



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE:
July 12, 2011

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FCC TAKES STEPS TO IMPLEMENT THE LOCAL COMMUNITY RADIO ACT TO PROMOTE COMMUNITY RADIO AND RESUME FM TRANSLATOR APPLICATION PROCESSING

Washington, D.C. – The Federal Communications Commission (FCC) today took initial steps to implement the Local Community Radio Act (LCRA) to promote community radio through the licensing of low power FM (LPFM) and FM translator stations. In its Third Further Notice of Proposed Rule Making (*Third Further Notice*), the Commission is seeking comment on a proposed processing policy for pending Auction No. 83 FM translator applications based on the spectrum available for LPFM in specific markets. This approach would permit the Commission to immediately lift the freeze on the processing of translator applications and resume the licensing of FM translator stations in most smaller markets and rural communities, while requiring the dismissal of pending translator applications in markets where little spectrum remains for new LPFM stations. The Commission also seeks comment on the goal of opening an LPFM window no later than summer 2012.

In 2007, the FCC concluded that processing the 6,500 pending FM translator applications filed in Auction No. 83 would frustrate the development of the LPFM radio service. Accordingly, it established a going-forward limit of ten pending applications per applicant, but then imposed a freeze to permit consideration of petitions for reconsideration of that limit. Congress subsequently passed the LCRA, which includes licensing directives to balance the competing demands of LPFM and FM translator station applicants for limited FM spectrum. In particular, Section 5 of the LCRA requires the FCC to ensure that licenses are available for LPFM and FM translator stations; licensing decisions are based on community needs; and translator and LPFM stations remain equal in status. The *Third Further Notice* seeks comment on each of these standards, concludes that the existing ten-application cap is inconsistent with those standards, and proposes adopting instead a translator application processing policy based on the availability of spectrum for LPFM stations in specific markets.

The *Third Further Notice* also asks whether the Commission should take additional steps to prevent trafficking in FM translator construction permits and whether to permit FM translator applications pending as of May 1, 2009, to rebroadcast AM stations in the same manner as FM translator stations authorized prior to that date. All other LCRA implementation issues will be considered in a subsequent Notice of Proposed Rule Making.

Action by the Commission July 12, 2011, by Further Notice of Proposed Rulemaking (FCC 11-105). Chairman Genachowski, Commissioners Capps, McDowell, and Clyburn. Separate statements issued by Chairman Genachowski, Commissioners Capps, McDowell, and Clyburn.

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