

FCC Authorizes New Non-Commercial Low Power FM Radio Service

February 2000

On January 20, 2000, the FCC created two new classes of radio stations. They are to be non-commercial, low power FM (LPFM) radio stations, designed to serve "very localized communities or underrepresented groups."

The two classes are referred to as "LP100" and "LP10." The LP100 stations will operate with 50-100 watts and have a service radius of approximately 3.5 miles. LP10 stations will be restricted to 1-10 watts with a service radius of approximately 1-2 miles. Licenses will be granted for eight-year, renewable terms, but will not be transferable.

The new stations must protect authorized and proposed commercial and noncommercial FM stations of all classes, as well as FM translators and LP100 stations operating on co-, 1st- and 2nd-adjacent and intermediate frequency (IF) channels. Stations on 3rd-adjacent channels are not protected.

Licensee Qualifications

Qualified applicants will include 1) government or public educational agencies, boards, or institutions, or 2) private, nonprofit educational organizations, and 3) nonprofit entities with a demonstrated educational purpose. In line with current noncommercial educational eligibility qualifications, applicants must show that stations will be used "for the advancement of an educational program," which permits a variety of programs, including instructional, cultural, as well as children's and in-depth news programming and Bible study, and need not be "exclusively educational." In addition, LPFM stations can be used by state or local governments or other not-for-profit entities to provide public safety radio services.

Existing broadcasters are ineligible for the new licenses, as are owners of any media subject to the Commission's ownership rules. Operating agreements between full power and LPFM broadcasters, and between low power licensees, are prohibited, and, at least initially, licensees must be "community-based," meaning that for the first two years an LPFM applicant must certify that it is physically headquartered, has a campus, or has 75 percent of its board members residing within 10 miles of the station.

Ownership Restrictions

A national ownership cap limits ownership by a single entity to one station for the first two-years of LPFM service, up to five stations in the third year, and, after three years, up to ten stations nationwide. A local

ownership cap limits ownership by a single entity to one station within a "community," defined as within a seven mile radius from the station. In other words, the antennas of commonly owned LPFM stations must be separated by at least seven miles.

Application Procedures

An application "window" is expected in May, 2000 for LP100 stations. (The Commission is currently developing software to assist applicants in determining whether specific frequencies may be available at specific locations for LPFM use.) Competing applications will not be auctioned. A "clear cut" point system, awarding points based on length of local residence, proposed operating hours and amount of local programming origination, will be used to choose between competing applications.

Operational Requirements

LPFM stations are required to operate at least 36 hours per week, including at least five hours of operation per day, on at least six days of the week. There are no specific requirements that programming be locally originated. Sponsorship identification, political broadcasting (including political file) and station identification rules apply, as well as prohibitions on obscene or indecent programming, and on employment discrimination. (However, the newly adopted equal employment opportunity (EEO) program requirements do not apply to them.) LPFM stations are required to participate in the Emergency Alert System (EAS), but they are not subject to main studio, ownership reporting, or public file requirements.