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Low Power FM Radio Service: Regulatory and Congressional Issues

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Summary

In response to thousands of inquiries annually from individuals and groups wishing to start a low power radio station for broadcasting to local communities, the Federal Communication Commission (FCC) has adopted rules for a new, low power FM radio (LPFM) service. The service consists of two classes of LPFM radio stations with maximum power levels of 10 watts and 100 watts. The rules contain interference protection criteria to help ensure that the LPFM service protects and preserves the technical integrity of existing radio service. However, the main arguments against LPFM are based on concerns over interference with existing FM radio broadcasts, and the potential that LPFM might impede the future transition to digital audio broadcasting.

Some Members are seeking to severely scale back or nullify the FCC's decision to issue LPFM licenses, while other Members support the FCC ruling. On April 14, 2000 the House passed the Radio Broadcasting Preservation Act of 2000 (H.R. 3439, amended), which would have the effect of eliminating about 75% of the number of potential LPFM licenses that could be granted by preventing licenses in the third adjacent channel to incumbent full-power FM broadcasters. Three bills have been introduced in the Senate: S. 2068 would prohibit the FCC from authorizing LPFM licenses; S. 2518 (later introduced in modified form as S. 2989) would permit the introduction of LPFM licenses while studying whether LPFM is causing harmful interference to full-power broadcasters; and S. 3020 is similar to the House-passed bill. Language similar to the House-passed bill was inserted into the FY 2001 District of Columbia Appropriations bill (H.R. 5547), which was incorporated in the Commerce, Justice, and State Appropriations bill (H.R. 4942) that passed Congress on December 15, 2000 (Conf. Rept. 106-1005), and signed into law (P.L.106-553) on December 21, 2000. This report will be updated as necessary.

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FCC Ruling

On January 20, 2000, the FCC adopted rules creating a new, low power FM radio (LPFM) service.[1] The new LPFM service will include two classes of LPFM radio stations to operate within the FM radio frequency band (88-108 MHz) with power levels from 1-10 watts (LP10) and 50-100 watts (LP100) respectively. The 10 watt stations (called "microradio") will be able to reach an area with a radius of one to two miles, and the 100 watt stations will reach within approximately a three and a half mile radius.

The FCC rules include provisions to protect all full power radio stations from radio interference by LPFM stations. LPFM, however, will have no protection from interference. To prevent interference with existing FM stations, the frequencies for LPFM stations may not be placed on the same channel (co-channel), or the first or second adjacent channels on the FM radio band. LPFM stations, however, will not be required to protect stations three channels away (third adjacent channel), as is required for full power stations. For example, under rules applicable to existing full power radio stations where there is a station on 93.5, there is currently no station in the same geographic area on 93.7 (the first adjacent channel), 93.9 (the second adjacent channel) or 94.1 (the third adjacent channel). The new spacing criteria would allow a new LPFM station to be licensed on the third adjacent channel, or 94.1. Contrary to some comments in the proceeding, the FCC determined that LPFM stations will not cause any unacceptable levels of interference to existing radio stations separated by three channels.

Eligible LPFM licensees will be non-profit government or educational institutions, or public safety or transportation services. No existing broadcasting licensee or media entity (e.g., cable or newspapers) can have an ownership interest or any program or operating agreement with an LPFM station. In addition, to encourage locally originated programming, LPFM stations will be prohibited from operating as translators or boosters.[2] LPFM stations will be licensed exclusively to local entities for the first two years of license availability. Later, however, non-local entities will be eligible for licenses. Each licensee may own only one station in any given community. Eventually, a licensee may own up to ten stations nationwide. Cases of mutual

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[1] FCC 00-19, Report and Order, MM Docket 99-25, released January 27, 2000.

[2] Translators are services that re-broadcast the signal of a primary FM station to areas that would otherwise have poor reception due to distance or terrain barriers, e.g., a mountain. Boosters are essentially translators that use the same frequency as the primary FM station.

exclusivity (i.e., when the FCC receives more than one application for an LPFM license in the same location and frequency) will be resolved through a selection process whereby points are awarded for (1) having an established local presence, (2) pledging to operate at least 12 hours daily, and (3) pledging to air locally originated programming. The point system is designed to encourage mutually exclusive applicants to combine their applications with other applicants.

The FCC rule contains a provision addressing "pirate" radio stations (operators of illegal, unlicensed broadcast stations, which can normally be subjected to fines, loss of equipment, or even imprisonment). Such groups may apply for licenses if they had voluntarily ceased unlicensed operation no later than February 26, 1999, without an order from the FCC, or if they had ceased unlicensed operation within 24 hours of being advised by the FCC to do so. Those who continued to broadcast illegally will be ineligible for LPFM licenses.

LPFM in the Context of the U.S. Radio Industry

For many years, the FCC has been receiving thousands of inquiries annually from individuals and groups wishing to start low power or "micro" radio stations for small communities. In an attempt to meet that demand, the FCC in a *Notice of Proposed Rulemaking* (NPRM) adopted on January 28, 1999, proposed to license new 1000 watt and 100 watt LPFM radio stations, and sought comments on establishing a third class of microradio stations at power levels from 1 to10 watts. The FCC received a very large number of comments in this proceeding (over 3300). This led to several extensions of the comment/reply comment deadlines, which finally closed November 5, 1999.

The FCC has allotted licenses for full power FM stations by requiring specified minimum distance separations between stations on the same channel and within three adjacent channels, providing a service area within which their signals are protected from interference. To protect existing stations, LPFM stations will be required to meet minimum distance separations. Also, full power stations will operate at much higher power levels (from 6,000 to 100,000 watts, depending on the license class) than LPFM stations, making interference caused by LPFM on full power FM broadcasts less likely.

Prior to adoption of the LPFM rule, the FCC allowed unlicensed stations to operate on the AM and FM bands using extremely low powered radio transmission devices covered under Part 15 of the FCC's rules. On FM frequencies, these devices are limited to an effective service range of approximately 11 to 30 meters.[3] On AM frequencies, they are limited to about 61 to 76 meters.[4] These devices must accept any interference caused by other operations, which further limits a station's effective service range. One Part 15 service used for community broadcasting is called *carrier*

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[3] Title 47 Code of Federal Regulations Sections 15.239. Part 15 devices also include cordless phones, garage door openers, wireless Internet access, and other low power wireless devices.

[4] Title 47 CFR Sections 15.207, 15.209, 15.219, and 15.221.

current stations, or "campus radio." A carrier current station consists basically of an AM radio signal on a specified frequency band injected into a power line. The effective service range of a carrier current station is approximately 61 meters from the power line, but a carrier current signal will not pass through a utility transformer, further limiting the signal's coverage.[5] Approximately 140 U.S. colleges and universities have carrier current stations. There are other ways of reaching community groups, such as cable TV channels or the Internet, but those services have relatively large costs for equipment and subscriptions.

Prior to 1978 the FCC licensed a class of noncommercial radio stations called Class D stations, limited to 10 watts, to educational institutions. Although no new Class D stations will be licensed, there are still about 121 of them licensed to schools mostly in areas of the country where radio spectrum is heavily used, thereby preventing them from upgrading to full power stations. Class D stations have not caused significant concerns over interference among full power radio broadcasters.[6]

The final LPFM rule did not adopt all of the elements proposed in the NPRM. The FCC rejected the proposal for 1000 watt LPFM stations due to opposition to that proposal by current broadcasters and some public interest groups. Also, the NPRM had proposed the suspension of both the second and third adjacent channel protection requirements. The final rule suspended only the third adjacent channel protection. The NPRM had also raised the possibility of a commercial LPFM service, but the final rule adopted only a noncommercial service.

Arguments For and Against the Provision of LPFM Licenses

The FCC's LPFM decision has been met by strong reactions from industry groups, non-profits, and government officials, either opposing or supporting the decision. Below is a summary of the main groups and their arguments on the issue.

Groups Opposed to LPFM

Organizations and individuals that are opposed to the establishment of LPFM are concerned that it will cause interference with existing broadcasters. These groups include the National Association of Broadcasters (NAB), the Corporation for Public Broadcasting (led by National Public Radio), the Consumer Electronics Association, and several state legislators. They argue that the FCC decision was hasty and failed to consider all of the potential technical and economic ramifications for existing radio

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[5] 47 CFR Sections 15.207 (c), 15.209(a), and 15.221.

[6] According to testimony by David Maxson, of Broadcast Signal Lab, LLP, at the House Commerce Committee, Subcommittee on Telecommunications, Trade, and Consumer Protection, "the separation requirements for 100 watt LPFM stations are much more conservative than those which apply to existing class D stations which have been successfully coexisting with full power stations for many years."

services. Other opponents of the new rule argue that LPFM will not be able to provide the services that community groups expect.

Most (but not all) incumbent FM broadcasters oppose the LPFM ruling, arguing against it based primarily on the possibility of interference with their broadcast signals. Some incumbents are concerned about potential competition with LPFM stations for revenue. The National Association of Broadcasters, perhaps the most vocal group opposing the rule, argues that LPFM service would cause unacceptable levels of interference to the listening public. The NAB argues that the benefit of LPFM (fostering an increased diversity of broadcasts) does not outweigh the costs (interference with existing FM broadcasts and potential threats to their economic viability), and that there is no demand for LPFM in areas where spectrum is available. NAB also questions the FCC's ability to administer the licenses and enforce the broadcasting regulations on the LPFM stations, stating that more than 1000 new LPFM stations are expected to be licensed.[7] In addition to its lobbying effort, NAB has also filed suit with a U.S. Appeals court to block the LPFM ruling.

Some incumbent radio stations approve of the FCC's attempt to encourage diversity on the airwaves by introducing LPFM licenses, but have significant concerns about the FCC's rules. For example, officials of National Public Radio (NPR) argue that since there is a debate over whether LPFM will cause interference with incumbents, the FCC should establish a process for adjudicating potential cases of interference. The NPR is also concerned that the rules provide inadequate protection for translators and boosters, and that introducing LPFM licenses would further undermine the FCC's ability to grant applications for new translator and booster licenses. NPR further argues that the FCC's ruling failed to take into account the potential impact of LPFM on the future transition of analog radio services to digital audio broadcasting (DAB), and that further analysis is necessary before moving forward on the LPFM service. In addition, some small local stations are concerned that LPFM stations would compete with them for funding, potentially diluting their base of support.

Groups Supporting LPFM

During the FCC's LPFM proceeding, several community, church, public interest and civil rights groups presented comments in support of LPFM. Included in these groups are the National Federation of Community Broadcasters, the Minority Media and Telecommunications Council,[8] the United Church of Christ Office of

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[7] The FCC subsequently estimated the number of LPFM stations to be established under its plan would likely be between 300 and 400.

[8] The Minority Media and Telecommunications Council consists of a group of 24 civil rights organizations: African American Media Incubator, Black College Communication Associations, Cleveland Talk Radio training Consortium, Cultural Environment Movement, Fairness and Accuracy in Reporting, League of United Latin American Citizens, Media Action Network for Asian Americans, Minority Business Enterprise Legal Defense and Education Fund, Inc., Minority Media and Telecommunications Council, National Asian American Telecommunications Association, National Association for the Advancement of

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Communications,[9] and a large number of groups organized within states and local communities. In August 1999, the FCC's Local and State Government Advisory Committee adopted a statement supporting the FCC's proposal for LPFM service, as did the National League of Cities. Other groups supporting the FCC's decision include the Media Access Project (an advocate for the public interest in media services), the AFL-CIO (the largest U.S. labor union), U.S. Catholic Conference, and many colleges, churches, and minority- and community-based groups that are less organized than the industries opposing the ruling.

These groups argue that LPFM is a relatively inexpensive medium to operate and is well-suited to cover community issues and local culture. They argue that the local character of radio has been weakened by the consolidation of ownership resulting from the 1996 Telecommunications Act, and that the number of independent local voices has dropped sharply, with most of those lost to broadcasting being small, locally-based and minority broadcasters.[10] They believe that by providing increased competition in voices and content choices, LPFM will help to serve the public better by providing significantly greater opportunities for citizen involvement in broadcasting. They also argue that the interference claims of existing broadcasters are exaggerated, and that the FCC's final rule is conservative in terms of the small power approved (10 watt and 100 watt), and the retention of the second adjacent channel protection.

Commissioners' Positions

The majority of the five FCC Commissioners voted in favor of the LPFM ruling (one Commissioner voting against the ruling and one dissenting in part). FCC Chairman Kennard, and Commissioners Ness and Tristani, supported the ruling, stating that it will help minorities, women, and local communities to gain more representation in mass media. Chairman Kennard stated that the 1996 Telecommunication Act, which allows one radio chain to own multiple stations in the same city, had caused consolidation in the broadcast industry, and that since 1996, nearly 1000 smaller stations had been bought by larger chains, reducing the opportunities for new entrants. He argued that LPFM will use the broadcast

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[8] (...continued)
Colored People, National Association of Black Journalists, National Bar Association, National Hispanic Foundation for the Arts, National Hispanic Media Coalition, National Indian Telecommunication Institute, National Latino Telecommunication Taskforce, Native American Journalists Association, Project on Media Ownership, Puerto Rican Legal Defense & Education Fund, Rainbow/PUSH Coalition, San Diego Community Broadcasting School, Telecommunication Research and Action Center, and Women's Institute for Freedom of the Press.

[9] Groups that signed on comments were: National Council of the Churches of Christ, Communications Commission; General Board of Global Ministries of the United Methodist Church; Department for Communications of the Evangelical Lutheran Church in America; Civil Rights Forum; Libraries for the Future; Black Citizens for a Fair Media; and Consumer Union.

[10] Comments of the Minority Media and Telecommunications Council to the FCC, submitted August 3, 1999. p. 7.

spectrum more efficiently to provide an opportunity for greater diversity of programming content.

Commissioner Powell, while agreeing that consolidation in the broadcasting industry has limited the opportunities for localized interests, dissented in part. He argued that many of the existing small and independent stations across the country could be threatened by increased competition for funding, as well as signal interference by LPFM stations. To mitigate these concerns, he suggested providing LPFM licenses in selected communities first, and retaining the third channel adjacency protection for full power stations to minimize the risk of interference. After evaluating the economic impacts in those markets, the FCC could decide whether to move to full service with less adjacency protection.

Commissioner Furchtgott-Roth dissented, stating that he was not opposed to the creation of a low power radio service, but believed that the suspension of third adjacent channel protections for LPFM stations would create interference for listeners of existing stations. He argued that the FCC rules may not allow 100 watt LPFM licenses in some cities where the airwaves are most congested (10 watt stations would be allowed in all cities). He also believed there is no evidence of economic viability for LPFM stations in other areas, given that there is little existing demand for additional full power stations in those markets.

Technical Issues

The main technology question under debate is whether LPFM broadcasts will cause any significant interference with existing FM signals. During the LPFM proceeding, the FCC conducted tests of LPFM signal transmissions to determine the impact of LPFM on full power FM broadcasts for various types of radio receivers. The FCC's engineering report concluded that LPFM signals would not cause interference with the signals of full power FM stations within their service areas.[11] In addition to the FCC study, three other technical studies of FM receivers were conducted. Those studies were submitted with recommendations to the FCC by the NAB, the Consumer Electronics Association (CEA, together with NPR and the Corporation for Public Broadcasting), and the National Lawyers Guild (a public interest advocacy group).

The studies examined various types of consumer radios including automobile radios, component tuners or receivers, portable radios (e.g., "boom boxes"), personal radios (e.g., "Walkman" units), and clock radios. While there is no official standard for how much interference to existing licensees is acceptable, a commonly used measurement of audio quality is signal-to-noise ratio (S/N) of the received signal. A higher S/N indicates better audio quality, and a lower S/N means the output will sound noisier.[12] Another common way to compare interference levels is by measuring distortion of the received signal (i.e., the change in the waveform of the signal output

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[11] *Second and Third Adjacent Channel Interference Study of FM Broadcast Receivers,* Technical Research, Laboratory Division, Office of Engineering and Technology, FCC, July 19, 1999.

[12] S/N ratios are measured in decibels (dB), a logarithmic expression of ratios.

compared to the input), which was used in the FCC's study. While methodologies differed among the tests, the measurements were consistent.

In all of the tests, portable, personal, and clock radios were more susceptible to interference than other radio types. However, because the standards for acceptable interference used by the NAB and CEA/NPR were much higher than those used by the FCC and NLG, and because different samples of radios were used in each test, a greater percentage of radios tested by the NAB and CEA/NPR failed to meet interference criteria compared to the FCC's and NLG's tests. The CEA argues that many of the 700 million radios in use today, as well as radios built in the future, will have a decreased ability to receive existing broadcasts as a result of the presence of LPFM signals. The FCC claims that the S/N standards for interference used by NAB and CEA were inappropriate because "most radios do not perform to these levels, even in the absence of any interference..."[13] Critics of the NAB and NPR positions argue that while they use the interference issue as their argument against LPFM, their real concern is that LPFM stations will present competition to full power stations.

A second technical issue is whether LPFM will impede the ability of existing radio stations to make the transition to digital transmission capabilities. The FCC and the radio industry are planning to convert U.S. terrestrial broadcasting to a more efficient digital transmission system called digital audio broadcasting (DAB). One of the FCC's proposals in its DAB proceeding is to allow radio stations to use a system that enables broadcasts of both the new digital signal and the existing analog signal simultaneously on the same channel, a system referred to as In-Band-On-Channel (IBOC). Some broadcasters question whether IBOC systems would be more susceptible to interference than the analog broadcasts alone, and argue that investigation is necessary before proceeding with LPFM.

The NAB has been distributing a compact disc (CD) to congressional offices and other groups that purports to demonstrate the type of interference to existing radio stations that will occur from LPFM stations. The Chief of the FCC's Office of Engineering and Technology has stated that "the CD demonstration is misleading and is simply wrong."[14]

Economic/Policy Issues

Will LPFM stations be cost efficient or will they place a financial burden on existing broadcasters? The U.S. radio broadcasting industry has experienced an unprecedented wave of consolidation and mergers since passage of the 1996 Telecommunication Act.[15] The consolidation trend has raised barriers (namely, size

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[13] Testimony by Bruce Franca, Deputy Chief of FCC Office of Engineering and Technology, at hearing by the House Subcommittee on Telecommunications, Trade, and Consumer Protection, February 17, 2000.

[14] Statement of Dale Hatfield, Chief, Office of Engineering and Technology, and Roy Stewart, Chief, Mass Media Bureau concerning LPFM Engineering Issues, March 24, 2000.

[15] According to BIA Financial Network (a technology consultancy (continued...)

and costs) for new broadcasters. Advocates argue that LPFM will have few operating requirements, thus allowing new entrants into broadcasting activities at reduced rates. If LPFM licensees are able to gain the support of dedicated and capable volunteers, operating costs could be kept at a minimum, and they will not require a large amount of funding to remain in existence. However, some broadcasters in small market areas fear that these stations will siphon some of their funding. Some commercial stations fear that some of their advertising support could shift to one or more LPFM stations in the form of underwriting, to the extent that audiences migrate to LPFM.

Another question that has not been addressed extensively in the debate is whether LPFM stations will be able to maintain a reliable service. The process of creating original audio programming every day, could prove to be a daunting challenge for small volunteer-based groups.[16] Experienced broadcasters understand the importance of having a reliable, quality programming content in order to maintain a consistent audience over time.

Congressional Activity

The following events have occurred in Congress related to the FCC's LPFM proceeding:

- On March 16, 1999, 25 Members of the House of Representatives signed a letter to the FCC in support of LPFM.
- On November 17, 1999, Representative Oxley introduced the Radio Broadcasting Preservation Act of 1999 (H.R. 3439) to prohibit the FCC from establishing rules authorizing the operation of new, low power FM radio stations.
- On February 10, 2000, Senator Gregg introduced an identical companion bill (S. 2068) which currently has 35 co-sponsors.
- On February 17, the House Commerce Committee, Subcommittee on Telecommunications, Trade, and Consumer Protection, held a hearing on LPFM. Witnesses testified for and against LPFM, and Representative Bonior, submitted a statement in support of LPFM.
- On March 23, the House Subcommittee on Telecommunications, Trade, and Consumer Protection approved H.R. 3439 without amendment, by voice vote.
- On March 29, at the House Commerce Committee mark-up, an amendment in the nature of a substitute, offered by Representatives Wilson and Dingell, was agreed to by voice vote. Changes made by the amendment include requiring LPFM stations to meet third adjacent channel protections for existing FM stations, requiring

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[15] (...continued)
[http://www.biacompanies.com]), between 1995 and 1998, the number of radio station owners decreased 18.8% from 5,222 to 4,241.

[16] LPFM stations will have the same operating hour requirements as full power noncommercial FM stations. Those include operating at least 36 hours per week, and at least five hours per day and six days per week.

congressional authority for future changes to these protections, mandating that the FCC conduct a pilot program administered by an independent testing entity to test whether LPFM stations will result in harmful interference to existing FM stations if third channel protections are not in place, and requiring the FCC to report its findings to Congress by February 1, 2001. The Committee, by voice vote, ordered the amended bill to be reported.

- On March 29, upon the House Commerce Committee's action, FCC Chairman Kennard estimated that imposing the third adjacent channel protection requirement would eliminate 75% of the potential LPFM licenses that could be issued.
- On April 12, the White House issued a Statement of Administration Policy, opposing H.R. 3439, stating "The Administration strongly opposes House passage of H.R. 3439 ... which would restrict the ability of the FCC to license community-oriented, non-commercial, low-power FM radio service." A Clinton aide said that a veto of the legislation, as written, is likely.
- On April 14, the House passed (274-110) H.R. 3439 without further amendment. It is estimated that the legislation would have the effect of reducing the number of LPFM stations from approximately 300-400 down to 70. The legislation would also require the FCC to conduct field tests of the LPFM service to determine if the third adjacent channel protection can be dropped without interference problems The bill requires the FCC to report its findings to Congress by February 21, 2001.
- On May 8, Senator McCain introduced S. 2518, to ensure the integrity of the FM radio band while permitting the introduction of LPFM licenses. The bill would appoint the National Academy of Sciences to determine whether an LPFM station is causing harmful interference to full power broadcasters, and enable the full power station to sue that LPFM station in federal court. It would require the FCC to complete all rulemakings to implement the transition to digital audio broadcasting by June 1, 2001.
- On July 27, Senator McCain introduced S. 2989 (a modified version of S. 2518), which would require any LPFM licensee determined by the FCC to be transmitting a signal causing harmful interference to licensed radio services to cease such transmission and to refrain from recommencing its signal until it has taken FCC-prescribed action to eliminate such interference. The FCC may assign complaint costs to the losing party and punitive damages for frivolous complaints.
- On September 7, Senator Grams introduced S. 3020, which is identical to the House-passed version of H.R. 3439. The bill currently has 25 co-sponsors.
- On October 4, Senator McCain sent a letter to Senators Lott and Stevens objecting to the possibility that "the Appropriations Committee might include language that would significantly restrict the licensing of LPFM radio stations."
- In an October 6 Statement of Administration Policy regarding the FY 2001 Appropriations bill for Departments of Commerce, Justice, State, the Judiciary, and Related Agencies (H.R. 4690), the White

House stated that "...we understand there may be an amendment that would hinder FCC from approving low power broadcasting by community groups. We do not believe such amendments should be added to this bill."

- On October 26, H.R. 4690 passed Congress, and was sent to the White House on October 27. The bill was withdrawn when a veto was indicated by the President.
- The provision was again included in the District of Columbia Appropriations bill (H.R. 5547), which was incorporated in the Commerce, Justice, and State Appropriations bill (H.R. 4942) that passed Congress on December 15, 2000 (Conf. Rept. 106-1005), and signed into law (P.L.106-553) on December 21, 2000.

FCC Licensing Activity

While the LPFM legislation was moving through Congress, the FCC began the preliminary steps toward issuing LPFM licenses without granting any licenses. On March 27, the FCC conducted a lottery to determine the order in which it will accept applications for LPFM licenses. The lottery determined applicants from the following states to be accepted by the end of May: Alaska, California, the District of Columbia, Georgia, Indiana, Louisiana, Maine, Mariana Islands, Maryland, Oklahoma, Rhode Island, and Utah. Applications from four other groups of states would be accepted in staggered dates over the course of the next year. Instructions for filing application for construction permits for LPFM stations and an LPFM applicant's guide are posted on the FCC's web site at [http://www.fcc.gov/mmb/prd/lpfm/]. On April 28, the FCC announced that it would accept applications for the 100-watt (maximum power) LPFM stations from May 30 to June 5, 2000 (extended to June 8), from groups located in the first group of states/territories. The FCC also developed a LPFM Channel Finder software program (available on the FCC's website) to help applicants determine whether there are available LPFM channels in their local area.

On July 28, the FCC announced the filing window for 100-watt LPFM construction permits from the next group of states/territories to be from August 28-September 1, 2000. On September 15, the FCC announced that it had received 473 LPFM applications from non-profit community-based organizations and state and local governments in the second filing window.

On September 28, the FCC released its decision to affirm its order creating LPFM radio service, created a procedure to expeditiously resolve complaints from listeners of full power radio stations claiming unexpected interference from LPFM stations, and provided additional protection for those stations providing radio reading services for blind or low vision listeners.[17]

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[17] *Memorandum Opinion and Order on Reconsideration*, in the Matter of Creation of Low Power Radio Service, MM Docket 99-25, released September 28, 2000.

On December 15, the FCC announced that it would accept its third round of LPFM applicants from January 16-22, 2001 from American Samoa, Colorado, Delaware, Hawaii, Idaho, Missouri, New York, Ohio, South Carolina, South Dakota, and Wisconsin.

On December 21, the FCC announced that 255 noncommercial educational applicants in 20 states are eligible for LPFM licenses. Applicants could begin receiving construction permits for their new LPFM stations after 30 days. Additional eligible applicants from these twenty states, whose applications conflict with other applications filed in the same geographic area, will be announced at a later date. Pursuant to the LPFM provisions in the FY2001 Appropriations, applicants are only eligible for LPFM licenses if the stations proposed in their applications fully protect full service FM and FM translator stations authorized on third-adjacent channels. In addition, pursuant to the legislation, eligible applicants must not have engaged in the unlicensed operation of any broadcast station.