

July 6, 2011

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: Docket 99-25
Ex Parte Presentation

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, this notice is filed concerning an ex parte presentation in the above-referenced proceeding. The undersigned, as counsel for Educational Media Foundation ("EMF"), received a telephone call from Joshua Cinelli of Commissioner Copps office on Tuesday, July 5 inquiring if there were any questions or comments about the expected Commission action in this docket that is scheduled for consideration at the FCC open meeting next week.

During the course of the conversation, the undersigned stated that EMF's principal interest was in preserving the ability of applicants in the 2003 FM translator window to continue to prosecute applications that remain pending, and that a rule limiting the number of applications that could be processed to 10 was not in the public interest. EMF believes that applying a rule limiting applications to 10 will result in the dismissal of many applications that propose service in smaller radio markets where there is generally no lack of channel availability for both FM translator applicants and for new applications for new LPFM stations. In smaller markets, where there tends to be less demand for spectrum usage, the rule of 10 will result in dismissal of many translator applications that would provide a new alternative radio programming service that might otherwise never exist – thereby denying new service to listeners in these areas. In picking their 10 protected applications, applicants will naturally prefer applications in larger markets serving greater populations. If future translator windows limit the number of applications that can be filed, it may well be decades (if ever) before the more rural areas will receive the FM service that translators resulting from the pending applications could provide now, if the applications from the 2003 window were granted.

The undersigned mentioned that EMF had supplied documents showing that, even if all of the pending 2003 translator applications were processed, there would still be availability for

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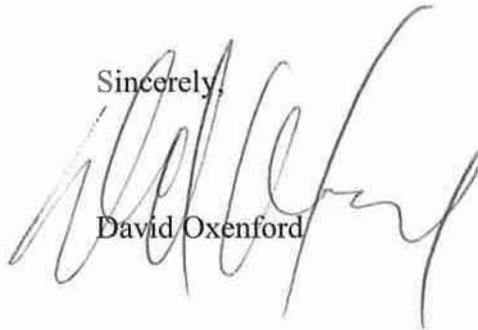
LPFM stations in most radio markets. This was a reference to the Supplemental Filing made by EMF on February 4, 2011 and the Second Supplemental Filing made by EMF on February 28, 2011, where a technical analysis of specific radio markets and the availability of channels for LPFM stations in those markets, and the lack of a preclusive effect of the pending 2003 translator applications in most markets, was set out.

Mr. Cinelli asked about situations where there were multiple translator applications pending by the same applicant for the same market, and how the FCC should deal with these situations. Counsel suggested that it was his understanding that these situations were usually not ones where an applicant had planned on building multiple translators in a single market (except, perhaps, in situations where there is a geographically large market needing multiple translators to reach widely dispersed population centers), but instead was the result of applicants looking to increase their chances of getting a single translator station in a market. By filing for multiple channels, these applicants looked to increase their chances of getting at least a single channel through the auction process. Counsel suggested that a cap on the number of grants that a party can receive in a single market could address these situations. A similar cap was proposed for future applications in a filing by EMF and the Prometheus Radio Project on September 22, 2010 at Section 2(D)(i) of the submission.

Should there be any questions concerning this submission, please contact the undersigned.

Sincerely,

David Oxenford

A handwritten signature in black ink, appearing to read 'David Oxenford', is written over the typed name. The signature is fluid and cursive.

cc: Joshua Cinelli