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LOW POWER FM RADIO SUPPORTERS PRAISE FCC LPFM ACTION

FCC IMPOSES TEMPORARY FREEZE ON TRANSLATORS WHILE ADDRESSING ISSUES RAISED IN RECENT PUBLIC FORUM



Low power FM (LPFM) broadcasters and supporters praised the Federal Communications Commission (FCC) for beginning a new proceeding to promote LPFM. On February 8, 2005, the FCC held a public forum to hear from LPFM broadcasters. In addition to presenting numerous success stories, LPFM advocates explained how existing FCC rules hindered the development of the LPFM service. In response, departing FCC Chairman Michael Powell promised to move "as soon as possible" to address issues raised by the LPFM community. Supporters praised Powell for finishing the item before leaving and avoiding any delay the change in Chairmanship might cause.

"We thank everyone involved in the process, particularly Chairman Powell, for keeping their promise to work with the LPFM community," said Pete Tridish, founder of the Prometheus Radio Project. "LPFM provides unique local programming in hundreds of communities around the country. This gives us the opportunity to fix a number of problems that have come up since the FCC authorized the service five years ago." In 1999 and 2000, the Prometheus Radio Project worked with the FCC to get the FCC to approve LPFM radio -- radio stations that broadcast at 100 watts or less, and that are licensed to community groups, churches, and schools. Prometheus Radio serves as a resource for LPFM broadcasters and would-be broadcasters.

Office of Communication of the United Church of Christ (UCC) Managing Director Gloria Tristani stated: "we are very grateful to all the FCC Commissioners who voted unanimously for this order that will expand opportunities for LPFM radio service. The UCC has strongly advocated for this service from the beginning because it empowers people in their local communities."

A chief concern for LPFM supporters is the proliferation of FM translators. FM Translators and LPFM stations compete for the same spaces on the radio dial. But while LPFM stations provide locally generated programming, translators only repeat signals from distant full power stations or from a satellite feed. Right now, the rules favor whoever gets in first.

In 2000, in response to lobbying from the National Association of Broadcasters, Congress cut back the number of channels available to LPFMs from several thousand to only a few hundred, and required the FCC to do further study to determine if the original rules would create interference for existing full power broadcasters. In 2003, the FCC released a study showing that restoring the lost channels would cause no interference to full power broadcasters. Congress is now considering legislation to restore the lost channels.

But the FCC has thousands of pending applications for new translators. If the FCC grants the translator applications, there will be no space for new LPFMs if Congress passes the pending legislation. Today's

action puts in place a temporary freeze on processing translator applications while the FCC considers what to do. LPFM advocates want LPFM stations given priority over translators.

"If it's a choice between a local LPFM providing local programming and a translator bringing in a signal from hundreds of miles away, the local programming should win," said Harold Feld, a lawyer from the Media Access Project (MAP). MAP, a non-profit public interest law firm, represents Prometheus at the FCC. Last week, on behalf of Prometheus and others, MAP asked the FCC to investigate whether three individuals who applied for over 4,000 translator licenses violated federal law by selling some of their free licenses for more than \$800,000. The three individuals used "dummy" companies based in Twin Falls, ID to disguise their conduct from the FCC. Monday, an attorney for the companies filed a motion denying wrongdoing and asking the FCC to dismiss the request for an investigation. MAP opposed the motion. The request remains pending, unaffected by today's FCC action.

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