

October 14, 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 Wednesday, October 13, 2010, Brian Gantman of Educational Media Foundation (“EMF”) and Pete Tridish of Prometheus Radio Project (“Prometheus”) met with Dave Grimaldi, Chief of Staff and Media Legal Advisor to Commissioner Mignon Clyburn, to discuss matters in the above-captioned docket.

The EMF and Prometheus representatives provided Mr. Grimaldi with a brief history of the proceedings between the parties, information regarding translator and LPFM stations, and information regarding the potential impact that the proposed ten translator application limit for processing 2003 FM Translator Window applications would have on smaller and remote communities. The representatives also discussed the revised version of the Memorandum of Agreement Regarding LPFM/FM Translator Priorities (the “MOA”) between their two organizations, which was filed in this docket on September 22, 2010. To provide additional information on the new proposal put forward by Prometheus in the MOA for processing pending applications, the meeting participants also discussed a recent study prepared by advocacy organization Common Frequency, which likewise was filed in the docket under separate cover on September 28, 2010.

That Common Frequency study suggests the detrimental impact on LPFM opportunities in most metropolitan areas that could be expected under the previously proposed ten application limit and other parameters for processing such translator applications. The proposed 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 for translators in such areas when selecting which ten translator applications to protect. 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.

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 opportunities and rights, now and in future windows.

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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

Matthew F. Wood
Media Access Project
Counsel to Prometheus Radio Project

cc: Dave Grimaldi