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In regards to: Creation of a Low Power FM Radio Service (MM Docket 99-25)
Auction 83 FM Translator Filing Window

The attached report shows extensive data of how the REC Networks "2 x 70" plan for recovering spectrum for the LPFM service while accommodating FM translators in areas where both services can co-exist.

To summarize, REC's criteria to determine future LPFM availability is within the predicted service contour (based on antenna patterns, power and RCAMSL filed in the short form and then with HAAT calculated from FCC terrain data), that at least 70% of the census block groups (based on population) measured at the designated centroid can receive a minimum of two LP-100 channels (spaced at least 2 channels apart) based on current rules plus an elimination of third adjacent channels for domestic stations. Applications where there are no centroids within the service contour are automatically considered as meeting criteria.

REC has separated the 6,389 pending applications into 5 lists:

LIST 1 contains applications that we have identified that meet the REC criteria for future LPFM availability and appear to be singleton applications. This represents 9.4% of the applications.

LIST 2 contains applications that we have identified that meet the REC criteria for future LPFM availability and appear to be singleton applications. However, these applicants have filed multiple applications on different channels at the same site. These are grouped by an internal group identifier. (Note that other members of the same group may appear on other lists). This represents 4.1% of the applications.

LIST 3 contains applications that we have identified that meet the REC criteria for future LPFM availability but appear to be mutually exclusive with other List 3 eligible applications. This represents 20.1% of the applications.

The applications above three lists are potentially grantable, however with the fact that many MX applications appear in List 3, the actual grant ratio would be lower than the 33.7% shown in the summary.

LIST 4 contains applications that we have identified that do not meet the REC criteria for future LPFM availability. Under our proposal, these applications would either be proposed to be dismissed or could be filed on top of in a future LPFM window (whichever method the FCC wishes to go with). In this list, we show the service contour's population, the centroid populations for no-channels, one channel and two channels and the percentage of two channel availability used to trigger criteria. The population statistics after the removal of the application from consideration reflect changes proposed by the LCRA as well as changes proposed in the LPFM service by REC. This list accounts for 64.5% of the applications.

Keep in mind, while only the dismissal/deprioritization of the List 4 applicants will result in a documented net gain for about 47% of the applications, we feel that with these applications cleared, there will be many more areas where second adjacent channel waivers will be possible.

LIST 5 contains applications that would qualify under REC's LPFM criteria but are proposing power levels that exceed §74.1235(b) of the FCC rules based on the proposed station's HAAT.

After review of the results, REC has elected not to take into consideration our original suggestion that applications filed by parties that had no broadcast holdings prior to the Auction 83 FM Translator filing window be removed from further consideration. While we feel that many List 1 applications run a substantial risk of being trafficked for profit, we ask the FCC to take into consideration new controls to prevent the trafficking of construction permits, especially those that were given away by the FCC as a non-commercial educational service.

Overall, REC feels that this method is the best way to introduce LPFM into urban and suburban areas while allowing the FM translator service, which has already granted over 3,200 translator applications in this window to be able to continue to grow in areas where LPFM and translators can co-exist. We feel that this method meets the "community need" standard of the Local Community Radio Act of 2010. We remain concerned about the increased speculation and profiteering that may potentially take place with the remaining applications and we call on the FCC to address this unfair business practice.

/s/

Michelle A. Eyre for
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