

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

RE: Creation of a Low Power Radio Service, MM Docket No. 99-25, Fifth Order on Reconsideration and Sixth Report and Order

Today marks the fifth round of attempts to resolve the tensions between FM translator applicants and the low power FM community since I joined the Commission. Yes, the *fifth* round. Each time, I am reminded that these issues are complex, highly technical, and important to American radio listeners, and seemingly intractable – especially after five rounds. After the conclusion of each round, we seem to forget just how difficult finding a solution can be. And then, before you know it, we find ourselves in yet another round of reconsideration. Or, to quote comedian Stephen Wright, “Right now I’m having amnesia and déjà vu at the same time.”

Nonetheless, in today’s order, we revise the licensing process, adopted this past March, to resolve FM translator applications that have been pending before the Commission since 2003. My hope is that we have *finally* forged a workable compromise that will allow for the licensing and successful operation of both translators and LPFM stations to benefit all Americans.

Specifically, I approve of revising our licensing procedures to allow applicants to acquire up to three FM translators, as opposed to just one, in 156 larger markets if they meet certain requirements. Allowing the acquisition of more FM translators will enable applicants to serve their entire communities. Not only is this policy common sense, but is also helpful to broadcasters and listening audiences alike, especially in light of our earlier decision to permit the use of FM translators to rebroadcast AM station’s signals.

I also support relaxing the nationwide cap to allow licensees to acquire an additional 20 translators to serve smaller markets and rural America.¹ Earlier this year, I proposed edits to adopt a similar framework prior to the adoption of the March order but I fell a few votes short, so naturally I’m happy that, after further reflection, we can all agree to include those ideas this time around. Now, FM translator applicants will ultimately have this additional flexibility to better serve their listeners.

We also adopt rules regarding LPFM interference and licensing procedures. I am pleased that our licensing rules successfully take into account the community-oriented purpose of the LPFM service, including recognizing the importance of providing radio services to Tribal and Alaska Native lands. I am also encouraged that the interference rules and waiver processes take into account the need to promote viable LPFM stations while ensuring that other FM stations do not experience harmful interference.

¹ FM translator applicants will be restricted to prosecuting 70 applications in total; 50 of which may be for licenses in the 156 markets defined in the order.

It is of paramount importance that we put these issues to rest once and for all, dispose of the remaining FM translator applications, and open a window to license new LPFM stations by October 15, 2013.² In doing so, we will fulfill Congress's mandate in the Local Community Radio Act of 2010 to ensure that both LPFM stations and FM translators have ample licensing opportunities.

I thank the Chairman for his willingness to incorporate these constructive edits. Further, I would like to acknowledge and thank Representatives Lee Terry and Mike Doyle for their leadership on these issues.

Finally, I thank the hard-working staff of the Media Bureau, whom I have thanked during each of my five rounds on this matter for their patience, thoughtful work and, of course, persistence. Hopefully, we won't have to have a sixth vote.

² I recognize, however, that the Media Bureau may have to delay opening the licensing window if there are legal challenges or issues with processing the translator applications.