



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 27, 2015

The Honorable Michael E. Capuano
U.S. House of Representatives
1414 Longworth Building
Washington, D.C. 20515

Dear Congressman Capuano:

Thank you for your letter on behalf of your constituent, Touch 106.1. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the Audio Division of the FCC's Media Bureau.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", written over a horizontal line.

Tom Wheeler



Federal Communications Commission
Washington, D.C. 20554

July 27, 2015

The Honorable Michael E. Capuano
U.S. House of Representatives
1414 Longworth Building
Washington, D.C. 20515

Dear Congressman Capuano:

Thank you for your inquiry on behalf of your constituent, Touch 106.1, which produces programming for communities of color. Touch 106.1 would like a Special Temporary Authorization ("STA") that would allow it to operate a radio station in Boston, Massachusetts. You request information about the Commission's procedures for granting STAs. I appreciate the opportunity to respond.

Commission rules define STA as authority to allow broadcast operations for a limited period at "variance from the terms of the station authorization." Because STAs are defined in terms of existing station authorizations, they are generally available only to existing licensees and permittees. Touch 106.1 does not yet hold a permit or license so, as you note in your correspondence, it would like to obtain temporary authority under Section 309(f) of the Communications Act of 1934, as amended. That provision allows the Commission to grant an STA prior to licensure, in exceptional circumstances. Specifically, an applicant with a pending application that is subject to Section 309(b) notice requirements may file an STA application (on an unnumbered form called "STA Engineering Request") requesting temporary authority to operate before action on the pending application. The Commission may grant an STA under Section 309(f) if "otherwise authorized by law and if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in such temporary operations would seriously prejudice the public interest." Touch 106.1 can submit such a showing in an STA application when it files a corresponding application to construct a new station. Any such application and STA application would be submitted electronically during a "window" – a designated filing period during which new broadcast station proposals can be filed. We do not have any plans to open an FM window – either low power or full power - at this time, and cannot predict when one might occur.

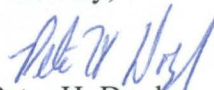
We last opened an LPFM filing window in October 2013, and received over 2,800 applications, including sixty-eight seeking to establish LPFM stations in Massachusetts. Touch 106.1 did not file an application in that window. We have since acted on all of the Massachusetts applications and on the great majority of the applications from other states. Among the applications granted from the 2013 window are seven for new LPFM stations serving

the Boston-area communities of Auburndale, Boston, Dorchester, East Boston, Lynn, and Woburn. Several months prior to opening a filing window, we announce the window on the Commission's web site, www.fcc.gov. Touch 106.1 can learn of future filing windows by monitoring that site.

There are several actions that applicants can take while awaiting a filing window. Touch 106.1 is already pursuing one of those ideas by transmitting its programming over the internet. Another idea that Touch 106.1 might pursue is to determine whether the permittees of any of the new Boston-area LPFM stations have excess air time that they would be willing to let Touch 106.1 use. If so, the LPFM station would remain authorized to the existing licensee but may be willing to air programming produced by Touch 106.1. Third, Touch 106.1 may wish to contact licensed radio stations in its area to explore the possibility of using a digital channel for its programming.

I hope that this information is helpful. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau