

Before the
FEDERAL COMMUNICATIONS DIVISION
Washington DC 20554

In the Matter of)
)
the Creation of a)
Low Power Radio Service) MM Docket #99-25
)

IN SUPPORT OF PETITIONS FOR RECONSIDERATION

Tracy Rosenberg
Executive Director
Media Alliance
1904 Franklin Street #818
Oakland CA 94612
(510) 832-9000
Email: tracy@media-alliance.org
<http://www.media-alliance.org>

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I – Introduction

Media Alliance, a Northern-CA based advocacy nonprofit which focuses on democratic communications, congratulates the Commission on the full implementation of the *Local Community Radio Act* as expressed in the *Sixth Order and Reconsideration*. In bringing up the points that follow, we want to stress in our capacity as advocates that in no way do we strive to delay the planned filing window in October of 2013. Our hope is that the concerns expressed in these comments can be addressed expeditiously by way of slight modifications to the *Order*. We also write as members of the *Let The Cities In* coalition and as long-time associates of low-power radio advocates, Common Frequency, Prometheus Radio Project and the National Lawyers Guild Committee on Democratic Communications, although our comments here are our own. We would also like to lend our support to the petition filed by attorneys Michael Couzens and Alan Korn with the Commission, whose requests we fully endorse and hope the Commission will implement.

II – Urban Market Blackouts Are Not Acceptable

Media Alliance wishes to stress, in the strongest possible terms, that the intent of the *Local Community Radio Act*, as expressed by the Congress of the United States and as signed by the President of the United States, was for the available spaces in the broadcast spectrum to be put to work serving the needs of local communities, which have been greatly impacted by the media consolidation detailed in numerous reports to the Commission. The intent of the law is for **all** available spaces to be made available for such use and on an equilateral basis with the needs and rights of incumbent licensees. We congratulate the Commission on the use of translator caps as laid out in the *Sixth Order* to ensure equilateral treatment for low-power applicants.

However, there is now another issue of parity that we need the Commission to examine if the intent of the *LCRA* is to be fully recognized. While in general, the Commission's decision to stick with a standard LP100 service is workable for many areas across the US and certainly provides for efficient administrative procedures, the standardization of the low-power radio service creates blackout zones in 3 major urban markets and virtual blackouts in another 8 major urban markets where no more than one 100-watt station will be available. These markets (a list follows below) represent areas of large populations and maybe more significantly, large populations of exactly the communities that are most severely impacted by media ownership patterns and the consolidation within the broadcast industry: African-Americans, Latinos, newcomer populations, the urban poor and limited English fluency individuals.

II – List of Total and Virtual Blackout Zones

New York City
Population/Market Ranking: 1

San Jose / Silicon Valley
Population/ Market Ranking: 10

Detroit
Population/Market Ranking 18

San Diego
Population/Market Ranking: 8

Baltimore
Population/Market Ranking: 21

Boston
Population/Market Ranking: 22

Denver
Population/Market Ranking: 26

Oklahoma City
Population/Market Ranking: 31

Fresno
Population/Market Ranking : 34

Oakland
Population/Market Ranking:48

As a California-based organization, we must note that four of the eleven blacked-out zones where the 100 watt low-power radio service will either be nonexistent or limited to one sole solitary channel, are located in our state. If we expand the list to include major metropolitan areas where service is likely to encompass no more than two channels, we can add Los Angeles and San Francisco to the list, as well as Chicago and Washington DC.

III – The Commission Can Ameliorate the Impact of Urban Blackout Zones

The Commission has stated that the reasons for the decision not to introduce LP10 or LP50 service are technical problems. To the best of our knowledge, the Commission has not been specific about the exact nature of the technical problems, but taking the Commission at its word, Media Alliance wishes to express that significant blackout zones in major media markets that contain large populations underserved by mainstream media is not an acceptable resolution of technical problems nor true to the spirit and intention of the *LCRA* nor to the Commission's own expressed concerns about the lack of diversity in media ownership. Since the impact of the LP100-only decision is clearly to red-line certain markets from meaningful participation in the *LCRA*, it is Media Alliance's contention that the Commission needs to re-examine the parameters for a workable LP10 or LP50 service in the red-lined markets.

Such a re-examination could lead to a 2nd filing window at some point in the future after work has been done to analyze the technical challenges, with targeted eligibility that limits the expanded service to specifically impacted cities, or exclusively the top 50 or 100 markets by population. The Commission could work the numbers for both LP-10 and LP-50 service to see whether amelioration could be arrived at via LP50 service (which Media Alliance believes would be far less technically intricate than the lower power LP10 service), perhaps eliminating the need for LP10 service entirely or restricting it merely to the very challenging situation in the #1 market, New York City.

In other words, there are many options available to the Commission on a variety of time schedules so as to minimize agency disruption and/or the delay of the much-needed filing window for LP-100 service in October 2013. Media Alliance would just state for the record that the option to leave major population markets out of the *LCRA* entirely, or with access severely restricted, is not an option we are comfortable with nor one we can support.

We respectfully ask the Commissioners and Commission staff to act to ameliorate the urban blackout zones in at least 11 of the top 50 markets in the country by allowing lower wattage service when it is the only option available.