

110TH CONGRESS
1ST SESSION

H. R. 2802

To implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2007

Mr. DOYLE (for himself and Mr. TERRY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Local Community
5 Radio Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The passage of the Telecommunications Act
9 of 1996 led to increased ownership consolidation in
10 the radio industry.

1 (2) At a hearing before the Senate Committee
2 on Commerce, Science, and Transportation, on June
3 4, 2003, all 5 members of the Federal Communica-
4 tions Commission testified that there has been, in at
5 least some local radio markets, too much consolida-
6 tion.

7 (3) A commitment to localism—local oper-
8 ations, local research, local management, locally-
9 originated programming, local artists, and local news
10 and events—would bolster radio listening.

11 (4) Local communities have sought to launch
12 radio stations to meet their local needs. However,
13 due to the scarce amount of spectrum available and
14 the high cost of buying and running a large station,
15 many local communities are unable to establish a
16 radio station.

17 (5) In 2003, the average cost to acquire a com-
18 mercial radio station was more than \$2,500,000.

19 (6) In January, 2000, the Federal Communica-
20 tions Commission authorized a new, affordable com-
21 munity radio service called “low-power FM” or
22 “LPFM” to “enhance locally focused community-ori-
23 ented radio broadcasting”.

24 (7) Through the creation of LPFM, the Com-
25 mission sought to “create opportunities for new

1 voices on the air waves and to allow local groups, in-
2 cluding schools, churches, and other community-
3 based organizations, to provide programming respon-
4 sive to local community needs and interests”.

5 (8) The Commission made clear that the cre-
6 ation of LPFM would not compromise the integrity
7 of the FM radio band by stating, “We are com-
8 mitted to creating a low-power FM radio service only
9 if it does not cause unacceptable interference to ex-
10 isting radio service.”.

11 (9) Currently, FM translator stations can oper-
12 ate on the second- and third-adjacent channels to
13 full power radio stations, up to an effective radiated
14 power of 250 watts, pursuant to part 74 of title 47,
15 Code of Federal Regulations, using the very same
16 transmitters that LPFM stations will use. The Com-
17 mission based its LPFM rules on the actual per-
18 formance of these translators that already operate
19 without undue interference to FM stations. The ac-
20 tual interference record of these translators is far
21 more useful than any results that further testing
22 could yield.

23 (10) Small rural broadcasters were particularly
24 concerned about a lengthy and costly interference
25 complaint process. Therefore, in September, 2000,

1 the Commission created a simple process to address
2 interference complaints regarding LPFM stations on
3 an expedited basis.

4 (11) In December, 2000, Congress delayed the
5 full implementation of LPFM until an independent
6 engineering study was completed and reviewed. This
7 delay was due to some broadcasters' concerns that
8 LPFM service would cause interference in the FM
9 band.

10 (12) The delay prevented millions of Americans
11 from having a locally operated, community based
12 radio station in their neighborhood.

13 (13) Over 500 LPFM stations were allowed to
14 proceed despite the congressional action. These sta-
15 tions are currently on the air and are run by local
16 government agencies, groups promoting arts and
17 education to immigrant and indigenous peoples, art-
18 ists, schools, religious organizations, environmental
19 groups, organizations promoting literacy, and many
20 other civically-oriented organizations.

21 (14) After 2 years and the expenditure of
22 \$2,193,343 in taxpayer dollars to conduct this
23 study, the broadcasters' concerns were demonstrated
24 to be unsubstantiated.

1 (15) Minorities represent almost a third of our
2 population. However, according to the Federal Com-
3 munication Commission’s most recent Form 323
4 data on the race and gender of full power, commer-
5 cial broadcast licensees, minorities own only 7 per-
6 cent of all local television and radio stations. Women
7 represent more than half of the population, but own
8 only 6 percent of all local television and radio sta-
9 tions. LPFM stations, while not a solution to the
10 overall inequalities in minority and female broadcast
11 ownership, provide an additional opportunity for
12 underrepresented communities to operate a station
13 and provide local communities with a greater diver-
14 sity of viewpoints and culture.

15 (16) LPFM stations have proven to be a vital
16 source of information during local or national emer-
17 gencies. Out of the few stations that were able to
18 stay online during Katrina, several were LPFM sta-
19 tions. In Bay St. Louis, Mississippi, LPFM station
20 WQRZ remained on the air during Hurricane
21 Katrina and served as the Emergency Operations
22 Center for Hancock County. Additionally, after Hur-
23 ricane Katrina when thousands of evacuees tempo-
24 rarily housed at the Houston Astrodome were unable
25 to hear information about the availability of food

1 and ice, the location of FEMA representatives, and
2 the whereabouts of missing loved ones over the loud
3 speakers, volunteers handed out thousands of tran-
4 sistor radios and established a LPFM station out-
5 side the Astrodome to broadcast such information.

6 **SEC. 3. REPEAL OF PRIOR LAW.**

7 Section 632 of the Departments of Commerce, Jus-
8 tice, and State, the Judiciary, and Related Agencies Ap-
9 propriations Act, 2001 (Public Law 106–553; 114 Stat.
10 2762A–111), is repealed.

11 **SEC. 4. MINIMUM DISTANCE SEPARATION REQUIREMENTS.**

12 The Federal Communications Commission shall mod-
13 ify its rules to eliminate third-adjacent minimum distance
14 separation requirements between—

15 (1) low-power FM stations; and

16 (2) full-service FM stations, FM translator sta-
17 tions, and FM booster stations.

18 **SEC. 5. PROTECTION OF RADIO READING SERVICES.**

19 The Federal Communications Commission shall re-
20 tain its rules that provide third-adjacent channel protec-
21 tion for full-power non-commercial FM stations that
22 broadcast radio reading services via a subcarrier frequency
23 from potential low-power FM station interference.

1 **SEC. 6. ENSURING AVAILABILITY OF SPECTRUM FOR LPFM**
2 **STATIONS.**

3 The Federal Communications Commission when li-
4 censing FM translator stations shall ensure—

5 (1) that licenses are available to both FM
6 translator stations and low-power FM stations; and

7 (2) that such decisions are made based on the
8 needs of the local community.

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