



October 10, 2001

Bonnie Gay
Federal Communications Commission
Enforcement Bureau
Technical and Public Safety Division
445 12th St., SW
Room 7A830
Washington D.C. 20544

Re: *Ex Parte* material for EB Docket No. 01-66

Dear Ms. Gay:

As you may know, last year the Federal Communications Commission (“Commission”) initiated a new noncommercial broadcast service, entitled low power radio, or LPFM.¹ The Commission adopted special EAS rules for LPFM. UCC *et al.* would like to raise certain EAS issues in this docket, where they can be considered by the Enforcement Bureau, Technical and Public Safety Division (“EB/TPSD”) staff in conjunction with other EAS issues.

The core licensee community for LPFM stations comes primarily from local community groups in smaller markets that seek a communications medium within which they may provide local information. Due to their small size and noncommercial status, these stations must start and perpetuate operations on a tremendously limited budget. Currently, the start-up cost for a LPFM station can be as low as \$10,000.

Recognizing the budgetary constraints under which these stations operate, the Commission modified the EAS rules as they apply to LPFM stations. The Commission determined LPFM stations must use Commission-certified decoders, but not the certified decoder-encoders required of full power stations.

¹ See generally *Creation of Low Power Radio Service, First Report and Order (“Report and Order”)*, 15 FCC Rcd 2205 (2000).

When the Commission imposed this requirement, it acknowledged that certified decoders were not currently available.² The Commission assumed that certified decoders would become available at a cost similar to non-certified decoders. Unfortunately, certified decoders are still not available on the market.³ Moreover, such decoders are unlikely to become available because adding a memory function in order to achieve certification would be expensive and therefore unobtainable to limited budget LPFM stations. Estimates have placed market cost of a Commission-certified decoder at or near that of a combined encoder/decoder system.⁴ In light of this prevailing reality and in keeping with the Commission's recognition that mandating a cost of this degree upon an LPFM station is unreasonable, the Commission should consider alternative LPFM station EAS requirements to mitigate this burden.

UCC *et al.* request the opportunity to discuss alternative solutions to this issue with members of EB/TPSD. Several options are possible. The Commission could change the certification criteria for LPFM decoders. Or the FCC could require LPFM stations to use uncertified decoders to identify emergency messages.⁵ If the Commission is concerned about the reliability of uncertified equipment, it could require uncertified equipment be tested regularly.

A third alternative is to temporarily exempt LPFM stations. The Commission could adopt a blanket waiver until such time the market supports the development of less cost prohibitive solutions.⁶

Although UCC *et al.* raised these issues in a Petition for Reconsideration filed in MM Docket 99-25, UCC *et al.* believes that this issue may be better addressed as part of the review of EAS policies taking place in this docket. In particular, now that at least 5 LPFM stations have begun broadcasting, the question of how these stations should comply with EAS rules must be addressed quickly.

We look forward to meeting with you on Thursday, October 25th at 12:00pm.

Respectfully Submitted,

Cheryl A. Leanza
Deputy Director

² *Id.* at 2282, ¶ 196.

³ *See* Declaration of Darryl Parker, attached.

⁴ *Id.*

⁵ *See* UCC *et al.* *Petition for Reconsideration or In the Alternative, Clarification*, MM Docket No. 99-25 at 8. (filed June 11, 2001).

⁶ *See Report and Order* at 2282, ¶¶ 196-197 (2001).