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Information Package

SPECIFIC QUESTIONS IN THE 99-25 SECOND NPRM

SECOND ADJACENT WAIVER STANDARD (NPRM at 74)

- If a FPFM (full power FM) files for a community of license change, an LPFM that would experience increased interference or displacement can request a second adjacent channel short spacing waiver for a new channel.
- Should this wavier policy be codified?
- Would modification to these policies better balance the interests of LPFM and FPFM stations?
- Should the procedure be narrowed to only apply when the LPFM is subject to displacement subject to 73.809? (e.g. Should there be “legal” interference before an LPFM can invoke the waiver or if a second adjacent can otherwise reduce interference could they use it?)
- Should the rules provide a deadline (after the FPFM’s action) for the LPFM to file an application to change channels? If so, what time frame?
- Should waivers be limited to second adjacent channel short spacing?
- Should waivers be granted only when the LPFM station can demonstrate no actual interference due to lack of population, terrain or other factors (as in translator rules)?
- Should continued LPFM operations be subject to the resolution of all bona-fide actual interference complaints?
- Should the encroaching FPFM be responsible for providing technical assistance and assuming financial responsibility associated with resolving all bona-fide actual interference complaints?
- Do the orders to show cause procedures fully protect impacted station’s due process rights?
- What additional procedures would help ensure that the FCC has a full record on which to evaluate waiver requests?
- Should these procedures be expanded to include co-channel and first-adjacent channel situations?
- Are any rule changes warranted to provide additional flexibility to propose LPFM station modifications.

LPFM STATION DISPLACEMENT (NPRM at 75)

- Should 73.809 be amended to establish a licensing presumption that would protect certain operating LPFM stations from subsequently proposed community of license modifications?
- Should the presumption be limited to LPFM that operate at least 8 hours of local originated programming daily?
- What criteria should the FCC use to determine whether a LPFM station has “regularly” met the 8-hour local programming requirement?
- Should the presumption be extended to protect LPFM stations against subsequently filed petitions of rulemaking for new FM allotments and/or modification applications not proposing community of license changes?
- Are there any other approaches to resolve LPFM station displacement conflicts? If so, why would such alternatives more appropriately balance the interests of these services (LPFM and FPFM)?

OBLIGATIONS OF FPFM NEW STATION AND MODIFICATION APPLICATIONS TO POTENTIALLY IMPACTED LPFM STATIONS (NPRM at 76)

- The FCC seeks comments on the following conclusions:
 - The applicant of a new or modified FPFM station should assume certain technical, financial and notice obligations if the change impacts an LPFM.
 - FPFM should be required to provide notice of its application filing to the LPFM station.
 - The FPFM should include in this notice the results of its search for an alternate LPFM channel.
 - The FPFM should act in good faith in developing the best technical approach (including LPFM site relocation) to ameliorate the interference and/or displacement impact of its proposal.
 - The encroaching FPFM station should be responsible for certain expenses related to any LPFM channel change, and/or site change necessitated by the FPFM proposal.
 - Expenses should be limited to the physical changes to the LPFM station’s transmission system.
 - These procedures should apply if the LPFM authorization was issued or a pending LPFM facility application was filed prior to the filing of the FPFM station application for CP or license including one that proposes a community of license modification.
 - Procedures should be limited to those situations in which implementation of the FPFM proposal would result in the FPFM and LPFM stations operating at less than the minimum distance separations set forth in 73.807 and could result in either an increase of interference caused to the LPFM station or the permanent displacement of the LPFM station.

CONTOUR-PROTECTION BASED LICENSING STANDARDS FOR LPFM (NPRM at 83)

- The FCC seeks comments on these conclusions:
 - The use of contour-based (prohibited overlap) protection is in the public interest and that an LPFM station licensed under this standard would be required to resolve all interference complaints or cease operations.
 - Longley/Rice will not be used.
 - Overlap will be permitted if there is a showing of a “lack of population” that would receive interference.
- Is it appropriate to license to community groups which often have limited resources and technical expertise under this standard as it could force the station off the air if it could not address interference complaints promptly?
- Is it appropriate to adopt an LPFM licensing regime that would require the use of consulting engineers?
- Should there be two different “options” for licensing LPFM stations? (Either the current distance spacing methodology or contour-based protection. If distance spacing is used, the LPFM would continue to have the protections of 73.809.)

LPFM – FM TRANSLATOR PRIORITIES (NPRM at 84)

- The Third R&O does not reach a conclusion on the “co-equal” status between LPFM and translators. First filed LPFM or translator applications must be protected by all subsequently filed LPFM and translator applications. The FCC finds that it would be useful to develop a better record on whether localism, diversity and competition goals can be advanced by altering the priorities between these two services.
- Should the FCC distinguish whether a translator is fed via satellite or terrestrially?
- What impacts would have giving LPFM priority would there be to established listening patterns or the disruption of established translator delivery systems that NCE broadcasters rely on extensively to disseminate programming.
- Should there be a limit to the number of translator stations that would have priority over subsequently applied for LPFM facilities? Prometheus proposes to limit priority to 25 translators for each originating station and would not consider a “full power repeater” as an originating station.
- Is this approach administratively feasible given the fact that a translator can change primary stations without prior consent or notice to the FCC?

For more information on the LPFM service, please visit <http://www.lpfm.ws>

This material was prepared by REC Networks to prepare proponents to file comments with the Federal Communications Commission and does not constitute legal advice. Information provided by REC should not be used to replace the services of a qualified communications attorney or consulting engineer.

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