Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC

In the matter of:	)	
	)	
Creation of a Low Power Radio Service	)	MM Docket-99-25
	)	
Fifth Report and Order,	)	
Fourth Further Notice of Proposed Rulemaking	)	
And Fourth Order on Reconsideration	)	

COMMUNITY MEDIA ASSISTANCE PROJECT

COMMENTS

May 6, 2012

Introduction to CMAP: Community Media Assistance Project (CMAP) is a non-profit organization which exists to help community organizations apply for and win licenses to operate non-commercial radio stations in their communities, at no cost to the applicants. CMAP has been working for the past two years to identify community groups that have applied for, but were not granted, full-power or low power non-commercial licenses in the past twelve years, and to compile a database of those groups still interested. This will assist in the outreach efforts of CMAP and several other like-minded organizations, in the coming months.

Second Adjacent Waivers: CMAP is in favor of allowing second adjacent waivers. One of the major goals of the proposed LPFM window is to bring more local voices to urban areas.

Currently, urban-area spectrums are nearly full under existing FCC rules. Second-adjacent waivers are absolutely essential in expanding the LPFM service without interfering with existing stations.

Two, or more, Filing Windows: CMAP believes that there should be two (or more) LPFM filing windows. During the LPFM window of 2000-2001, there were four windows. This allowed work, both for the FCC staff and the applicants (and their supporting organizations), to be spread out somewhat. With more availability of urban LPFMs, having multiple filing windows is more important than ever before.

Estimates as to the number of applicants for the LPFM window range up to 10,000. That is a huge number of applicants, and applications. For those of us who will be helping groups prepare their applications, we would be able to produce cleaner, more accurate applications by being able to have multiple windows.

The primary concern with multiple windows is fairness to the applicants. A key issue is when major Metro areas span state lines. CMAP advocates the division of the United States and her territories as submitted to the FCC in 2011 by REC Networks.[1]

[1] REC Networks Reply Comments and Petition for Rulemaking, Creation of a Low Power Radio Service, Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, MM Docket 99-25, MB Docket 07-172, RM-11338, submitted September 27, 2011.

STATES AND TERRITORIES PROPOSED TO BE IN EACH LPFM FILING WINDOW

Filing Window Area A	**Filing Window Area B**
Maine	Florida
Vermont	Georgia
New Hampshire	South Carolina
Massachusetts	North Carolina
Rhode Island	Tennessee
Connecticut	Mississippi
New York	Alabama
Pennsylvania	Arkansas
New Jersey	Louisiana
West Virginia	Oklahoma
Virginia	Texas
Maryland	New Mexico
Delaware	Arizona
District of Columbia	Colorado
Ohio	Utah
Kentucky	Wyoming
Michigan	Montana
Illinois	Idaho
Indiana	Washington
Missouri	Oregon
Iowa	Nevada
Minnesota	California
Wisconsin	Hawaii
Kansas	American Samoa
Nebraska	Guam
South Dakota	CNMI
North Dakota	Puerto Rico
Alaska	U.S. Virgin Islands

Upon examining a map of the top fifty radio markets in the U.S., we find that with the division of states and territories listed above, there are no major Metro areas that straddle state lines that would be in different windows. That is a most equitable division.

The multiple windows, however, should be treated and processed as one, by:

1. The applications should appear on the FCC databases only after the last window has closed;

2. All applications should be treated as having been filed in the same window; e.g.: Window A applications can be treated as mutually-exclusive with Window B applications;

3. Any filing freeze of minor-changes to existing LPFMs and FM translators should be extended throughout the period required to complete all the filing windows and at least two weeks before the first window opens. In order for there not to be a flood of minor change applications close to the filing window, CMAP asks that any filing freeze not be announced in advance of the freeze date.

What Constitutes Local Content: CMAP has noticed that there continues to be abuse and ignorance of what constitutes local origination of programming, and urges the Commission to re-clarify and expand upon it once again. In 2005[2], the Commission stated that "…Programming that is produced outside of the 10 mile radius and does not involve local production facilities does not serve this goal. Accordingly, the Commission clarifies that such programming, including time-shifted programming obtained via satellite, may not be used to fulfill a locally originated programming pledge." Since programming these days may come from a variety of sources, we urge the Commission to expand this to include "time-shifted non-local programming obtained from any source". The Commission should further clarify that local announcements between long form (e.g.: 30 minutes or more) non-local programs also does not constitute local programming.

[2] MM Docket No. 99-25; FCC 05-75, Creation of a Low Power Service.

However, music that is performed and recorded elsewhere, if there is a local DJ announcing between non-randomized songs or sets of songs, does constitute local programming. Local live call-in shows; re-broadcast of lectures from local schools, colleges, or universities; local live, or recorded, radio theater; music performed in the local studio, or as part of a locally produced remote performance (such as at a local festival) do constitute local programming. The operative word is "Local". CMAP further urges the Commission to require that licensees who claimed local content points publish a listing of their locally produced programs. The published list should be easily available to the public.

In light of the continued abuse, the Commission should make it clear that it takes the local programming commitments very seriously, and that non-compliance can result in fines and license forfeitures.

Flexible Power Levels: CMAP believes that the LP10 designation should be dropped, and LP100 stations should be allowed to use any power level of 1 watt or above at any height, if the reduced power is needed to allow the proposed station to "fit". Factors that might influence the need to reduce power include RF radiation, and second-adjacent interference in populated areas. Proposals for less than the maximum power would still need to meet the full co-channel and first-adjacent spacing requirements.

Directional Antennas: CMAP favors allowing directional antennas. This would allow more proposals to be approved while not interfering with other licensed facilities. In some cases, directional antennas will allow second-adjacent stations to be licensed at locations that would not be possible with omni antennas. Off-the-shelf antenna patterns should be allowed, as is currently allowed with FM translators.

Time Share: CMAP believes that involuntary time shares should be parallel (concurrent), not serial. The present system of successive non-renewable licenses just does not work. Each party to the involuntary time share would be assigned an equal number of hours per week. Other details, such as who owns the equipment, etc., would be worked out among the time share parties.

Six Month Notice of Window(s): As often as we tell potential applicants that they need to get started with doing tasks to prepare for their application, they often put it off until the window is actually announced. Yes, that's their fault and too bad, but one of the goals of the Local Community Radio Act is to put more radio stations into the hands of the people. By giving a six month notice of the window opening, as was done for the 2007 NCE window, there would be more time for applicants to complete such tasks as board of directors resolutions; finding a suitable tower site and obtaining a letter of reasonable assurance; allowing their engineer and attorney to get started in order to prepare an accurate and complete application; and last but certainly not least, fundraise. In today's economy, fundraising takes far more time and effort than it did during the last LPFM windows.

The purveyors of radio engineering software also need time to modify their software to comport with the many changes that are likely to emerge from this proceeding.

At a minimum, six months should elapse from the release date of the final LPFM Report and Order, and the opening of the first LPFM window.

Respectfully Submitted

Betty J. McArdle
Program Director, Community Media Assistance Project
3740 SW Comus St.
Portland, Oregon 97219-7418
503-245-5756
betty@c-map.org

May 6, 2012