

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

July 24, 2012

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

Dear Ms. Dortch:

On Monday, July 23, 2012, representatives of the Prometheus Radio Project met with staff members of the Media Bureau's Audio Division regarding several matters in the above-referenced docket. The Prometheus representatives present were Policy Director Brandy Doyle, Policy Fellow Cynthia Grady, Policy Intern Margaret Brown, and board member and consultant, Cheryl Leanza with A Learned Hand, LLC. The FCC Audio Division members present were Peter Doyle, Jim Bradshaw, Tom Hutton, Kelly Donohue, Alex Sanjenis, Amy Van de Kerckhove, Irene Bleiweiss, Patrick Thompson, Maureen McCarthy (by phone), and Heather Dixon (by phone).

In a separate meeting on the same day, Brandy Doyle and Cheryl Leanza met with Holly Saurer, Acting Legal Advisor for Media Issues for Commissioner Jessica Rosenworcel.

In both meetings, Ms. Doyle reiterated Prometheus' support for adopting a second-adjacent frequency waiver standard for LPFM stations modeled after the rules used by FM translators. She noted that a strict reading of the "no interference" standard laid out by Congress in the Local Community Radio Act ("LCRA") supports this interpretation, as does the "equal in status" language requiring parity between translators and LPFM stations.

Ms. Doyle emphasized Prometheus' support for 50 watt LPFM class of service, and argued that in crowded urban markets a 50 watt class is necessary to ensure meaningful availability of LPFM. Ms. Doyle explained that smaller watt stations are able to cover significant population in more densely populated urban areas—in fact more population than some more rural 100 watt stations now—and are able to offer better coverage than the current 10-watt service. Ms. Doyle emphasized Prometheus is pleased with the Commission's proposal for a 250 watt class of LPFM service, particularly in rural areas, where stations require additional coverage to be more successful. Ms. Doyle and Ms. Leanza explained that the LCRA makes no statements about wattage or class of low power radio stations, leaving authority on issues of wattage to the Commission.

Ms. Doyle and Ms. Leanza expressed Prometheus' support for a final order in this docket in the near future and a reasonable time frame between an LPFM order and LPFM filing window to give organizations ample time to prepare for their applications. Ms.

Leanza described the example of larger civil rights organizations which require certainty about the Commission's rules before they would be able to commit staff time and funding to a low power radio station. Moreover, she described the typical governance structure of most non-profits which involve monthly or less-frequent board meetings, thus needing ample time for decisionmaking and action on new initiatives. Similarly, Ms. Doyle shared Prometheus' support for two or more filing windows, to allow greater participation and to ease the burden on consulting engineers supporting applicants. Ms. Doyle also discussed Prometheus' proposal for a two-part, short form/long form model for LPFM applications that would not require a waiver showing upon initial filing, explaining that such a form would maximize LPFM participation by reducing engineering costs and would also reduce FCC processing burdens. Ms. Doyle and Ms. Leanza explained that the type of engineering expertise needed for the current application is extremely specialized and is often only available to engineering firms that invest in extremely costly software, limiting the number of affordable consulting engineers available for non-profit organizations. Further, they explained access to the kind of engineering expertise for that particular analysis is not indicative of applicants who are likely to be successful LPFM station operators.

Finally, Ms. Doyle emphasized Prometheus' support for a local programming mandate; or, in lieu of a mandate, a dispositive point allotment because in all instances applicants willing to commit to locally-originated programming should be preferred over other applicants. Ms. Leanza argued that such a mandate passes constitutional muster and enables the LPFM service to fulfill its intended goals of prioritizing locally-originated programming and would implement the Local Community Radio Act's localism mandate. Ms. Doyle and Ms. Leanza described Prometheus' proposal for LPFM stations with web sites to post their programming schedule and identify programming eligible to earn points, such as locally-originated programming. Prometheus believes that a mandate would deter applicants that have no intention of offering any locally-originated programming. Ms. Doyle and Ms. Leanza reviewed with Ms. Sauer other point proposals, such as a point for offering local news and a point for operating a main studio. Each of these would be indicators of an applicant that is more likely to offer programming that serves the goals of the Commission and of the low power radio service.

Respectfully Submitted,

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Brandy Doyle  
Policy Director, Prometheus Radio Project