

Separate Statement of Commissioner Susan Ness

Re: Creation of Low Power Radio Service, MM Docket No. 99-25

In its request for reconsideration of our *Report and Order*, National Public Radio, Inc. (“NPR”) raised concerns regarding the possibility of interference by new low power FM stations to existing FM broadcast operations and to reading services offered by many NPR stations for the blind. In this *Memorandum Opinion and Order on Reconsideration* (“*MO&O*”), the Commission has taken significant steps to accommodate those concerns. I therefore support the Commission’s action on reconsideration with the expectation that the valuable services provided by NPR and other FM stations will not receive unacceptable interference from new low power (“LPFM”) stations.

In the *MO&O*, the Commission takes several steps to reduce or eliminate problems associated with potential interference from new LPFM facilities. First, the Commission establishes a new streamlined “rocket docket” procedure for addressing LPFM station interference complaints. Under the new procedure, all LPFM stations should make diligent efforts to resolve each and every complaint that they receive. The new rule also provides for a complaint and license modification procedure that the Commission must complete within ninety days if a requisite number of complaints are received.

Second, the Commission has committed to protect the third adjacent channel of stations currently offering reading services for the blind. It is my understanding that the Commission will not authorize any LPFM station that does not protect any full-service FM station on a third adjacent channel that operates a radio reading service.

Finally, NPR has noted that some stations operate a series of interlocking translator stations to cover remote areas of their states. These translator relay systems provide a vital public service by covering rural and remote areas where service from a full-service FM station is not feasible. If there is interference to one of the translators in the chain, it could prevent service from subsequent stations in the chain. In the *MO&O*, the Commission requires protection of the translator input frequencies of these stations from interference from LPFM stations. Moreover, the Commission has committed to increasing the flexibility that will be accorded displaced translator licensees so that a translator that is forced to move because of interference from a new full power station will receive every administrative effort to accommodate the translator on a new frequency.

In the *MO&O*, the Commission has made these efforts, all of which are reasonable modifications to its original *Report and Order*, in the attempt to ensure that current service to the public is not harmed by the introduction of new LPFM stations. While these precautions and procedures are not foolproof, they constitute significant safeguards that the promise of a new innovative service from LPFM stations will not deprive the public of the benefits of current FM public radio services.