

[FCC Adopts Rule Making to Chart a Path to the Licensing of New LPFM Stations](#)

July 12, 2011 by [Brendan Holland](#)

At today's FCC open meeting, the Commission adopted a [Notice of Proposed Rule Making](#) ("NPRM") to begin the process of implementing the Local Community Radio Act of 2010, passed by Congress last year, and to chart a path to the licensing of new LPFM stations. (See our earlier posting [here](#) regarding the Local Community Radio Act of 2010.) While today's item does not attempt to address all of the issues raised by the Act, it starts the implementation process and seeks to develop processing policies for FM translator applications, resume the licensing of pending translator applications, and establish a framework for licensing new LPFM stations.

One of the most significant aspect of the NPRM is the Commission's tentative conclusion that the earlier "ten application limit" that it previously imposed on pending FM translator applications would not further the statutory mandate of licensing new LPFM stations, as the limit does not take geographic or market differences into consideration and the remaining translator applications would still block new LPFMs in numerous markets, according to the Media Bureau's analysis. In today's item, the Commission proposes to eliminate the earlier ten application limit and consider other alternatives for potentially dismissing previously filed translator applications in order to ensure that new LPFM applications can be granted. Specifically, the FCC seeks comment on several options, including: 1.) Dismissing all pending FM translator applications and make plans for a new joint window for both LPFM and FM translators; 2.) Not dismissing any FM translator applications, but rather establish a priority for future LPFM applications; and 3.) Adopting a market-specific translator application dismissal processing policy to clear out pending FM translator applications in certain markets.

The NPRM also raises questions regarding how the Commission should assess the needs of the local community -- which the Act instructs it to consider when making licensing decisions between LPFM and translators. These questions go to the fundamental nature of each class of station and the type of service they can, and/or must, provide to the public consistent with their respective licensing rules. In addition, the NPRM seeks input on how to interpret the Act's requirement that translators and LPFMs are to be afforded "equal status". Here, the Commission starts with the question of whether the Act's mandate that it treat LPFM and translator "stations" co-equal allows it to give priority to later-filed LPFM "applications" over pending FM translator "applications". Reading the NPRM it is clear that the broadly worded Act was big on

goals and short on specificity, as today's item now seeks to put the rubber to the road and figure out how to balance the two services, and how exactly to process applications from the two services while ensuring opportunities for new LPFM stations on the one hand, and yet treating FM translators on a "co-equal basis" on the other hand.

The Commission also seeks comment on processing policies to deter the potential for speculative abuses among translator applicants, and comment on the use of FM translators to rebroadcast the signals of AM stations. Both the NPRM and several of the Commissioners support the use of FM translators to rebroadcast AM stations, however, the current policy only authorizes such rebroadcasts on FM translators that had licenses or permits as of May 1, 2009. The FCC asks whether it should extend that policy to permit AM rebroadcasts on FM translator applications that were on file as of May 1, 2009. The FCC is moving quickly on this proceeding, and Comments will be due 30 days after publication in the Federal Register, with Reply Comments due 45 days after publication.

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