

STATEMENT OF COMMISSIONER AJIT PAI

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

In the Local Community Radio Act of 2010, Congress sought to expand low-power FM while protecting the operations of full-power broadcasters. I commend Representatives Lee Terry and Mike Doyle for their leadership in crafting this legislation. Because today's item reasonably maintains the balance they and their colleagues struck in the Local Community Radio Act, I am pleased to support it.

The rules that we adopt today will enable the development of new low-power FM stations, which can play a critical role in advancing the Commission's diversity goals. To give one example from my home state, there is currently a Chinese-language low-power FM station on the air in Manhattan, Kansas. While you probably wouldn't be surprised to hear Chinese-language radio stations on the air in the New York City borough of Manhattan (what we Kansans refer to as "the other Manhattan"), the ability of a Chinese-language station to broadcast in the hometown of Kansas State University is a testament to the unique benefits that the low-power service can provide.

Perhaps the most contentious issue we face in today's item involves second-adjacent channel waivers. The Local Community Radio Act makes clear that in order to receive such a waiver, low-power FM applicants must show that their operations will not "result in interference to any authorized radio service."¹ That is the standard we codify in our rules today, and I am supporting this item with every expectation that the Media Bureau will faithfully and firmly enforce it.

One thing missing from these rules is a requirement that a low-power station seeking a second-adjacent waiver serve its request on potentially affected FM stations. Such a requirement would impose a minimal burden and would make it easier for those FM broadcasters to weigh in early with any concerns. I nonetheless encourage low-power applicants and full-power broadcasters to work together to address potential interference problems *before* low-power stations commence operations, and I hope the Media Bureau will alert full-power stations of second-adjacent waiver requests that may affect their operations. Prolonged interference disputes will not serve anyone's interests: not low-power operators, not full-power broadcasters, and certainly not the listening public.

I would like to thank the Chairman and my colleagues for incorporating many of my other suggestions into this item. For example, I am pleased that we are announcing October 15, 2013 as the target date when the low-power filing window will open. This will encourage community organizations to begin preparing applications and allow them to engage in more focused planning for establishing new low-power stations.

Two other aspects of today's order are notable. First, it resolves petitions for reconsideration addressing thousands of pending Auction 83 FM translator applications. These applications were filed way back in 2003, and it is time for the Commission to finish processing them.

¹ Local Community Radio Act of 2010, § 3(b)(2)(A).

Second, today's item raises the per-market translator cap and relaxes the national cap. Raising the per-market cap from one translator to three will provide broadcasters a better opportunity to extend their service across large metropolitan areas. Moreover, the national cap of 50 translators would have forced broadcasters into choosing between more service for rural America and more service in profitable urban areas. I am grateful to the floor for adopting my suggestion and giving broadcasters the flexibility to pursue up to 70 applications so long as no more than 50 are in the nation's largest markets. This change fulfills the purpose of section 307(b) of the Communications Act, which calls for us to "provide a fair, efficient, and equitable distribution of radio service" among communities.

Finally, I would like to thank Peter Doyle, Tom Hutton, James Bradshaw, Heather Dixon, and Kelly Donohue for their exemplary work on this item. The Bureau's Audio Division has much work ahead of it to implement today's order, from processing thousands of pending translator applications to addressing the large number of low-power applications I hope we will soon receive. I am confident that the staff of the Audio Division will continue to discharge their responsibilities in a manner that makes us all proud.