

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
Amendment of Part 74 of the Commission’s Rules ) MB Docket No. 18-119  
Regarding FM Translator Interference )

**REPLY TO COMMENTS**

The LPFM Coalition (“LPFM Coalition”), through counsel, hereby replies to the Comments due August 6, 2018 on the proposals contained in the “Notice of Proposed Rulemaking” in the above-captioned proceeding (“NPRM”) to amend Part 74 of the Commission’s Rules Regarding FM Translator Interference.

Introduction

1. The LPFM Coalition brings together Low Power FM Station (“LPFM”) licenses with community advocacy organizations that have led efforts to create community-based media through LPFM. More than 100 LPFM stations and advocacy organizations<sup>1</sup> have now joined the Coalition in firm support of the basic premise that the Commission must place the interests of listeners first as it considers streamlining Translator Interference procedures.
2. The LPFM Coalition understands and lives the business realities of broadcasting, albeit from the perspective of community-run grassroots stations. LPFM stations must meet expenses just like full power broadcasters do – but do so in full respect of the policy underlying the Local Community Radio Act of 2010<sup>2</sup> (“LCRA”), which Congress enacted to foster and expand LPFM

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<sup>1</sup> A list of those participating in the coalition is attached hereto as Attachment R-1. The LPFM Coalition, collectively, and each of its members, individually, are therefore collectively and individually “parties” with standing in any further proceedings arising from the NPRM.

<sup>2</sup> 111 P.L. 371, 124 Stat. 4072 (2011).

to “further the overriding national policy goals of promoting broadcast localism and diversity.”<sup>3</sup>

The Commission itself has acknowledged this mandate, noting: “LPFM stations are uniquely positioned to meet local needs, particularly in in areas of higher population density.”<sup>4</sup>

3. In this context, the LPFM Coalition offers this Reply to Comments (“Reply”) filed in response to the NPRM.

### Discussion

#### PROPOSED 54 dBu INTERFERENCE PROTECTION CUTOFF

4. “It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount.”<sup>5</sup> Other commenters reflected this non-controversial bedrock principle underlying all broadcast regulation.<sup>6</sup>

5. This has always meant that listeners have a right to maintain access to particular stations, notwithstanding efforts by other stations to take over such spectrum and, thereby, eliminate those listeners’ reception of a preferred station.

6. No statutes have changed. Nonetheless, the NPRM proposes to chip away – and even substantially lop off – listener rights. It would do this by severely limiting the geographic area from which a listener can complain about translator interference to places within a station’s 54

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<sup>3</sup> Comments of Rep. Henry Waxman, chair of House Energy and Commerce Committee, which had LCRA review jurisdiction. Rep. Waxman’s spoke during the floor debate immediately preceding House passage of LCRA on Dec. 17, 2010. LOCAL COMMUNITY RADIO ACT OF 2010, 156 Cong Rec H 8619, 8623.

<sup>4</sup> *Creation of a Low Power Radio Service*, Fourth Report and Order and Third Order on Reconsideration, 27 FCC Rcd 3346, 3373 at para. 19 (“Fourth Report and Order”).

<sup>5</sup> *CBS v. FCC*, 453 U.S. 367, 395 (1981) (internal citations omitted).

<sup>6</sup> *E.g.*, “The focus should be on the listener.” Comments of Educational Media Foundation, filed Aug. 6, 2018, at 17.

dBu contour.<sup>7</sup> This plan would allow some broadcasters to reap a windfall through a larger potential audience created by disenfranchising listeners of other stations adversely affected as the Commission allows more interference to existing services they have regularly received.

7. Many who would benefit, not unexpectedly, praised this proposal. But, supporters of the 54 dBu cutoff don't provide much in the way of public interest analysis or arguments to support their positions. They ultimately speak only of the importance of liberating this spectrum for private interest rather than the most fundamental statutory command to regulate "as public convenience, interest, or necessity requires."<sup>8</sup> Not that anyone should be faulted for pursuing business interests. That's the nature of the U.S. economic system, which has proven itself adept at innovation.

8. But this proposal *does not foster innovation*. It *fosters appropriation* by taking away from the public what it has always been its right (broadcast service it relies upon), to benefit those seeking to repurpose a particular piece of publicly owned spectrum to meet their own business goals.

9. The thing is, private benefit, *absent benefit to the listening public*, is simply not – and never has been – considered to be in the public interest under the Communications Act. Insofar as the statutory underpinning has not changed, this regulatory norm cannot change, either.<sup>9</sup>

10. The LPFM Coalition is not alone in recognizing that *actual data and actual facts* demonstrate the public interest militates AGAINST the 54 dBu cutoff beyond which listener

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<sup>7</sup> *NPRM* at 14, para. 28.

<sup>8</sup> 47 U.S.C. Sec 303.

<sup>9</sup> Lest such action violate the Administrative Procedure Act as arbitrary, capricious and contrary to law.

interference complaints, which FCC staff now review, would instead end up in the Commission's procedural dumpster.

11. Joint Comments filed by a number of larger commercial station group owners<sup>10</sup> ("Joint Comments") conclusively demonstrate how much listening takes place outside the 54 dBu contour and how much radio listeners in such areas seek out their favorite radio stations with regularity and passion.

12. The Joint Comments present ratings data, which the Commission itself recognizes as reliable and valid in its rules.<sup>11</sup> Similarly, New York Public Radio, which manages public radio stations in the most densely populated region of the country, provides a combination of ratings data and its own membership statistics to demonstrate the importance of its programming to listeners outside its 54 dBu contour.<sup>12</sup> Religious broadcasters likewise provide evidence that listeners regularly seek out their particular broadcasts well outside the 54 dBu contour.<sup>13</sup> Several full power broadcasters with highly localized or unique niche programming lineups also submitted significant, reliable data to demonstrate extensive and intentional listening well outside their 54 dBu contours.<sup>14</sup>

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<sup>10</sup> Comments of Beasley Media Group, LLC, Cox Media Group, LLC, Gradick Communications, LLC, iHeart Communications, Inc, Neuhoff Corp, Radio One Licenses, LLC/Urban One Inc., Withers Broadcasting Companies, filed Aug. 6, 2018.

<sup>11</sup> *See, e.g.*, 47 C.F.R. Sec. 73.3555 which specifically bases a regulatory rubric on ratings data.

<sup>12</sup> *See* Comments of New York Public Radio, at Exh. A, filed Aug. 6. 2018.

<sup>13</sup> *See, e.g.*, Comments of Beaver Springs Faith Baptist Church, filed Aug. 1, 2018; Comments of Calvary Chapel of Costa Mesa, Inc., filed Aug. 6, 2018; and Comments of Educational Media Foundation, filed Aug. 6, 2018.

<sup>14</sup> *See, e.g.*, Comments of Plymouth Rock Broadcasting Co., Inc., filed Aug. 6, 2018; Comments of WSOU-FM, filed Jul. 31, 2018; and Comments of Pueblo Broadcasting Group, filed Jul. 27, 2018.

13. The New Jersey Broadcasters Association (“NJBA”) points out that, with the Garden State does at the heart of the nation’s most dense megalopolis, listeners to New Jersey stations often tune in well beyond any arbitrary 54 dBu cutoff point. Many commute great distances to New York or Philadelphia – but use their regular New Jersey station as a beacon connecting them to their communities. NJBA provides powerful data indicating that, en masse, “over 50% of their listening audiences” would become vulnerable to translator interference should the FCC limit interference remediation to listening outside a station’s 54 dBu contour.<sup>15</sup>

14. Given this overwhelming accumulation of evidence, the Commission must jettison the 54 dBu threshold proposal. The Administrative Procedure Act requires regulation based on actual data on the record of a rulemaking proceeding. On-the-record data demonstrates, without much to contravene it, that the ridiculously restrictive proposal for a 54 dBu interference protection cutoff will not support either (a) the longstanding public interest focus on listeners, which the Communications Act and related case law require or (b) promote localism and diversity through LPFM, which LCRA requires.

#### MINIMUM NUMBER OF LISTENER COMPLAINTS

15. The LPFM Coalition opposes a one-size-fits all rule that would require any station, no matter how small its wattage, to gather six *bona fide* listener interference complaints before mandatory interference remediation.

16. Not surprisingly, this proposal was uncontroversial among stations that operate with greater power than any LPFM station could. This, even though the proposed six-complaint minimum would shift regulatory focus away from the rights of individual listeners to the rights of those broadcasters creating interference. It is simply easier for a station with more power and,

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<sup>15</sup> Comments of New Jersey Broadcasters Association, filed Aug. 6, 2018 at 4.

therefore, a larger potential audience, to gather six listener complaints than it would be for an LPFM that, by design, provides service to a smaller contour area and a concomitantly smaller population.

17. One individual commenter, Jeff Sibert, argued persuasively that such a one-size-fits-all minimum would “cause further harm to the LPFM operators and lower powered class A licensees.”<sup>16</sup>

18. A broadcast consultant, who has been on both sides of his client’s cases involving translator interference, notes that no fixed quantum of listener complaints “provide a full, or even useful, picture of real world interference . . . .”<sup>17</sup>

19. Arbitrary minimums simply empower abusers, some commenters suggest. “Six or sixty, the serial complainers will come up with the requisite number of letters.”<sup>18</sup>

20. “Anyone making a case for interference can gin up as many complaints as needed,” wrote a station owner with both AM and Translator licenses in his portfolio.<sup>19</sup>

21. Indeed, the dishonest will meet whatever bar is set. Those with smaller broadcast contours who can only draw from a smaller pool of actual listeners – and who maintain integrity – will face increased difficulty in the face of a determined foe with greater resources and fewer scruples. This is not an outcome the Commission should encourage. Longstanding legal

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<sup>16</sup> Comments of Jeff Sibert, filed Aug. 6, 2018 at 1. Mr. Sibert describes, in Section IV of his comments, how a one-size-fits-all minimum, as proposed, would harm and LPFM stations and lead some to shut down. Such an outcome, resulting from rule changes, would violate LCRA statutory mandates that the Commission foster LPFM development. *See* para 3, *supra*.

<sup>17</sup> Comments of Scott Fybush filed Aug. 6, 2018 at para 7.

<sup>18</sup> Comments and Counterproposal of Wheeler Broadcast Consulting, filed May 17, 2018, at 4.

<sup>19</sup> Comments of Larry Langford, who owns and operates WGTO-AM, W244Ds and W247DW, filed June 12, 2018, at 1.

principles make clear “the FCC would be derelict if it did not hold broadcasters to ‘high standards of punctilio,’ given the special status of licensees as trustees of a scarce public resource.”<sup>20</sup> A rule that encourages dishonest submissions to the Commission, such as the proposed six-complaint minimum, is clearly not in the public interest.

#### INCREASED STANDARDIZATION FOR INTERFERENCE COMPLAINTS

22. The concept of standardizing complaint information requirements appeared to be relatively non-controversial, except for those who believe the Commission should eliminate listener complaints altogether in favor of pure engineering-based analysis.

23. Still, several commenters recognized that any such standardization must account for different needs among differing groups of listeners, stations and other stakeholders.

24. Educational Media Foundation, a large group licensee of non-commercial radio stations, wisely points out that rules for mobile complaints (from car radio listeners, for instance), must not require too much geographic specificity. People driving on freeways may not be able to safely identify a particular cross street while actively operating a motor vehicle. Any “required maps should plot the location(s) or areas of interference, even if that interference may occur at multiple points on a drive.”<sup>21</sup>

25. A number of commenters also noted that listeners filing complaints need additional protection from unscrupulous interfering translator owners that respond to interference complaints by threatening complainants with lawsuits.<sup>22</sup>

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<sup>20</sup> *Leflore Broadcasting Co. v. FCC*, 636 F.2d 454, 461 (D.C. Cir., 1980) (citing *FCC v. WOKO, Inc.*, 329 U.S. 223, 227 (1946), *Lorain Journal Co. v. FCC*, 351 F.2d 824, 830, (DC Cir. 1965), and *Sea Island Broadcasting v. FCC*, 627 F.2d 240 (DC Cir. 1980)).

<sup>21</sup> Comments of Educational Media Foundation, filed Aug. 6, 2018, at 16.

<sup>22</sup> See, e.g., Comments of REC Networks, filed July 24, 2018, and Comments of Bill Turner, filed June 27, 2018.

26. Given evidence of such practices on this record, the LPFM Coalition urges the Commission to incorporate regulatory language firmly barring threats of retribution for *bona fide* interference complaints. The Commission must make explicit that such bad faith actions result in sanctions. The Commission should no longer ignore threats and intimidation by regulates directed against listeners who exercise their Constitutional right to petition the government about something of concern to them. Curtailing such abuse wholly comports the Supreme Court’s Noerr-Pennington Doctrine that protects legitimate citizen petitioning of a government agency as a First Amendment right.<sup>23</sup>

27. The Commission is rightly concerned with both the integrity and the efficiency of its processes. It can best accommodate both by rule updates that neither incentivize dishonesty nor allow abusive pushback against listeners legitimately exercising their rights pursuant to both the Communications Act and the First Amendment. Standardized Translator Interference complaint procedures require nothing less.

28. As with other FCC complaint mechanisms, the Commission should empower individual listeners – not just stations – to submit interference complaints. This goal could be simply accomplished by updating the drop-down complaint form at the Commission’s Consumer Complaint web page<sup>24</sup> to include any and all information required for compliant interference

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<sup>23</sup> See *BE&K Constr. Co. v. NLRB*, 536 U.S. 516 (2002). “We have recognized this right to petition as one of ‘the most precious of the liberties safeguarded by the Bill of Rights,’ *United Mine Workers v. Illinois Bar Ass’n*, 389 U.S. 217, 222 (1967), and have explained that the right is implied by ‘the very idea of a government, republican in form,’ *United States v. Cruikshank*, 92 U.S. 542, 552, 23 L. Ed. 588 (1876) . . .’the right to petition extends to all departments of the Government . . . .” *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972).

<sup>24</sup> [https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38844](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38844)

complaint submission. Once filed, these individual complaints should then be delivered automatically to any bureau involved (e.g., Media Bureau or Enforcement Bureau), as well as forwarded to any station either alleged to cause interference or to receive interference in an individual listener's complaint.

#### OTHER LEGAL AND PROCEDURAL ISSUES

29. Some Commenters, notably REC Networks, ask the Commission to incorporate modernized privacy protections into any Translator Interference complaint streamlining.<sup>25</sup> It is no revelation that, as the Internet makes it all too easy to harvest personal information, the Commission's publicly available documents are easier to access than ever. The Commission should make it possible for listeners filing interference complaints to have their personally identifying information redacted. Not everyone needs this protection. But, listeners should be able to obtain it on request. Those with fears of stalkers, angry ex's or violent adversaries should not be forced to choose between filing a legitimate interference complaint and protecting such personal data as home and work addresses, commuting patterns or gym location where a listener uses a regularly received radio signal. A simple checkoff box on a standardized form would allow such privacy protection without much fuss.

30. The Commission need not create new regulations to protect privacy in this way. Section 0.457(g)(3) of the Commission's rules<sup>26</sup> already provides a mechanism. The Commission need only put it to work in the Translator Interference complaint context.

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<sup>25</sup> Comments of REC Networks at paras.12-15.

<sup>26</sup> Codified at 47 C.F.R. Sec. 0457(g)(3), which applies because interference complaints represent investigation and enforcement records.

## TECHNICAL AND ENGINEERING ISSUES

31. Many commenters provided technical or engineering solutions to curtail administrative gamesmanship while still protecting core legal rights and underlying principles that have always guided the Commission's Translator Interference rules. However, some suggested rule changes that would, instead, undermine these principles by making it easier to get away with interference.

32. Several commenters recommended reducing or eliminating rules requiring FM Translators to remediate interference on second or third adjacent channels.<sup>27</sup> This proposal neither comports with the substantial evidence behind good engineering practices<sup>28</sup> nor with LCRA mandates.

33. Although today's FM receiver technology greatly reduces the possibility that listeners suffer interference from stations on second or third adjacent channels, not everyone has a late model unit. The FCC must not mandate that listeners resolve their own interference problem by buying new radios.<sup>29</sup>

34. Moreover, the Communications Act requires regulatory focus on listeners' rights. Even if modern tuner technology makes second and third adjacent interference more unlikely, it still can – and does – occur, as shown in Exhibit R-2, attached hereto. The Commission must not eliminate from second or third adjacent station interference protections any more than traffic regulators should eliminate stop signs because today's cars provide better crash protection.

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<sup>27</sup> See Comments of Larry Langford at 3; Comments of Charles M. Anderson, filed Aug. 6, 2018; and Comments of Fred W. Volken, filed Aug. 6, 2018.

<sup>28</sup> Making implementation of any such scheme suspect under the Administrative Procedure Act.

<sup>29</sup> By contrast, during the digital television transition, the Commission provided members of the public with vouchers that could be used to purchase decoders allowing continued reception using existing TV sets.

35. Moreover, specific statutory mandates in LCRA are the law. LPFM stations and FM Translators must be treated as equal in status.<sup>30</sup> Thus, as LPFM stations must meet a standard “that no actual interference will occur due to an undesired (LPFM) to desired (station delivering signal to translator station) ratio below 34 dB at such translator station's receive antenna”<sup>31</sup> the Commission is not free to allow FM Translators to ignore potential second and third adjacent engineering issues.

36. If interference is serious enough a problem to protect Translators in this way, then the Commission must maintain second and third adjacent interference rules that protect LPFM stations, in keeping with the LCRA’s equal status provisions. Should the Commission allow FM Translators to get away with actual interference on second or third adjacent channels, LPFM would effectively cease to be similarly situated with FM Translators as secondary services; LPFM would become, instead, a de-facto tertiary service with status inferior to Translator stations. Section 5 of LCRA does not permit the Commission to do so – and it must, therefore, decline proposed rule changes in derogation of LCRA.

37. Finally, the LPFM Coalition notes that secondary status means both LPFM Stations and FM Translators face potential displacement should either cause actual interference to full power stations. The LPFM Coalition is already on record supporting equal status for both LPFM and FM Translators that wish to make channel changes to remedy otherwise displacing interference situations. The LPFM Coalition states further, in this reply, that rule changes enabling such

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<sup>30</sup> LCRA, Sec. 5.

<sup>31</sup> 47 CFR Sec. 73.827(a)(1).

channel changes for Translations must directly parallel the rules in Section 73.870(a)(1) that govern existing extended channel changes by LPFM stations.<sup>32</sup>

38. The LPFM Coalition recognizes that such rules must not enable gamesmanship or pretext filing made only to obtain a more desirable channel. The Commission must ensure that the need for a channel jump is real – and prevent such remedies when simpler things can work without upending spectrum allotments. Jeff Siebert gets it right in his comments that the “Commission should simply codify long-standing [waiver] policy allowing only translators to move to another frequency if the translator is facing displacement.”<sup>33</sup> Similarly, the Commission must require a showing that no currently allowed minor channel change would provide a remedy to displacement. Only upon such showing would a translator be given authority to make bigger channel jump.

39. Mr. Siebert also correctly points to additional issues in need of resolution. “LPFM stations that become short-spaced by FM translators have few ways to move away from that interference,”<sup>34</sup> a situation that would worsen should the Commission allow easier channel-hopping without additional LPFM protections in place. While well-resourced larger operations can afford to pay monitoring services to provide a first alert when a potentially interfering short-

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<sup>32</sup> 47 CFR Sec. 73.870(a)(1).

<sup>33</sup> Comments of Jeff Siebert at 3.

<sup>34</sup> *Id.* at 2.

spaced translator application is filed in the neighborhood, “[m]ost LPFM and small NCE operators have little financial resources and are primarily volunteer-driven.”<sup>35</sup> They don’t have money to spend on such first alert services – and, under current FCC rules, typically learn of short-spaced proposals only after actual interference occurs or when they need to relocate facilities. By that time, months can go by before problems are remedied. Not only do short-spacing ambushes like this harm LPFM listeners and stations, but they also increase burdens on FCC staff and other agency resources. Quite simply: it is easier to prevent short-spacing problems before they happen than to unwind them later. The Commission must create procedures that recognize this reality.

40. The Commission should, thus, require those proposing short-spaced translators to (a) notify any other station affected by the proposed short spacing and (b) set a fixed minimum pause time before approval of short-spaced proposals. Such measures would allow an affected station to analyze and, if appropriate, object early – when issues are easier to correct through prevention.

### Conclusion

41. The Comments on the record of this proceeding clearly demonstrate that the Commission must not impose the 54 dBu contour interference protection cutoff proposed in the NPRM. As noted, a 54 dBu cutoff would fail to serve the public interest under the Communications Act, in general, and would also violate the express legislative intent underlying LCRA. For these same reasons, the Commission must not impose a draconian one-size fits all complaint minimum before it acts to curtail Translator Interference. It must also avoid disenfranchising listeners by giving their concerns short shrift in favor of a policy that favors one group of broadcasters who will be winners in this process at the expense of everyone else – most notably radio listeners

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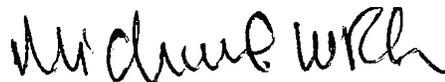
<sup>35</sup> *Id.*

accustomed to receiving a particular station who may not be protected from loss of a cherished radio service.

42. As important as administrative efficiency and streamlining is, they must never trump the interests of the listening public to receive broadcasts that are an important part of their lives.

43. By carefully crafting a standardized submission rubric in ways that do not disenfranchise listeners, the Commission can avoid the cynical ‘who-wins-what’ risk as competing interests seek to craft updated rules and, instead, act in the higher interest – the Public Interest. That means neither imposing regulations that disenfranchise people who have come to depend on a particular broadcast service nor ignoring the concerns of the members of that listening public who actually petition the Commission – a federal agency – about their concerns. The Commission is not free to arbitrarily or capriciously refuse petitions submitted pursuant to citizens’ exercise of First Amendment rights, any more than it is free to ignore the Public Interest under the Communications Act or the Congressional mandate to foster LPFM in the interests of diversity and localism under LCRA, and to treat the LPFM service as anything other than equal in status to the FM Translator service, in the all the ways described in this Reply to Comments.

Respectfully Submitted,



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Sep. 5, 2018

**EXHIBIT R-1**

**UPDATED LIST OF COALITION MEMBERS**

# MEMBERS OF LPFM COALITION

## CALL SIGN & LICENSEE

KAKU-LP Maui Community Television, Inc.  
KALY-LP Somali American Community  
KBOG-LP Bandon Community Radio  
KCIW-LP Curry Coast Community Radio  
KCLA-LP Civic Light Opera  
KCMU-LP Jean Arnold Group Foundatoin  
KCPK-LP Center of the World Festival  
KCXU-LP Center for Careers and Training  
KDAK-LP Dakota Media Access  
KDLB-LP Future Roots, Inc.  
KDLZ-LP Verge Center for the Arts  
KDOO-LP Cascade Community Radio  
KDRT-LP Davis Community Television  
KEPW-LP Eugene Peaceworks  
KEXU-LP Poor Magazine  
KFFD-LP Freeform Portland  
KFFP-LP Radio 23  
KGCE-LP Grace Orthodox Presbyterian Church of Modesto, Ca  
KGIG-LP Fellowship of The Earth  
KHBG-LP National Hispanic Media Coalition  
KHUG-LP Sloan Canyon Communications  
KIEV-LP The Way to Salvation Community Church  
KISJ-LP Borderlands Community Media Foundation, Inc.  
KISN-LP Western Oregon Radio Club  
KJJG-LP Iglesia Centro De Liberacion  
KJMR-LP Ntrepid Group  
KJSO-LP North Omaha Loves Jazz Center  
KJZX-LP Third Coast Activist Resource Center  
KLEK-LP The Voice of Arkansas Minority Advocacy Council  
KMRD-LP Madrid Community Radio  
KODX-LP Earth On-the-Air Independent Media  
KOUV-LP Recording NW  
KPCA-LP Petaluma Community Access  
KPPQ-LP Community Access Partners of San Buenaventura  
KPSQ-LP Omni Center For Peace Justice & Ecology  
KPYT-LP Pascua Yaqui Tribe  
KQRZ-LP Oregon Amateur Radio Club  
KQUA-LP Umpqua Watersheds  
KRSA-LP La Maestra Family Clinic  
KRSM-LP Pillsbury United Communities  
KSFP-LP San Francisco Public Press  
KTAL-LP Southwest Environmental Center  
KTRH-LP Two Harbors Community Radio  
KUBU-LP Access Sacramento  
KUHS-LP Low Key Arts Incorporated

## LOCATION

Kahului, HI  
Minneapolis, MN  
Bandon, OR  
Brookings, OR  
San Pedro, CA  
Napa, CA  
Pine Mountain Club, CA  
San Jose, CA  
Bismarck, ND  
Los Angeles, CA  
Sacramento, CA  
Portland, OR  
Davis, CA  
Eugene, OR  
Oakland, CA  
Beaverton, OR  
Portland, OR  
Modesto, CA  
Modesto, CA  
Pasadena, CA  
Castaic, CA  
Camas, WA  
Bisbee, AZ  
Portland, OR  
South Houston, TX  
Chattaroy, WA  
Omaha, NE  
Austin, TX  
Jonesboro, AR  
Madrid, NM  
Seattle, WA  
Vancouver, WA  
Petaluma, CA  
Ventura, CA  
Fayetteville, AR  
Tucson, AZ  
Hillsboro, OR  
Roseburg, OR  
El Cajon, CA  
Minneapolis, MN  
San Francisco, CA  
Las Cruces, NM  
Two Harbors, MN  
Sacramento, CA  
Hot Springs, AR

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| KUPR-LP Las Placitas Association                                 | Placitas, NM        |
| KUTZ-LP Midtown Radio  | Sacramento, CA      |
| KVSH-LP Voice of Vashon  | Vashon Island, WA   |
| KWUS-LP Radio-4-Us   | Clarksville, TN     |
| KXRW-LP Media Institute for Social Change                        | Vancouver, WA       |
| KXVS-LP Peace and Justice Network of San Joaquin County          | Stockton, CA        |
| KXVY-LP Wilsonville Radio Project                                | Wilsonville, OR     |
| KYWS-LP West Sacramento Neighbors Fair, Inc.                     | West Sacramento, CA |
| KZNQ-LP Santa Clarita Public Broadcasters Corporation            | Santa Clarita, CA   |
| KZZH-LP Access Humboldt  | Eureka, CA          |
| WAMF-LP Voice of the People                                      | New Orleans, LA     |
| WAYO-LP Muccc, Inc.  | Rochester, NY       |
| WBPU-LP African People's Education and Defense Fund, Inc.        | St. Petersburg, FL  |
| WBTV-LP Vermont Community Access Media                           | Burlington, VT      |
| WCIW-LP Coalition of Immokalee Workers                           | Immokalee, FL       |
| WCXP-LP Chicago Independent Radio Project                        | Chicago, IL         |
| WDYO-LP Workers' Dignity   | Nashville, TN       |
| WDYX-LP Woods and Waters Land Trust                              | Frankfort, KY       |
| WEQY-LP Dayton's Bluff   | St. Paul, MN        |
| WFNU-LP Frogtown Community Radio                                 | St. Paul, MN        |
| WFPR-LP Franklin Public Radio                                    | Franklin, MA        |
| WHIV-LP New Orleans Society of Infectious Disease Awareness      | New Orleans, LA     |
| WHNH-LP Associated Churches Of Fort Wayne And Allen County, Inc  | New Haven, IN       |
| WHPB-LP Howell Family Consultant Inc                             | Orlando, FL         |
| WJOP-LP Newburyport Community Media Center                       | Newburyport, MA     |
| WKCG-LP The Ordinary People Society                              | Dothan, AL          |
| WLGM-LP Edgewater Alliance Church                                | Edgewater, FL       |
| WLWR-LP Marinette Radio Association                              | Marinette, WI       |
| WNJI-LP Gospel Light Prayer Church                               | Kearney, NJ         |
| WNRC-LP Nichols College  | Dudley, MA          |
| WOHM-LP Media Reform SC  | Charleston, SC      |
| WOMM-LP The Big Heavy World Foundation                           | Burlington, VT      |
| WONH-LP Pequeñas Ligas Hispanas de New Haven Inc                 | New Haven, CT       |
| WOOC-LP Media Alliance   | Troy, NY            |
| WOWD-LP Historic Takoma Inc.                                     | Takoma Park, MD     |
| WOZO-LP The Neighborhood Center                                  | Knoxville, TN       |
| WPPM-LP Philadelphia Public Access Corporation                   | Philadelphia, PA    |
| WQNP-LP Beware, Inc.   | Miami, FL           |
| WQRT-LP Big Car Media  | Indianapolis, IN    |
| WRBG-LP Rhythm and Blues Group Harmony Association               | Millsboro, DE       |
| WRFN-LP Radio Free Nashville                                     | Nashville, TN       |
| WSPV-LP Valley Community Baptist Church                          | Avon, CT            |
| WSVQ-LP Partnership of African American Churches                 | Charleston, WV      |
| WSYP-LP Sankofa Youth Development Program Inc                    | Birmingham, AL      |
| WUBP-LP All African People's Development and Empowerment Project | St. Petersburg, FL  |
| WUGM-LP West Michigan Community Help Network                     | Muskegon, MI        |
| WUJM-LP Caribbean Festival Association                           | St. Petersburg, FL  |

WUMO-LP Aframsouth  
WUVS-LP West Michigan Community Help Network  
WVAO-LP Athol-Orange Community TV  
WWPP-LP WeCount!  
WXDN-LP Awakening/Art & Culture  
WXHR-LP Hillman Community Radio  
WZMR-LP Zumix, Inc.  
WZPH-LP Pasco County Educational Corporation

Montgomery, AL  
Muskegon, MI  
Athol, MA  
Homestead, FL  
Orlando, FL  
Hillman, MI  
East Boston, MA  
Dade City, FL

**ADVOCACY ORGANIZATIONS**

Common Frequency, Inc.  
Prometheus Radio Project  
Media Alliance at the Pacific Felt Factory

Davis, CA  
Philadelphia, PA  
San Francisco, CA

**EXHIBIT R-2**

**TECHNICAL EXHIBIT – SECOND ADJACENT INTERFERENCE**

## **SECOND ADJACENT – CASE STUDY**

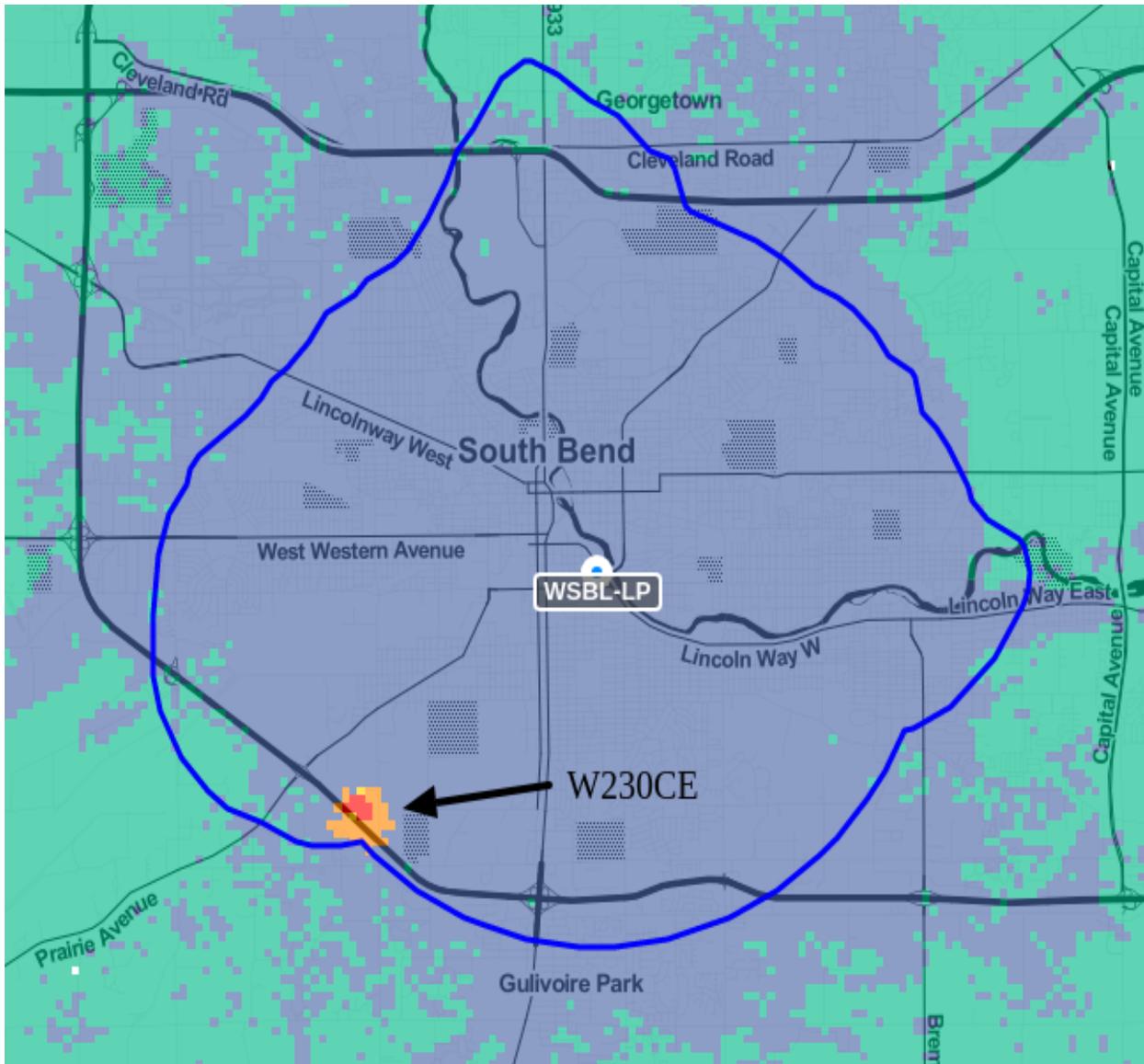
FM translators are not required to protect LPFM stations on second and third adjacent channels at permitting and licensing, militating for continued listener opportunities for seek protection from and redress of such translator interference.

While rare, such interference to an LPFM station is not merely theoretical – but entirely real, as depicted in attached graphic showing an actual second adjacent interference situation.

The figures in the attached map depict, in orange and red, impermissible interference predicted by Longley-Rice methodology from second-adjacent translators located within the service contour (blue line) of LPFM stations. Listeners receiving interference within these areas would have no recourse if second-adjacent interference complaints could be ignored

This argument is equally valid for third-adjacent interference since the U/D protection ratios are identical.

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*The information and calculations presented herein are true and accurate to the best of my knowledge.*

Respectfully submitted,

/ s /

Paul Bame, Technical Consultant

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