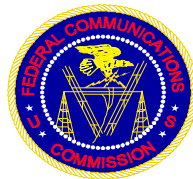


**Federal  
Communications  
Commission**



## **Low Power FM Radio:**



## **An Applicant's Guide**



*Internet: [www.fcc.gov/lpfm](http://www.fcc.gov/lpfm)*

*E-mail: [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)*

*888-CALL-FCC (voice)*

*888-TELL-FCC (TTY)*

## **Welcome from FCC Chairman William E. Kennard**



*Like you, I am very excited about the new low power radio service that enables local organizations to better serve their communities.*

*As Chairman of the FCC, I have encountered frustration on the part of folks who have had ideas on how to put radio to good use serving their communities, but no way of putting those ideas into action. I have heard this from churches and schools, community groups and public safety officials, civic organizations, and non-English speaking communities. In talking with these groups, I've been moved by all the different ways they propose to use the airwaves.*

*Some want low power FM to serve as a forum for discussions of issues relevant to local communities, or to provide job training for young people seeking to make a career in broadcasting. Some see it as a way to emphasize cultural learning, others as a means for more formal over-the-air instruction. And some want low power FM to keep their communities informed of public safety concerns, including weather and traffic conditions.*

*In creating a low power FM radio service, the FCC has thrown open the doors of opportunity to the smaller, community-oriented broadcaster, and will give hundreds -- if not thousands -- of new voices access to the nation's airwaves.*

*I hope the following provides you with enough information to determine whether a local FM station will help to better serve the needs of your organization and community.*



### **What is low power FM radio?**

Low power FM radio, or LPFM, is an FM radio service recently created by the Federal Communications Commission. The LPFM service consists of two types of radio stations: 100 watt stations which reach an area with a radius of approximately three and one-half miles; and 10 watt stations which generally reach an area with a radius of between one and two miles. By contrast, existing full power FM radio stations generally operate at between 6,000 and 100,000 watts. The FCC will accept applications for LPFM licenses first for 100 watt stations, followed by the licensing of 10 watt stations.

## **Who is eligible for LPFM licenses?**

As the new LPFM service is a noncommercial, educational radio service, LPFM licenses are not available to individuals or commercial entities. Eligible applicants must fall into one of the following categories:

- government or non-profit educational institution -- such as public or private school, or private or state university;
- non-profit organization, association or entity with educational purposes -- such as a community group, public service or public health organization, disability service provider or faith-based organization; or
- government or non-profit entity providing local public safety or transportation services -- such as a volunteer fire department, local government, or state transportation authority.

In addition, applicants for LPFM licenses must be based in the community in which they intend to broadcast. An organization is considered community-based if:

- it is physically headquartered or has a campus within 10 miles of the proposed transmitting antenna; or
- seventy-five percent of its board resides within 10 miles of the proposed transmitting antenna; or
- it is a non-profit or governmental public safety organization that intends to broadcast within the area of its jurisdiction.

## **Are there additional eligibility requirements or disqualifying factors?**

Because the LPFM service is designed to create opportunities for new voices to be heard on the radio, existing broadcasters, cable television system operators, or daily newspaper publishers are not eligible for LPFM licenses. This includes all principals or officers of the applicant organization.

*For example, a non-profit organization whose president is a local television station owner is not eligible for an LPFM license while the station owner is president of the organization.*

If a non-officer member of the board of directors of the applicant organization holds an interest in any radio or television station, cable television system or general circulation daily newspaper (not including college newspapers), he or she may not participate in the management or operation of the LPFM station.

*For example, if a University already holds a radio station license, its president may serve on the board of directors of a student-run LPFM station, but may not participate in its management or operation.*

Organizations that previously broadcast without a license in violation of the law are not eligible for an LPFM license unless they ceased operation when notified of their violation, or terminated operation prior to February 26, 1999. Likewise, organizations whose principals or officers previously broadcast without a license in violation of the law are not eligible unless they ceased operation when notified of their violation, or terminated operation prior to February 26, 1999.

*For example, a community organization otherwise eligible for an LPFM license is deemed ineligible if its president or any officer broadcast in violation of the law as recently as March, 1999, whether or not the FCC ordered him or her to cease illegal operation.*

In addition, neither the applicant organization nor any of its principals or officers may have or have had an interest in, or connection with, any broadcast application where character issues were resolved adversely or left unresolved.

Additionally, neither the applicant organization nor any of its principals or officers may have had any adverse finding made against him or her in a civil or criminal proceeding related to: a felony; mass media related antitrust or unfair competition action; fraudulent statements to another governmental unit; or discrimination.

### **When can my organization apply?**

The FCC has divided the fifty states and jurisdictions into five groups and selected by lottery the order in which these applicants will be able to apply for LPFM licenses. The FCC will open five, five-day filing windows, each window permitting applicants from a group of states to apply for 100 watt LPFM licenses. The FCC will give at least 30 days notice when announcing each of these windows. Any applications filed before or after the five-day window will be returned to the applicant. This policy will be strictly enforced. The groups of states and jurisdictions and the tentative dates in which they will be permitted to file applications for LPFM licenses are as follows:

- Group 1 (filing applications in May 2000) - Alaska, California, District of Columbia, Georgia, Indiana, Louisiana, Maine, Mariana Islands, Maryland, Oklahoma, Rhode Island, Utah;
- Group 2 (filing applications in August 2000) - Connecticut, Illinois, Kansas, Michigan, Minnesota, Mississippi, Nevada, New Hampshire, Puerto Rico, Virginia, Wyoming;
- Group 3 (filing applications in November 2000) - American Samoa, Colorado, Delaware, Hawaii, Idaho, Missouri, New York, Ohio, South Carolina, South Dakota, Wisconsin;
- Group 4 (filing applications in February 2001) - Arizona, Florida, Iowa, New Jersey, North Dakota, Oregon, Tennessee, Texas, U.S. Virgin Islands, Vermont, West Virginia; and
- Group 5 (filing applications in May 2001) - Alabama, Arkansas, Guam, Kentucky, Massachusetts, Montana, Nebraska, New Mexico, North Carolina, Pennsylvania, Washington.

The actual dates for the filing windows in each state grouping will be announced in subsequent Public Notices. Once applicants from all states have had the opportunity to apply for 100 watt LPFM licenses, the FCC will open filing windows for 10 watt LPFM licenses.

### **Will there be enough LPFM stations for all organizations that want them?**

In certain cities and areas such as New York, Los Angeles, and Chicago, there may not be room on the radio spectrum for any new LPFM stations. In most other cities there are likely to be locations where 100 and 10 watt stations could operate without causing interference to other FM stations, and therefore licenses would be available. However, there may not be enough LPFM station opportunities for all interested entities in many communities.

### **How can I find out if there will be any LPFM stations in my community?**

The FCC has currently developed a computer software program to identify FM frequencies that may be available for LPFM stations in particular locations. This program will be available to everyone at the FCC's web site before it begins to accept LPFM license applications. Potential applicants can also consult with broadcast engineers to determine the availability of radio spectrum in their areas.

The FCC's software and the LPFM license application will require applicants to identify the approximate location of the proposed station by coordinates in degrees. One way to identify the location of your organization in these terms is through mapping programs that include coordinates in degrees. Such mapping programs are available for less than \$50 from a number of companies such as Expedia and Delorme, and can be purchased online. You may also contact a consulting engineer to find the coordinates of your organization's location.

## **How will competing applications be resolved?**

In some cases there will be conflicting LPFM applications in a particular area, making it impossible to grant more than one license without creating interference. This does not necessarily refer to applications for licenses for exactly the same channel in exactly the same area. For example, an application for a license to broadcast on 97.3 might conflict with an application for a license to broadcast on 97.5, or an application for a license to broadcast within a city's limits might conflict with an application for a license to broadcast in the close-in suburbs of that city.

"Competing" applications will be resolved through a process that awards one point to each applicant for: (1) the organization's presence in the community for at least two years; (2) a commitment to broadcast at least 12 hours each day; and (3) a commitment to broadcast at least eight hours of locally-originated programming each day. The applicant with the most points will receive the license.

If there is a tie after the points are tallied, the competing applicants will be encouraged to share a license. Those competing applicants resubmitting their applications together will be permitted to aggregate their points. For example, three applicants tied with three points each would be given a total of nine points upon resubmission. This aggregated group of applicants would be awarded the license over a single applicant with three points.

## **What happens if the tied applicants cannot agree to share a license?**

The FCC will divide equally an eight-year non-renewable license term among the tied applicants. Thus, if there are four tied applicants, each will receive a two-year, non-renewable license term. The first license term will be awarded to the first to complete construction of its facilities.

If there are more than eight tied applicants, the FCC will divide the eight-year term among those applicants receiving a point for established community presence. If there are more than eight such applicants, the FCC will award one-year, non-renewable license terms to the eight entities with the longest community presence.

## **What will it cost to construct an LPFM station?**

Costs can vary widely. The size of the station, the type and quality of studio and broadcasting equipment, as well as whether a tower may be required, are all factors in determining cost. Make sure the equipment you use is approved or "type certified" by the FCC. The manufacturer is responsible for compliance with the FCC rules concerning certification. More information on the availability and costs of radio equipment is available through Broadcast Net at 800-552-4053 or [www.broadcast.net](http://www.broadcast.net).

## **How does my organization apply?**

Applications should be available from the FCC in April, 2000. To request an application when it becomes available, call 800-418-FORM (voice), 888-TELL-FCC (TTY), or visit the FCC's LPFM web site at [www.fcc.gov/lpfm](http://www.fcc.gov/lpfm).

## **How can I get more information?**

If your organization is interested in applying for an LPFM station, we recommend you read the *Report and Order* located on the FCC's web site at [www.fcc.gov/lpfm/Order](http://www.fcc.gov/lpfm/Order), or the Federal Register dated February 15, 2000.

If you need to find an attorney to assist your organization in the application process, the Bar Association of the District of Columbia at 202-223-6600 or [www.dcbbar.org](http://www.dcbbar.org) may be of help.

To locate an engineer to aid in identifying and applying for a low power radio station in your community, two potential sources of assistance are: the Association of Federal Communications Consulting Engineers at [www.afcce.org](http://www.afcce.org); and the Society of Broadcast Engineers at 317-253-1640 or [www.sbe.org](http://www.sbe.org).

The Federal government may also be of help to your organization in obtaining grants or loans for the construction of a low power radio station. Contact the following for more information:

### **National Telecommunications and Information Administration's Public Telecommunications Facilities Program**

202-482-5802 or [www.ntia.doc.gov](http://www.ntia.doc.gov)

### **Department of Education**

800-USA-LEARN or [www.ed.gov](http://www.ed.gov)

### **Small Business Administration**

800-U-ASK-SBA or [www.sba.gov](http://www.sba.gov)

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