



NEWS

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

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FCC EXPANDS MEDIA DIVERSITY BY EMPOWERING COMMUNITY GROUPS TO LAUNCH AND OPERATE LOW-POWER LOCAL RADIO STATIONS

Washington, D.C. – The Federal Communications Commission (FCC) today released a *Fifth Order on Reconsideration and Sixth Report and Order* that expands low power radio opportunities for diverse media voices nationwide. Processing approximately 6,000 FM translator applications and setting the rules of the road for LPFM are the last steps necessary before opening a window for community groups to seek new low power FM licenses starting in October of 2013. The Orders follow the Commission’s *Fourth Report and Order* and *Fourth Further Notice of Proposed Rulemaking* adopted on March 19, 2012.

Fifth Order on Reconsideration. A number of parties filed petitions for reconsideration of the *Fourth Report and Order*, challenging the per-market and/or the national caps on translator applications that will be processed. The *Fifth Order on Reconsideration*: (1) establishes a national limit of 70 applications so long as no more than 50 of them are inside of the Appendix A markets; (2) increases the per-market cap in 156 larger markets from one application to up to three applications for each market, subject to certain conditions; and (3) clarifies the application of the per-market cap in “embedded” markets.

Sixth Report and Order. The *Sixth Report and Order* lays the groundwork for introduction of LPFM stations into major urban markets for the first time. It establishes, as mandated by the Local Community Radio Act, a second-adjacent channel spacing waiver standard and an interference-remediation scheme to ensure that operations of stations with these waivers will not cause interference to other stations. The Order also creates separate third-adjacent channel interference remediation regimes for short-spaced and fully-spaced LPFM stations. Finally, the rules address the potential for predicted interference to FM translator input signals from LPFM stations operating on third-adjacent channels.

The Sixth Report and Order additionally makes a number of rule changes to better promote the core localism and diversity goals of LPFM service. Specifically, the revised rules:

- modify the point system used to select from among mutually exclusive LPFM applications by adding new criteria to promote the establishment and staffing of a main studio, radio service proposals by Tribal Nations to serve Tribal lands, and new entry into radio broadcasting. In addition, a “bonus” point is added for applicants that are eligible for both the local program origination and main studio points;
- clarify that the localism requirement applies not just to LPFM applicants but also to LPFM permittees and licensees;

- permit cross-ownership of an LPFM station and up to two FM translator stations, but impose restrictions on such cross-ownership in order to ensure that the LPFM service retains its extremely local focus;
- provide for the licensing of LPFM stations to Tribal Nations, and permit Tribal Nations to own or hold attributable interests in up to two LPFM stations;
- revise the existing exception to the cross-ownership rule for student-run stations;
- modify the involuntary time-sharing procedures, shifting from sequential to concurrent license terms and limiting involuntary time sharing arrangements to three applicants;
- adopt mandatory time-sharing procedures for established LPFM stations that are on the air for less than twelve hours per day;
- eliminate the LP10 class of LPFM facilities; and
- eliminate the intermediate frequency (I.F.) protection requirements applicable to LPFM stations.

Action by the Commission November 30, 2012, by Fifth Order on Reconsideration and Sixth Report and Order (FCC 12-144) Chairman Genachowski, Commissioners McDowell, Clyburn, Rosenworcel and Pai. Separate statements issued by Chairman Genachowski, Commissioners McDowell, Clyburn, Rosenworcel and Pai.

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