

**CONCURRING STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

*Re: Reexamination of the Comparative Standards for Noncommercial Educational Applicants, MM Docket No. 95-31.*

I have expressed my views earlier in this docket on the difficult issues raised by noncommercial educational (NCE) entities applying for non-reserved spectrum. *See Second Report and Order*, 18 FCC Rcd 6691 (2003).

As I said then, it seems reasonable to allow NCE applicants to apply for the use of non-reserved spectrum—subject to dismissal if there is a competing commercial application—and to allow nonprofits wishing to provide a commercial radio service to apply for non-reserved spectrum for that purpose as well. On the other hand, I also noted my concern about the further blurring of the line between commercial and NCE services—including the ease with which our rules permit stations to flip back-and-forth between commercial service and NCE service and the possibility that some NCE stations may seek to raise auction funds in a manner that will detract from and endanger the integrity of NCE broadcasting.

Today's decision does not really break any new ground, but simply permits a discrete group of long-pending NCE applicants to avoid dismissal by amending their applications to specify commercial operation—something new NCE applicants can do if they so choose. That seems consistent with our prior decisions. And yet my concerns remain. I will therefore be concurring in the result and reiterating my hope that NCE stations do not abandon their proud heritage and long-term survivability by becoming less and less distinguishable from their commercial counterparts.