



June 21, 2001

Magalie Roman-Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Presentation
MM Docket 99-25

Dear Ms. Roman-Salas:

Pursuant to Section 1.1206(b)(2) of the Commission's rules, this letter memorializes a meeting held on Tuesday, June 19, 2001 between Cheryl Leanza and Betsy Weiner of Media Access Project, Alan Korn of the National Lawyers Guild, Commissioner Kathleen Abernathy and her Intern, Josh Waller

We reviewed the history of the low power radio proceeding and the technical debates contained in the record. We provided the attached time line of the proceeding, a summary of Public Law 106-553, and a status report on current low power radio applicants. We urged the Commissioner to ensure that a fair amount of FCC resources are dedicated toward processing low power radio applicants. We also encouraged the Commissioner to ensure that the technical study required by Public Law 106-553 is completed in an expedient manner.

Sincerely,

Cheryl Leanza
Deputy Director

cc: Kathleen Abernathy
Josh Waller
Alan Korn

Attachments

Summary of Anti-Low Power Radio Legislation, Public Law 106-553

The legislation takes the following steps:

- Reverses the FCC's decision with respect to interference protection by putting back "third adjacent protection."
- Requires the FCC to hire an independent third party to conduct a technical test in 9 markets, spread among rural, suburban, and urban areas, and to solicit public comment on the test.
- Requires the FCC to provide a report to Congress on the technical test, the economic impact on small broadcasters (including minority broadcasters), reading for the blind services, the transition to digital terrestrial radio (also known as IBOC), and FM radio translators (including the need for third adjacent protection for translators.)
- Does not allow the FCC to alter the interference protection standards or expand eligibility for low power radio unless Congress passes additional legislation authorizing it to do so.
- Prevents any individual who has engaged in unlicensed broadcasting from getting a low power radio license

Low Power Radio Overview Timeline

Summer 1998	FCC takes first comments
January 1999	FCC issues formal proposal
Summer-Fall 1999	Technical pleadings filed at FCC
January 2000	FCC creates service
February 2000	NAB files in court against LPFM
April 2000	Anti-LPFM legislation passes House
May 2000	First application window
August 2000	Second application window
September 2000	FCC supplemental order addressing technical concerns
November 2000	Oral argument in court proceeding
December 2000	> Anti-LPFM legislation passes > FCC issues list of first 255 acceptable applications
January 2001	Third application window
February 2001	Chmn Kennard leaves, Chmn Powell begins
April 2001	FCC issues order implementing legislation, begins issuing construction permits
June 2001	Combined fourth and fifth application windows

Status of LPFM Applicants (June 2000)

- Approximately 3,200 non-profits applied for low power radio stations during in four filing windows between May 2000 and June 2001.
- Fifty-nine of the earliest applicants have been granted construction permits, and need only put up their transmitters and ready their studios to begin broadcasting.
- Another 166 applicants should receive their construction permits by the end of Summer 2001.
- Even more applicants will receive construction permits as the FCC processes applications.
- The anti-LPFM legislation passed in December 2000 did not eliminate the whole service, but did eliminate half of the applicants that had filed until that time – approximately 630 of 1200 applicants. (Since then the FCC has not accepted applications that violate the legislation.)