

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Comparative Consideration of 76 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations,
Memorandum Opinion and Order

I am pleased to support this Order granting seventy-six permits to construct or modify noncommercial educational (NCE) stations on the reserved FM band. NCE stations represent the best of local radio. They are organized, owned, and operated by local community organizations, schools, and churches throughout this country. In many communities, they often represent one of the last vestiges of local ownership, local news and reporting, and local community involvement.

In today's *Order*, we implement a new point system to resolve mutually exclusive applications for NCE FM radio stations, and we clear some backlog -- approximately 200 competing applications for construction permits that have been pending from as early as 1988, when the Commission used comparative hearings to resolve competing applications.

While I will not elaborate on the seventy-six individual proceedings resolved in this *Order*, I would like to express my support for a selection procedure that seems to have the right priorities. At the outset, being from rural America, I am pleased that with all mutually exclusive applications for NCE stations, we first endeavor to further our statutory objective of a "fair, efficient, and equitable distribution of radio service" among all communities in America. This analysis, pursuant to section 307(b) of the Communications Act, ensures that all communities benefit from the use of the public airwaves.

If an applicant is not selected under our section 307(b) analysis, we then compare mutually exclusive groups of NCE FM applications under the new point system that has withstood judicial scrutiny and is based on localism, specifically local ownership and local diversity. I am pleased that, at least when it comes to noncommercial radio, the Commission puts local ownership on top of our list of factors to consider. In addition, the Commission requires each licensee to maintain a local inspection file, and certify in its governing documents that it will pursue the twin goals of localism and diversity. I am hopeful that these accountability mechanisms will help ensure that licensees continue to serve the diverse and local needs of their communities for years to come. From my travels across this country, I have learned that local ownership really matters. Absentee landlords may not be as responsive to the needs of the community that they are required to serve.

In each of the seventy-six groups of applications we resolve in this *Order*, we hope that it is based on the most accurate information. If an applicant believes there is good reason for the Commission to reconsider its choice of a tentative selectee, parties are entitled to file petitions to deny within thirty days. Providing this procedural

safeguard, I believe that all applicants will be afforded due process and an opportunity to be heard fully. Once that process has concluded in the next few months, we look forward to notifying the public about the opening of a filing window for further NCE FM applications later this fall. There has been considerable interest in this upcoming NCE window, so it is incumbent upon us to provide the public with the agreed upon six months notice, and to reach out and educate to all interested parties, including those in Indian County and members of socially and economically disadvantaged groups, about our filing and licensing procedures.