



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

FOR IMMEDIATE RELEASE
March 17, 2005

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FCC to Consider Options for Expanding, Strengthening LPFM Service

Media Bureau Authorized to Extend Construction Periods, Grant Transfers

Washington, DC – The Federal Communications Commission (FCC) today adopted a *Second Order on Reconsideration and Further Notice of Proposed Rulemaking* that modifies the rules governing low power FM (LPFM) service, seeks comment on a number of ownership and technical issues for this service and imposes an immediate six-month freeze on application grants of FM translator new station construction permits.

In January 2000, the FCC established the LPFM service in order to give local citizens a voice in their community. As of today, there are approximately 590 stations on the air serving mostly mid-sized and smaller markets. Last month the Commission held a forum to explore how LPFM stations are meeting the needs of their communities and to identify issues affecting the future of the LPFM service

The *Further Notice of Proposed Rulemaking* seeks comment on the following issues related to LPFM ownership and application rules:

- Whether LPFM authorizations should be transferable and, if so, whether transferability should be broadly permitted or limited to special circumstances;
- Whether to extend from 30 days to 90 days the deadline for submission of a time-share proposal after a mutually exclusive group of LPFM applicants is announced;
- Whether to permit renewal of licenses granted under involuntary time-sharing, successive license term procedure;
- Whether to permanently restrict ownership of LPFM stations to local entities; and
- Whether to permanently prohibit multiple ownership of LPFM stations.

The *Further Notice of Proposed Rulemaking* also seeks comment on the following issues related to LPFM technical rules:

- Whether to extend the LPFM construction period from 18 to 36 months;
- Whether to allow applicants submitting a time-share proposal to relocate the transmitter to a central location, notwithstanding the site relocation limits for minor amendments;

- Whether and, if so, under what conditions LPFM applications should be treated as having “primary” status with respect to prior-filed FM translator applications and existing FM translator stations (including how to handle the large volume of pending FM translator applications); and
- Whether an LPFM station should be permitted to continue to operate even when interference is predicted to occur within the 70 dBu contour of a subsequently-authorized second- or third- adjacent channel full service FM station.

The adopted order also gives immediate relief to stations seeking to relocate their transmitter sites by expanding the definition of ‘minor change’ to 5.6 kilometers for LP100 licensees and 3.2 kilometers for LP10 licensees. It also gives authority to the Media Bureau to waive the LPFM construction period rule to provide an additional 18 months to LPFM permittees to complete station construction.

The six-month freeze imposed by the adoption of this order on the grant of all FM translator new station construction permits is effective upon the release of the *Further Notice of Proposed Rulemaking*.

The order also clarifies the definition of locally originated programming by re-emphasizing language from the *First Report and Order* that original intent of this rule was to encourage licensees to maintain production facilities and a meaningful staff presence within the community served by the station.

The *Order* will be available online at www.fcc.gov.

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Action by the Commission, March 17, 2005, by *Second Order on Reconsideration and Further Notice of Proposed Rulemaking* (FCC 05-75). Chairman Powell and Commissioners Abernathy, Copps, Martin and Adelstein. Commissioner Copps and Adelstein issuing separate statements.