

March 11, 2013

From: Clayton J. Leander
Common Frequency, Inc.

To: Marlene H. Dortch - Secretary
Federal Communications Commission

Cc: Honorable Chair Julius Genachowski and Commissioners Mignon Clyburn,
Robert McDowell, Jessica Rosenworcel, and Ajit Pai

RE: **Brief amended letter from Common Frequency (LPFM Proceeding MM 99-25) :
On LPFM, Media Diversity and Emergency Services**

Please accept and review our brief updated letter to the Commission (PDF attached) on the LPFM proceeding, amended from an earlier version to include a recent documented example of LPFM needs for Emergency Communications from a New Jersey municipal official in the aftermath of Hurricane Sandy, along with LPFM in context of Media Diversity issues.

Thank you in advance for your attention to the issues in this matter, full consideration of the possible solutions offered herein.

Respectfully Submitted,

- **Clayton J. Leander**
Vice President
Common Frequency, Inc.



PO Box 4301 Davis, California 95617 (530) 792-0763 info@commonfrequency.org

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Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
Room TW-A35
445 12th Street, SW
Washington, DC 20554

**RE: Brief Reply Comments - MM Docket No. 99-25 (LPFM):
On LP-10 / LP-50, Media Diversity and Emergency Services**

Introduction

Common Frequency (CF) commends the Commission for arriving at a decisive milestone for the deployment of Low-Powered FM, implementing major provisions of the *2010 Local Community Radio Act* announced on November 30th, 2012, and published with the release of the *Sixth Report and Order* on December 4, 2012. We appreciate the Commissioners' recognition of Common Frequency in its press conference, along with mention of the contributions by our fellow coalition partners including RECNet and Prometheus Radio Project to collectively achieve solutions.

CF is also pleased to notice that the calculations and coverage simulations provided to the Commission by our Technical Director Todd Urick on January 31, 2011 appear to be wholly consistent with the calculations ultimately adopted by Commission Staff in generating the LPFM maps allocating LP-100; and that Common Frequency's contributions and policy recommendations are referenced over 60 times in the final published *Sixth R&O*; and several more times collectively as part of the LPFM advocates.

Outstanding LPFM Concerns in Context of Localism and Media Diversity Issues

While we join in the applause for this recent action with the announcement of the tentative October 2013 filing date, our collective achievements are admittedly tempered by several unresolved issues raised by the Petitioners, some of which were anticipated and addressed by Common Frequency in previous filings.

Further, on careful consideration of the most recent Comments and Replies filed for 99-25 in January and February 2013, along with a more detailed review of *R&O* itself, has caused us to stop short of prematurely echoing declarations of a full 'victory' for Media Diversity. It is also difficult to not consider the greater context of the current state of Localism, and the recent dismal statistics of local media ownership and participation by women and minorities.

As with all media resources operating in the public interest, the successful deployment of LPFM must be deliberately mindful of circumstances such as that prompted nationwide concerns from citizens and public interest groups registered to Commissioners offices on December 4th (same day the 99-25 *Sixth R&O* was published). This precipitated the February 26, 2013 postponement of the Commission's scheduled vote on the Quadrennial Review of ownership in light of a forthcoming independent study from the Minority Media and Telecommunications Council (MMTC). These outstanding issues do necessitate closer examination, clarity and holistic solutions.

LPFM for Emergency Services – Hurricane Sandy

We were recently contacted by the manager of a New Jersey municipal cable station describing the disaster resulting from Hurricane Sandy: Cable and electricity was out. Emergency workers resorted to wading waist-high in water and going door-to-door to locate and inform people where to go for emergency provisions, shelter and communications. Neighboring communications officials are also asking for solutions for emergency needs.

At present the New York station coverage areas overlapping into New Jersey have severely crowded out availability of local AM or FM licenses. During times of disaster, out-of-state broadcasters are of limited relevance at levels where needed most, as demonstrated by the above example. Projected global weather patterns indicate a probable increase frequency of storm activity in the region.

By retaining the LPFM allowances for below LP-100, and incorporating further refinements such as we have prepared, would be a timely, practical and inexpensive method to allow communities in New Jersey and elsewhere to maintain locally-operated broadcast facilities to help disseminate emergency communications and local information. While New Jersey market areas are currently limited by technical and rule provisions derived from Section 7 of the LCRA, we believe solving such 'last mile' issues in LPFM are also critical for emergency first responders and for access to hyperlocal information in the state, as with all communities around the country.

"Last Mile" LPFM Spectrum Solutions

That CF's simulations and recommendations for LP-100 and the "ten-cap" processing appear to be preemptively consistent with the calculations ultimately adopted by the Commission, we take as an indication that our data has also remained consistent with the spirit and intent of the technical and media policy goals outlined in the LCRA, to which we invite further detailed review in solving the outstanding "last mile" issues.

Depending on the Commission's willingness to allow for further review, simulations can be updated and refined to remain consistent with the goals and intents of the LCRA, while retaining allocations below LP-100 and other key provisions originally mandated in creation of the LPFM Service.

To these ends, we shall call attention to a few of the detailed calculations and filings Common Frequency submitted among the hundreds of pages of data and simulations previously conducted, with analyses of our findings:

- In our 99-25 Comments filed with the Commission on May 7, 2012 (link: <http://apps.fcc.gov/ecfs/document/view?id=7021916839>), Common Frequency originally concluded that LP-10 is a viable service, but should be modified (pg 13). In light of the outstanding issues raised in the recent Comments of the Let The Cities In coalition and by Media Alliance, we find we cannot elude our initial observations that there remains " *a compelling case to keep LP-10.*"
- On January 31, 2011, Common Frequency submitted to the Commission over 550 pages with calculations and simulations demonstrating how "ten-cap" processing for translators could be modified to avail LPFM channels in urban markets more efficiently and equitably (link: <http://apps.fcc.gov/ecfs/document/view?id=7021027675>) including for New York, Seattle, Los Angeles, and other densely populated urban areas which are home to many of the very communities already underserved in broadcast media.
- New Jersey and New York City LPFM availability were further detailed in coverage simulations submitted by Common Frequency. (See CF Dec. 27, 2011 ECFS filing, Docket 99-25 : <http://apps.fcc.gov/ecfs/document/view?id=7021751980>)
- In March 2012, Common Frequency undertook a study on behalf of Media Alliance mapping our LPFM I.F. simulations of the San Francisco area, which we also submitted to the Commission in a simple 4-page summary with mappings filed on March 9, 2012. (link: <http://apps.fcc.gov/ecfs/document/view?id=7021899361>)

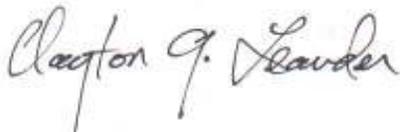
As documented in our previous findings filed with the Commission, the results of the San Francisco study concluded that LPFM I.F. spacing could be a key factor limiting LPFM availability in certain core urban areas.

The study also demonstrated how five more channels could be opened in San Francisco without dismissing any more translators that would be dismissed reserving room for LP-100 service. The findings showed how LP-10 channels could cover approximately 270,000 to 430,000 people per channel within their 60 dBu contours.

We believe at least some of these solutions could be implemented at the administrative level expeditiously within an LPFM window. However, a summary elimination of spectrum for services such as LP-10 would further lock out allowances for emergency communications providers, true local ownership, and Media Diversity; issues that may be more appropriately reserved for policy-level decisions. This is hopefully being factored.

As we ask the Commission to give full and due consideration to these outstanding issues and others raised by groups petitioning for Reconsideration, we at Common Frequency also reaffirm our continued commitment to serve as a resource to the Commission and to stakeholders for arriving at equitable 'last mile' solutions for LPFM. .

Respectfully Submitted,



- **Clayton John Leander**
Vice President
Common Frequency, Inc.