translator licenses.

EMF and Prometheus described their ongoing efforts to engage in dialogue on these issues with other interested parties and such parties’ representatives, seeking as always to promote policies that would strike a fair balance between LPFM and translator applicants’ opportunities now and in future windows. The EMF and Prometheus participants highlighted and discussed briefly the revised proposals in the MOA designed to promote local service and

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diversity of voices in local markets, as well as common-sense safeguards suggested in the MOA to curb speculative behavior after disposition of the pending translator applications.

We submit this letter to the Secretary's office today pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b). Please contact the undersigned should you have any questions regarding this submission.

Respectfully submitted,

/s/ Matthew F. Wood

cc: Rosemary C. Harold  
Krista Witanowski