

Congress of the United States  
Washington, DC 20515

May 9, 2014

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12th St. SW  
Washington, DC 20554

478

Dear Chairman Wheeler:

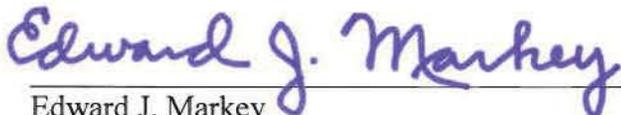
We are writing to understand the ways in which the Federal Communications Commission (FCC) is working to ensure that potential community-oriented broadcasters are able to reach people living in their neighborhoods. Our inquiry comes in light of the FCC recently shutting down TOUCH 106.1 and Radio TeleBoston 100.1 for operating without a license. Both TOUCH and Radio TeleBoston produce programming for Boston's communities of color, with 100.1 specifically serving Boston's Haitian community.

TOUCH and Radio TeleBoston provide an important community benefit and serve as invaluable information resources. Several constituents have contacted our offices to express their concerns about this issue. While we are well aware that obtaining a license is an operating requirement -- we are not writing to challenge that requirement -- it is evident that the need to better serve communities of color through broadcast stations, including low power FM, is greater than ever.

Accordingly, what plans does the FCC have to ensure that local voices are heard on the radio and that community needs are better met? When does the FCC anticipate the next filing window will be open for low power FM applications? How many potential openings for low power stations exist in the greater Boston metropolitan area? And what steps can the FCC take to encourage sharing between existing licensees and potential broadcasters?

We thank you for your willingness to explore how we can better serve our communities.

Sincerely,



Edward J. Markey  
United States Senator



Elizabeth Warren  
United States Senator



Michael E. Capuano  
Member of Congress



Stephen F. Lynch  
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 17, 2014

The Honorable Stephen Lynch  
U.S. House of Representatives  
2133 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Lynch:

Thank you for your letter regarding how communities can be served through low power FM (LPFM) radio stations. I appreciate the opportunity to respond.

I agree with you that licensed, local broadcast radio stations have the ability and potential to provide essential information to the communities that they serve. One of our primary roles at the Commission is to license these services in a fair and efficient manner that minimizes harmful interference between the users. Another ongoing goal of the Commission is to evaluate our rules and regulations to remove barriers to entry for minority and women-owned businesses that want to provide communications services. We are currently working on our Section 257 Report to Congress, and we recently sought additional comments on diversity issues as part of our 2014 Quadrennial Review of Broadcast Media Ownership rules. Both of these efforts are focused on the long-term goal of increasing participation, but as you indicate, the Commission's LPFM service is another option.

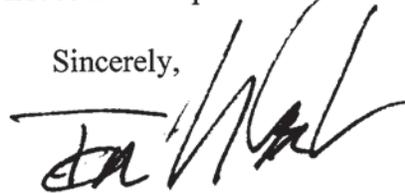
The LPFM service was designed to provide non-profit entities an opportunity to broadcast niche programming to smaller areas, such as neighborhoods. To that end, the Commission has licensed hundreds of LPFM stations over the years, and has more recently granted over 1,200 construction permits for new LPFM stations from applications filed in the October – November 2013 filing window. The Media Bureau staff continues to process the remaining LPFM applications, including mutually exclusive applications – i.e., where more than one entity has applied for the same channel.

More specifically, there are two mutually-exclusive groups of applications for the available LPFM channels in the immediate Boston area. The outcome of these applications is still unknown. Commission rules permit, but do not require, applicants to resolve application conflicts by settlements, technical amendments and time sharing agreements. Moreover, the Commission plans to tentatively select one or more applications for grant in each of these groups during the next several months. The release of this tentative selectee public notice will start an additional 90-day settlement period during which certain major amendments can be filed to eliminate technical conflicts and where the tentative selectees can aggregate points if they agree to the shared use of the available channel. Alternatively, absent a voluntary agreement, the Commission can provide for an involuntary sharing agreement among up to the three applicants that have been "established" the longest in the community.

At this point, it is unclear when the Commission will open another LPFM filing window. Additionally, it is unlikely that there would be many, if any, additional LPFM channels available in most urban markets due to spectrum congestion and interference concerns. However, interested entities could pursue other avenues to distribute their programming, absent a license from the FCC and beyond the frequently noted option to provide programming as an online radio station. For example, existing licensees have the ability to lease or “broker” programming time on broadcast stations to outside entities. Further, with many full-power radio stations transitioning to digital operations, there is a potential to lease one of a station’s several multicast or “HD” channels and to pair this digital signal with an analog FM translator to reach most listeners who continue to use analog radios.

Again, I appreciate your interest in these issues and I hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Wheeler', written over a horizontal line.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 17, 2014

The Honorable Ed Markey  
United States Senate  
218 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter regarding how communities can be served through low power FM (LPFM) radio stations. I appreciate the opportunity to respond.

I agree with you that licensed, local broadcast radio stations have the ability and potential to provide essential information to the communities that they serve. One of our primary roles at the Commission is to license these services in a fair and efficient manner that minimizes harmful interference between the users. Another ongoing goal of the Commission is to evaluate our rules and regulations to remove barriers to entry for minority and women-owned businesses that want to provide communications services. We are currently working on our Section 257 Report to Congress, and we recently sought additional comments on diversity issues as part of our 2014 Quadrennial Review of Broadcast Media Ownership rules. Both of these efforts are focused on the long-term goal of increasing participation, but as you indicate, the Commission's LPFM service is another option.

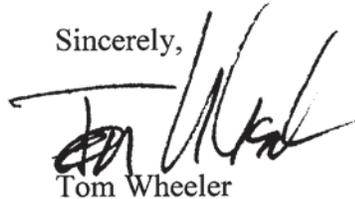
The LPFM service was designed to provide non-profit entities an opportunity to broadcast niche programming to smaller areas, such as neighborhoods. To that end, the Commission has licensed hundreds of LPFM stations over the years, and has more recently granted over 1,200 construction permits for new LPFM stations from applications filed in the October – November 2013 filing window. The Media Bureau staff continues to process the remaining LPFM applications, including mutually exclusive applications – i.e., where more than one entity has applied for the same channel.

More specifically, there are two mutually-exclusive groups of applications for the available LPFM channels in the immediate Boston area. The outcome of these applications is still unknown. Commission rules permit, but do not require, applicants to resolve application conflicts by settlements, technical amendments and time sharing agreements. Moreover, the Commission plans to tentatively select one or more applications for grant in each of these groups during the next several months. The release of this tentative selectee public notice will start an additional 90-day settlement period during which certain major amendments can be filed to eliminate technical conflicts and where the tentative selectees can aggregate points if they agree to the shared use of the available channel. Alternatively, absent a voluntary agreement, the Commission can provide for an involuntary sharing agreement among up to the three applicants that have been "established" the longest in the community.

At this point, it is unclear when the Commission will open another LPFM filing window. Additionally, it is unlikely that there would be many, if any, additional LPFM channels available in most urban markets due to spectrum congestion and interference concerns. However, interested entities could pursue other avenues to distribute their programming, absent a license from the FCC and beyond the frequently noted option to provide programming as an online radio station. For example, existing licensees have the ability to lease or “broker” programming time on broadcast stations to outside entities. Further, with many full-power radio stations transitioning to digital operations, there is a potential to lease one of a station’s several multicast or “HD” channels and to pair this digital signal with an analog FM translator to reach most listeners who continue to use analog radios.

Again, I appreciate your interest in these issues and I hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", is written over a horizontal line. The signature is stylized and cursive.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 17, 2014

The Honorable Elizabeth Warren  
United States Senate  
317 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter regarding how communities can be served through low power FM (LPFM) radio stations. I appreciate the opportunity to respond.

I agree with you that licensed, local broadcast radio stations have the ability and potential to provide essential information to the communities that they serve. One of our primary roles at the Commission is to license these services in a fair and efficient manner that minimizes harmful interference between the users. Another ongoing goal of the Commission is to evaluate our rules and regulations to remove barriers to entry for minority and women-owned businesses that want to provide communications services. We are currently working on our Section 257 Report to Congress, and we recently sought additional comments on diversity issues as part of our 2014 Quadrennial Review of Broadcast Media Ownership rules. Both of these efforts are focused on the long-term goal of increasing participation, but as you indicate, the Commission's LPFM service is another option.

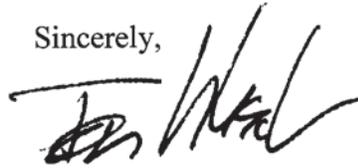
The LPFM service was designed to provide non-profit entities an opportunity to broadcast niche programming to smaller areas, such as neighborhoods. To that end, the Commission has licensed hundreds of LPFM stations over the years, and has more recently granted over 1,200 construction permits for new LPFM stations from applications filed in the October – November 2013 filing window. The Media Bureau staff continues to process the remaining LPFM applications, including mutually exclusive applications – i.e., where more than one entity has applied for the same channel.

More specifically, there are two mutually-exclusive groups of applications for the available LPFM channels in the immediate Boston area. The outcome of these applications is still unknown. Commission rules permit, but do not require, applicants to resolve application conflicts by settlements, technical amendments and time sharing agreements. Moreover, the Commission plans to tentatively select one or more applications for grant in each of these groups during the next several months. The release of this tentative selectee public notice will start an additional 90-day settlement period during which certain major amendments can be filed to eliminate technical conflicts and where the tentative selectees can aggregate points if they agree to the shared use of the available channel. Alternatively, absent a voluntary agreement, the Commission can provide for an involuntary sharing agreement among up to the three applicants that have been "established" the longest in the community.

At this point, it is unclear when the Commission will open another LPFM filing window. Additionally, it is unlikely that there would be many, if any, additional LPFM channels available in most urban markets due to spectrum congestion and interference concerns. However, interested entities could pursue other avenues to distribute their programming, absent a license from the FCC and beyond the frequently noted option to provide programming as an online radio station. For example, existing licensees have the ability to lease or “broker” programming time on broadcast stations to outside entities. Further, with many full-power radio stations transitioning to digital operations, there is a potential to lease one of a station’s several multicast or “HD” channels and to pair this digital signal with an analog FM translator to reach most listeners who continue to use analog radios.

Again, I appreciate your interest in these issues and I hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written in a cursive style.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

June 17, 2014

The Honorable Michael Capuano  
U.S. House of Representatives  
1414 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Capuano:

Thank you for your letter regarding how communities can be served through low power FM (LPFM) radio stations. I appreciate the opportunity to respond.

I agree with you that licensed, local broadcast radio stations have the ability and potential to provide essential information to the communities that they serve. One of our primary roles at the Commission is to license these services in a fair and efficient manner that minimizes harmful interference between the users. Another ongoing goal of the Commission is to evaluate our rules and regulations to remove barriers to entry for minority and women-owned businesses that want to provide communications services. We are currently working on our Section 257 Report to Congress, and we recently sought additional comments on diversity issues as part of our 2014 Quadrennial Review of Broadcast Media Ownership rules. Both of these efforts are focused on the long-term goal of increasing participation, but as you indicate, the Commission's LPFM service is another option.

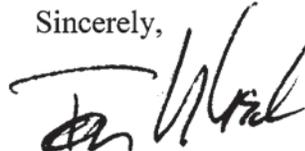
The LPFM service was designed to provide non-profit entities an opportunity to broadcast niche programming to smaller areas, such as neighborhoods. To that end, the Commission has licensed hundreds of LPFM stations over the years, and has more recently granted over 1,200 construction permits for new LPFM stations from applications filed in the October – November 2013 filing window. The Media Bureau staff continues to process the remaining LPFM applications, including mutually exclusive applications – i.e., where more than one entity has applied for the same channel.

More specifically, there are two mutually-exclusive groups of applications for the available LPFM channels in the immediate Boston area. The outcome of these applications is still unknown. Commission rules permit, but do not require, applicants to resolve application conflicts by settlements, technical amendments and time sharing agreements. Moreover, the Commission plans to tentatively select one or more applications for grant in each of these groups during the next several months. The release of this tentative selectee public notice will start an additional 90-day settlement period during which certain major amendments can be filed to eliminate technical conflicts and where the tentative selectees can aggregate points if they agree to the shared use of the available channel. Alternatively, absent a voluntary agreement, the Commission can provide for an involuntary sharing agreement among up to the three applicants that have been "established" the longest in the community.

At this point, it is unclear when the Commission will open another LPFM filing window. Additionally, it is unlikely that there would be many, if any, additional LPFM channels available in most urban markets due to spectrum congestion and interference concerns. However, interested entities could pursue other avenues to distribute their programming, absent a license from the FCC and beyond the frequently noted option to provide programming as an online radio station. For example, existing licensees have the ability to lease or “broker” programming time on broadcast stations to outside entities. Further, with many full-power radio stations transitioning to digital operations, there is a potential to lease one of a station’s several multicast or “HD” channels and to pair this digital signal with an analog FM translator to reach most listeners who continue to use analog radios.

Again, I appreciate your interest in these issues and I hope this information is helpful.

Sincerely,



Tom Wheeler