

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3841

March 14, 2011

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The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
Room: 8-B201  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dear Chairman Genachowski:

I am concerned that FCC staff may be moving toward a misguided interpretation of the Local Community Radio Act of 2010 that will further delay a number of applications for new FM translator stations pending since 2003. This would be a disservice to both the applicants and the local communities they hope to serve.

The interpretation in question argues that the FCC must take into account the number of existing on-air or authorized FM translator stations when processing applications for new translator stations. Such an interpretation would have the result of favoring the licensing of new low-power radio stations over the licensing of new FM translator stations, in direct violation of section 5(3) of the Local Community Radio Act, which states that "FM translator stations, FM booster stations, and low-power FM stations remain equal in status."

Section 5 also makes clear that it applies to "licensing *new* FM translator stations, FM booster stations, and low-power FM stations" (emphasis added). The law says nothing about taking *existing* translator stations into account. Rather, section 5(2) says the FCC's decisions should be "based on the needs of the local community."

The Local Community Radio Act should not be used to delay the processing of existing applications for new FM translator stations. It simply requires the FCC to ensure that "licenses are available to FM translator stations, FM booster stations, and low-power FM stations," as stated in section (5)(1).

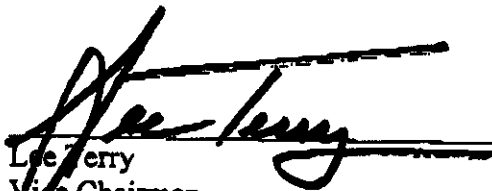
Letter to the Honorable Julius Genachowski  
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Please contact Committee staff Ray Baum or Neil Fried at (202) 225-2927 to provide an explanation of the FCC interpretation and current status of licensing applications.

Sincerely,

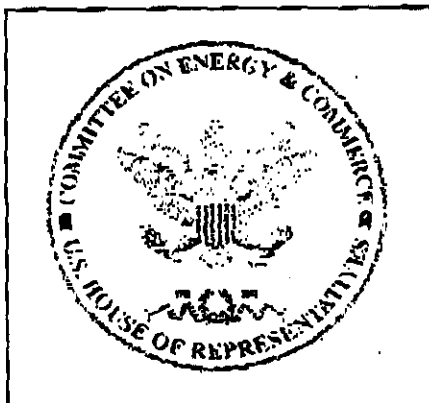


Greg Walden  
Chairman  
Subcommittee on Communications  
and Technology



Lee Terry  
Vice Chairman  
Subcommittee on Communications  
and Technology

- cc: The Honorable Fred Upton, Chairman
- The Honorable Henry A. Waxman, Ranking Member
- The Honorable Anna G. Eshoo, Ranking Member  
Subcommittee on Communications and Technology
- The Honorable Michael J. Copps, Commissioner  
Federal Communications Commission
- The Honorable Robert M. McDowell, Commissioner  
Federal Communications Commission
- The Honorable Mignon Clyburn, Commissioner  
Federal Communications Commission
- The Honorable Meredith Attwell Baker, Commissioner  
Federal Communications Commission



***Committee on Energy and Commerce  
Republican Office***

**U.S. House of Representatives**

**2125 Rayburn House Office Building**

**Washington, D.C. 20515**

**Phone: (202) 225-2927**

**Fax: (202) 225-1919**

**To:** Ms. Terri Glaze, Director of Legislative Affairs, Federal Communications Commission for  
Chairman Julius Genachowski, Federal Communications Commission

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**From:** Rep. Greg Walden; Chairman, Subcommittee on CCommunications and Technology  
Rep. Lee Terry; Vice Chairman, Subcommittee on Communications and Technology

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**Fax:** (202) 418-2806

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**Date:** March 14, 2011

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**Phone:**

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**Pages:** 3 (including cover)

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