

**SEPARATE STATEMENT OF COMMISSIONER MICHAEL K. POWELL  
CONCURRING IN PART AND DISSENTING IN PART**

*Re: Memorandum Opinion and Order on Reconsideration, In the Matter of Creation of Low Power Radio Service (MM Docket No. 99-25)*

As I expressed in my separate statement to the original *Report and Order*,<sup>1</sup> the Item's goal of attempting to give greater voice to narrower interests is generally laudable, and I support that objective. I did, however, also express serious concerns about the potential threat to small stations caused by this new LPFM service. Specifically, I addressed two interrelated issues: 1) signal interference and 2) economic viability.

I concur in today's decision to the extent improvements have been made to address some of the unresolved technical issues. The third channel adjacency complaint procedure will give stations with *bona fide* interference complaints, the opportunity to have those problems resolved. Furthermore, the expedited review process will ensure that an interference problem does not linger for prolonged periods of time. These changes are a step in the right direction to minimizing the risks caused by signal interference.

I dissent in part from this *Order*, because the Commission once again fails to consider the economic consequences to small broadcast stations resulting from the introduction of LPFM.

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<sup>1</sup> See Statement of Commissioner Michael K. Powell, dissenting in part, *In the Matter of Low Power Radio Service*, Report and Order, MM Docket No. 99-25, FCC 00-19, 15 FCC Rcd 2205, 2323 (2000).