WASHINGTON OFFICE:
2266 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4155

DISTRICT OFFICE:
11717 BURT STREET, SUITE 106
OMAHA, NE 68154
(402) 397-9944

Talk2Lee@mail.house.gov
www.house.gov/terry

COMMITTEE:
ENERGY AND COMMERCE
SUBCOMMITTEES:
CHAIRMAN, COMMERCE, MANUFACTURING AND TRADE
COMMUNICATIONS AND TECHNOLOGY
ENERGY AND POWER

Lee Terry
Congress of the United States
House of Representatives
2nd District, Nebraska

563

June 5, 2014

Chairman Tom Wheeler
Federal Communications Commission
445 12th St SW
Washington, DC 20536

Dear Chairman Wheeler,

I urge the Federal Communications Commission (FCC) to come to a prompt resolution on a Low-Power FM application for North Omaha, Nebraska, as well as "mutually exclusive" applications across the country. I authored the legislation that enabled several new LPFM stations in Omaha and across the nation. I have recently learned that the application process has slowed down significantly.

One party—which has filed 245 applications for separate LPFM licenses—has no presence or ties to the Omaha area, but is mutually exclusive with a constituent who has applied for the same frequency. Now, I understand that fourteen of this party's applications have recently been dismissed due to technicalities. However, because this applicant applied for the same frequency as my constituent, it appears that the earliest the issue can be resolved is 2015.

Organizations are free to apply for LPFM licenses so long as they meet certain criteria. But I believe that any applicant doing so for the purpose of extracting settlement fees or to delay other applicants is subverting the intent of the Local Community Radio Act.

My colleagues and I did not write this law to give applicants the opportunity to arbitrage a license. The law was written so that communities like North Omaha have a true local voice. The people from this community deserve a fair shot at an LPFM station, and right now they're experiencing delays to no fault of their own. I hope the FCC will do everything in its power to resolve this issue as quickly as possible.

Thank you, as always, for your consideration.

Sincerely,

Lee Terry
MEMBER OF CONGRESS

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 20, 2014

The Honorable Lee Terry
U.S. House of Representatives
2265 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Terry:

Thank you for your recent letter seeking resolution to a pending Low Power FM (LPFM) mutually exclusive application group. I appreciate your long-standing interest and support of LPFM.

The Audio Division of the Media Bureau is actively working on the approximately 2,800 applications received during the filing window at the end of last year. A tremendous effort has been made with over 1,200 new LPFM construction permits issued, but as you note, the tougher issue of resolving mutually exclusive situations remains.

The Commission received an update on LPFM at its June Open Meeting, and the good news is that the Bureau recently provided recommendations to the full Commission for resolution of approximately 80 mutually-exclusive groups in the near term. I understand that the Nebraska groups – including North Omaha – are included in this first Public Notice.

As you may know, the Communications Act specifically requires that the Commission apply the point system to determine the tentative selectees for mutually-exclusive non-commercial services, as opposed to such action being made on delegated authority. It is my hope that the Commission can quickly vote to approve the tentative selections paving the way for those applications to be processed quickly and construction permits can be issued.

Again, thank you for your interest. I can assure you that we share the same goal in providing communities with the opportunity to have new, truly local voices on the air, and it is a priority for the Media Bureau.

Sincerely,

Tom Wheeler