

**H.R. 1084, THE COMMERCIAL ADVERTISEMENT  
LOUDNESS MITIGATION ACT (CALM); H.R. 1147,  
THE LOCAL COMMUNITY RADIO ACT OF 2009;  
AND H.R. 1133, THE FAMILY TELEPHONE CON-  
NECTION PROTECTION ACT OF 2009**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON COMMUNICATIONS,  
TECHNOLOGY, AND THE INTERNET  
OF THE  
COMMITTEE ON ENERGY AND  
COMMERCE  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED ELEVENTH CONGRESS

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**THURSDAY, JUNE 11, 2009**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY,  
AND THE INTERNET,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:03 a.m., in Room 2322 of the Rayburn House Office Building, Hon. Rick Boucher (chairman) presiding.

Members present: Representatives Boucher, Rush, Eshoo, Stupak, Doyle, Weiner, Butterfield, McNerney, Stearns, Walden, and Terry.

Staff present: Roger Sherman, Chief Counsel; Shawn Chang, Counsel; Liz Eraker, Intern; Amy Levine, Counsel; Sarah Fisher, Special Assistant; Pat Delgado, Chief of Staff (Waxman); Amy Bender, Minority Detailee; Neil Fried, Senior Minority Counsel; Sam Costello, Minority Legislative Analyst; and Amanda McGreevy, Minority Legislative Intern.

**OPENING STATEMENT OF HON. RICK BOUCHER, A REP-  
RESENTATIVE IN CONGRESS FROM THE COMMONWEALTH  
OF VIRGINIA**

Mr. BOUCHER. Good morning to everyone. Before addressing the matters that are pending before the subcommittee today, I want to note that after years of planning, the digital television transition will take place tomorrow. I want to take this moment to thank the members of the staff of the FCC, to thank the personnel at NTIA and the broad range of stakeholders ranging from the broadcasters and cable to satellite companies, retailers and the manufacturers of converter boxes for all of their effective work that will help to assure a smooth digital transition. While some viewers remain unprepared, the Nielsen Survey reported this week that fully 97.5 percent of Americans are now fully prepared and ready for tomorrow's transition. The FCC's call centers are staffed and ready to provide assistance to viewers who have difficulties connecting. I

have every confidence that the transition will be uneventful for the vast majority of Americans.

Today the subcommittee considers three stand-alone measures, the first of which is H.R. 1084, the Commercial Advertisement Loudness Mitigation Act otherwise known as the CALM Act, introduced by our colleague from California, Ms. Eshoo, in order to address a leading consumer complaint, the volume of advertisements on television. All of us have had the experience of enjoying a favorite program only to find ourselves scrambling for the remote control when at the commercial break the volume of the television seems to double. I have cosponsored the CALM Act and I suspect that if enacted this measure will become as popular as the legislation that created the do not call list, and I look forward to learning why the phenomenon of loud commercials exist and what we can do as policymakers in order to address that phenomenon.

H.R. 1133, the Family Telephone Connection Protection Act introduced by Chairman Rush would address the serious matter of the rates that are paid by prison inmates for collect calling services. Inmates are literally a captive audience and they typically have no option for using the telephone to contact family and legal counsel other than making their calls from a prison payphone and the rates that are charged for those services are enormous and include not only a high per-minute rate for the service but also per-call connection fees that can be as high as \$4 per call. The burden of these charges often falls on those who are least able to afford the charges, the inmates who have virtually no income and the members of their families who frequently face their own financial hardships. Phone service for inmates is a necessity. It is not a luxury. It is often their only link to family and attorneys and therefore, we hope that this morning the witnesses will tell us what may be done to ensure that prison inmates have access to this very necessary service at rates that are reasonably affordable.

The third bill that we are hearing this morning is H.R. 1147, the Local Community Radio Act introduced by our colleagues Representatives Doyle and Terry. It would provide additional opportunities for low-power FM radio stations by allowing their operation on third adjacent channels to full-power radio stations. LPFM stations are typically community-based, nonprofits and they operate usually at 100 watts or less of broadcast power and have a broadcast reach of only a few miles. They play a truly unique role in our media firmament. They are more likely than their full-power counterparts to be owned by women or by minorities. They are an important forum for local clergy, for politicians, for civil rights focused programs and community leaders who seek to weigh in on local matters of public interest. They are also commonly found at our institutions of higher education across the United States. While expanding opportunities for more low-power FM stations is desirable, we must be certain that expanded low-power FM service is implemented in a way that does not jeopardize existing broadcast services including noncommercial, full-power FM stations. This morning we are interested in how low-power FM stations on third adjacencies can protect existing services including FM radio, emerging HD radio and radio reading services.

I want to welcome our witnesses and thank them for their attendance here this morning. We will turn to your testimony shortly.

But at this time, I am pleased to recognize other members of the subcommittee for their own statements and I will call on the gentleman from Florida, the ranking Republican on our subcommittee, Mr. Stearns.

**OPENING STATEMENT OF HON. CLIFF STEARNS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA**

Mr. STEARNS. Good morning and thank you, Mr. Chairman and thank you for having this hearing. We have nine alert, ready-to-go witnesses and it is quite impressive.

As you mentioned, we have three distinct pieces of legislation we are looking at. I will go with one that you sort of mentioned in the last which is H.R. 1133, the Family Telephone Connection Protection Act. As mentioned, it would require the FCC to regulate telephone services to inmates in correctional facilities. Typically, a single carrier is selected through a competitive bidding process to provide the prisoner his phone service and although services and rates vary by State or facility, inmates are often limited to making a collect call and the rates charged are frequently a bit higher to help pay for these collect calls nationwide.

Supporters of this legislation argue that prison call fees are too high costing families too much to keep in touch with their relatives in jail and making it harder to rehabilitate criminals. Our nation's sheriffs have a unique perspective however since over 80 percent of the nation's local jails are simply under the jurisdiction of the sheriffs so it is very good, Mr. Chairman, we have them here to testify to give their side.

This bill could lead to a prohibition on a payment of commissions to the correctional facilities by providers of the phone service. These commissions go to providing security measures to monitor non-privilege calls, to prevent illicit activities and to pay for the cost of the telephone system itself. Without the commissions, these correctional facilities will either have to ask taxpayers to front the cost of the phone system or completely dismantle the program.

In addition, these commissions are a main source of funding for many beneficial inmate programs such as adult education, any recidivism programs, jail ministries and substance abuse programs. For example, in New York some funding from telephone commissions were used to provide free bus rides to the facilities for inmate family members. I certainly understand the hardship that many inmates' families have to endure however, and frankly as local and State budgets get tighter and tighter not allowing these commissions might force correctional facilities to eliminate many important programs.

Mr. Chairman, the second bill under discussion is H.R. 1147, the Local Community Radio Act. The FCC created low-power FM station service in 2000 to promote local programming. At the end of 2000, Congress restricted how close low-power stations may operate to full-power stations due to chiefly the interference concerns. As a result, fewer low-power stations can be authorized. This bill would simply repeal the statutory limits. I support the idea of al-

lowing more low-power stations to be licensed however, such a sweeping policy change needs to balance the potential impact on full-power FM stations, namely interference.

Third, adjacent protection exists for a reason, to guard against such interference. There is a policy already in place to allow low-power FM stations to operate in the FM band with third adjacent protection. The FCC has licensed more than 865 low-power operators with more having been granted construction permits or that have applications that are pending. As we consider H.R. 1147, we need to fully examine the impact on full-power FM stations and the issue of interference. A broad blanket policy change may be unnecessary at this time. I hope to work with the sponsors of this bill as we move forward.

And last, Mr. Chairman, we are examining H.R. 1084, the Commercial Advertisement Loudness Mitigation Act and I will compliment the author of the bill with the word CALM Act. I am sure they worked hard to get that to come together. This bill would require the FCC to mandate rules within one year prohibiting commercials from being excessively noisy or strident. The issue is more complex than it appears. Many different entities are responsible for producing and distributing the content consumers see and hear today. Each element may be recorded and provided at different volume levels. Moreover, shows and movies have a dynamic sound range to cover everything from a quiet scene to an explosion. Commercials, meanwhile, tend to have a narrow sound range. Volume levels are typically set for the programming which can throw off the volume levels for commercials. Two years ago, the Advanced Television Systems Committee established a subgroup on digital television loudness. This subgroup consists of the leading experts on audio technology from all the major broadcast networks, cable, production and post-production, manufacturing and education in the United States of America. Since it was established, these audio technology experts have crafted a hard-fought consensus on the recommended practices that should be employed across the TV industry to deal with TV loudness concerns.

Mr. Chairman, I trust the collective wisdom of these technical experts to craft a solution to the TV loudness issue. The subgroups hard work should not be undone by legislation. One suggestion would be to revise the bill simply so that the FCC rulemaking only commences if industry has not addressed the issue within a certain amount of time. So I think we have, perhaps, a solution to our problem which is Advanced Television Systems Committee and all the hard work they have done in this area.

So, Mr. Chairman, I look forward to the hearing, the witnesses and I welcome again the opportunity to ask them questions. Thank you.

Mr. BOUCHER. Thank you very much, Mr. Stearns, for a very thoughtful statement. The gentleman from Pennsylvania, Mr. Doyle, is recognized for five minutes. I am sorry, for two minutes.

**OPENING STATEMENT OF HON. MICHAEL F. DOYLE, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF PENNSYLVANIA**

Mr. DOYLE OF PENNSYLVANIA. Thank you, Mr. Chairman, for holding this legislative hearing that includes the bill I introduced with my good friend, Lee Terry, H.R. 1147, the Local Community Radio Act.

You know, it is appropriate to hold this hearing this morning. I heard on the radio today that today is the 74th anniversary of the first FM broadcast. Students of that story know that the dominant AM broadcaster, RCA, successfully lobbied the FCC to move the FM band, obsoleting the inventor's burgeoning radios, destroying his company, leading the inventor, Edward Armstrong, to suicide and delaying FM's role-out for decades. We are almost full circle here today but this story starts a decade ago. In 2000, the Federal Communications Commission, started to create new community radio stations run by local schools, churches, community groups and governments. They did this because their missions from Congress is not to help entrench lobbies but to make sure as many Americans as possible have access to the public's airwaves to fulfill a basic human need, the right to communicate. Thousands of peoples and groups wanted these new stations and applied.

Almost immediately, incumbent broadcasters warned this subcommittee that these new community radio stations would create and I quote "oceans of interference harming listeners efforts to listen to the stations they already know and enjoy." So in response to the broadcasters' concern, Congress called timeout and asked for an independent study to examine this issue. The premise of Congress' decision to order the study was that if the study confirmed the FCC's findings, Congress would remove it's prohibition on the FCC and allow it to fully implement community radio.

Well, the study came back, agreed with the FCC that these stations can be created without harming listeners and through two unanimous bipartisan votes the FCC has twice now recommended to Congress to do so. I am asking Congress to keep its part of the bargain today.

After Congress limited community radio in 2001, several groups in my district, the City of Pittsburgh and some working-class suburbs lost their chance to go on the air. I will point out that late last month, Mr. Chairman, Pittsburgh's only minority-owned station and the city's only hip-hop and R and B station sold for \$9 million. The new owners plan a format change and now no one else can connect with urban radio listeners in my district. It is almost like incumbent broadcasters wrote the line that William Shakespeare actually wrote in Hamlet. "Give every man his ear but few his voice."

Mr. Chairman, we need to make sure that more Americans get a chance to exercise their voice. We must pass this bill and we must bring low-power back to the people.

I yield back.

Mr. BOUCHER. Thank you very much, Mr. Doyle. The gentleman from Nebraska, Mr. Terry, is recognized for two minutes.

**OPENING STATEMENT OF HON. LEE TERRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA**

Mr. TERRY. Thank you, Mr. Chairman, for holding this hearing. I appreciate my friend, Mr. Doyle, and associate myself with your Shakespearean opening statement. And I would also like to take this opportunity to thank several that have worked hard for this bill like Candace Asman, Cory Hoffman and Pete Tridish of Prometheus Radio, Michael Bracy of the Future of Music Coalition, the band Okay Go and our very own witness today, Cheryl Leanza with the United Church of Christ.

There are numerous benefits by low-power radio stations to smaller communities and what I mean by smaller communities is both in an urban sense in a suburban and even a rural sense. It gives people a voice to their particular community that they may not have now. And as Mike pointed out, the studies have shown that we can technically do low-power FM without stepping on the signals of the higher power stations.

Now, with that, Mr. Chairman, I would like to enter into the record the 100 Black Men of Omaha who are interested as an organization of providing low-power FM within the African American community of Omaha to provide a platform for discussion of community issues. I ask unanimous consent that I can submit that for the record.

[The information appears at the conclusion of the hearing.]

Mr. BOUCHER. Without objection.

Mr. TERRY. And with that, once again thank you but I can't resist on 1133 to say that is this the definition of a captive customer.

Mr. BOUCHER. Thank you very much. Thank you, Mr. Terry. The gentleman from California, Mr. McNerney, is recognized for two minutes.

**OPENING STATEMENT OF HON. JERRY MCNERNEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. MCNERNEY. Thank you, Mr. Chairman, for holding this hearing and thank you to the witnesses for coming forth today.

I am a cosponsor of 1147, the Local Community Radio Act. I believe that it is important that the Federal Communication Commission provide equitable rules for low-power FM stations. Our smallest stations deserve to be heard to be able to provide community focus programming that serves all of our listeners' needs.

Concerning the CALM Act, we have all experienced unpleasant sudden volume changes during TV programming. The problem was identified more than 50 years ago and many other nations are already adopting standards. Now, there is one experience I had as a young boy. I was a teenager. One of the very Sunday afternoons that my father allowed me to watch TV which wasn't every Sunday afternoon, I was watching a horror show in the den and he was out barbequing and the advertisement came on and he came running in and wanted to know what was happening because it was so loud he could hear all the screaming outside. It was somebody selling furniture. So I have experienced this. It will be interesting to see what we can do about it.

So with that, I yield back the balance of my time.

Mr. BOUCHER. Thank you, Mr. McNerney. The gentleman from Oregon, Mr. Walden, is recognized for two minutes.

**OPENING STATEMENT OF HON. GREG WALDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON**

Mr. WALDEN. I thank you very much, Mr. Chairman. I appreciate the opportunity to get the testimony today from the witnesses on these various bills.

I would like to submit for the record a letter I received from Jefferson Public Radio with regards to H.R. 1147 and some issues that they are raising and I think they are very legitimate.

[The information appears at the conclusion of the hearing.]

Mr. BOUCHER. Without objection.

Mr. WALDEN. Thank you, Mr. Chairman.

The Jefferson Public Radio probably has more translators covering a more rigorous mountain environment providing public broadcasting in southern Oregon than probably anywhere else in the country and they are concerned about the effect that H.R. 1147 would have regarding displacement of their translators. They are further concerned about the language in H.R. 1147 which would give authority to the FCC to go even further than the third adjacent channel relaxation in the rulemakings. And so these are issues that I think the committee needs to look at very carefully. Having been in the broadcast business for more than 21 years, I am not now a licensee, I share the concern of many who want to make sure that as you move forward on adding additional signals in the marketplace that there isn't disruptive interference especially too, looking at old receivers versus new receivers. There are legacy radios that aren't as selective as some of the new ones in terms of listening quality and differentiating among the signals. And so I think these are issues we need to look at carefully before we move forward.

I finally add to the record too, just a note that I hope the FCC is doing proper and appropriate oversight over LPFMs. They are not supposed to be commercial stations and it would be interesting to know just kind of the oversight you are doing to see are they operating in some cases as if they were a for-profit commercial because I don't think that was the intent of LPFM nor is it, I am sure, the sponsors' of this legislation that they would merge into a full commercial operation.

So thank you, Mr. Chairman. I look forward to the testimony.

Mr. BOUCHER. Thank you very much, Mr. Walden. The gentleman from Michigan, Mr. Stupak, is recognized for two minutes.

Mr. STUPAK. Thank you, Mr. Chairman, and I am going to be in and out all day but I did want to have a few comments especially on H.R. 1147. In all honesty, I am not real excited about that legislation that is authored by my good friend from Pittsburgh, Mr. Doyle. I understand why this low-power legislation is so important to him. It is probably because it reminds him of his Pittsburgh Penguin front line of Malkin and Crosby. That is the low-power line they have in hockey and I am sure if for some reason, some bad calls, my Red Wings come up a little bit short, I am sure Mr. Doyle will be in full-power telling me about it on Friday and Saturday.

I have a minute left if you care to respond here, Mr. Doyle.

Mr. WALDEN. Will the gentleman yield? I think you are just going to get interference from him.

Mr. STUPAK. It will be interference.

Mr. DOYLE OF PENNSYLVANIA. I just want to say to my friend that on Monday I will buy the beer for you to cry in.

Mr. STUPAK. It will take more than beer, Doyle.

I yield back, Mr. Chairman.

Mr. BOUCHER. Thank you, Mr. Stupak. The gentleman from Illinois, Mr. Rush, chairman of the subcommittee on consumer protection is recognized for two minutes.

**OPENING STATEMENT OF HON. BOBBY L. RUSH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS**

Mr. RUSH. Thank you, Mr. Chairman. I really am delighted to be here and I am also delighted not to have some consensus in the previous discussion. The Blackhawks have been low-power for a long time now.

Mr. Chairman, I want to thank you for holding today's hearing on these important bills.

I would like to limit my limited time on remarks on H.R. 1133. I introduced this bill with the sincerest concerns for those innocent families and close friends of those individuals who find themselves incarcerated in our jails and prisons. Like you and me, they are telephone services consumers having the same needs when it comes to hearing their loved ones' voices and maintaining regular contact with their families just as you and I are and many in this room are. Their personal lives, their households and their budget affairs are complicated by having to choose accepting a collect phone call from a loved one in prison which can cost up to five times as much as the same call that you and I would have to make. They have to live with the real life consequences of their choice which could mean missing a car or rent or a mortgage payment or not having enough money to buy groceries.

There are typically three ways that an inmate can make and complete a telephone call in most State and county correctional institutions. Either collect, prepaid collect or prepaid by the inmate which in most cases is paid indirectly by the inmate's family through a deposit into their prison debit account. For collect calls, the billed party is usually in charge of billing calls recovery fee of so many dollars for each month that collect call charges are paid. Or prepaid collect accounts the inmate telephone services provide a collector fee usually between \$5 and \$10 in order to process credit card and check payments over the phone, and for a prepaid inmate call, the inmate telephone services providers charging in the neighborhood of \$1 for each completed interstate telephone call.

Mr. Chairman, it is patently unfair that family and friends of incarcerated individuals should have to pay these inflated amounts. Revenue sharing agreements entered in by inmate telephone service providers and the correctional authorities they service are the primary cause of this egregious disparity. Some States are collecting commissions from providers of inmate telephone services at rates that are as high as 40 to 65 percent of gross bills inmate telephone revenues. These commissions continue to have the effect of

substantially inflating rates for collect, prepaid collect and debit interstate and intrastate telephone calls. Simply put, they represent a pass through of calls from the correctional facility and the jails to the inmates and his or her families.

Accordingly and most notably, my bill H.R. 1133 focuses on these commission arrangements. It would prohibit the payment of commissions to administrators of correctional institutions and departments of correction. It would also require the FCC to promulgate rules that ensure interstate rates for calls that incarcerated individuals make while in confinement are just, reasonable and non-discriminatory. Finally, it would require providers of inmate telephone services to offer both collect calling and debit account services which is a cheaper option according to paid telephone service providers because it mitigates the risk of bad debt associated with collect calling.

Mr. Chairman, I would like to thank you for holding this hearing and I am glad to have the witnesses here to testify on behalf of my bill. Thank you and I yield back the balance of my time.

Mr. BOUCHER. Thank you very much, Mr. Rush. The gentleman from North Carolina, Mr. Butterfield, is recognized for two minutes.

**OPENING STATEMENT OF HON. G.K. BUTTERFIELD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA**

Mr. BUTTERFIELD. Thank you very much, Mr. Chairman, for convening this hearing and I particularly want to thank Chairman Rush for introducing the legislation. This is not the first Congress in which he has introduced this bill. He has done it in Congresses past and I thank him for his sensitivity to this issue.

As most of you know, I served as a trial judge in my State for many years before coming to Congress. I sat on the highest trial bench in my State and presided over felony cases and very serious crimes. As a consequence of my work, there were many people that I had the unfortunate and unpleasant task of incarcerating. But I want to tell you from personal experience that the telephone system between the jails and the prisons and communities is really in need of revamping. It would break my heart when mothers and grandmothers and family members would call me from time-to-time and tell me that they had—these are poor people, who would have \$300 and \$400 telephone bills because their loved ones would call collect from the jail. And what does a grandmother say when her grandchild is calling her collect from the jail? The only thing she knows to do is to accept the charges.

And so this legislation that we have before us today is certainly a step in the right direction. It is not the ideal legislation. I wish we could do more. I have always said that one remedy for the problem would be to create a debit card just like we have here in the cafeteria. Whenever I want to go get a meal, I go downstairs and I put this debit card in and I get my meal. Now, we could do this in the jails and make it very effective.

The other thing that we could do would be have cell phones in the prisons and in the jails that would be controlled. Not unlimited cell phones but the prisoners could get cell phones for 30 minutes

a day and use those cell phones and at the conclusion of the call, they could turn in the cell phones and they could be locked up and kept away from the prisoners.

So thank you, Mr. Rush. Thank you, Mr. Chairman, for having this hearing today. This is a step in the right direction.

I yield back.

Mr. BOUCHER. Thank you very much, Mr. Butterfield.

We turn now to our panel of witnesses and again thank each of them for their attendance here this morning. Without objection, your prepared written statement will be made a part of the record and we would welcome your oral presentation. And in the interest of time given the large number of witnesses who have joined us this morning, we would ask that your oral statements be kept to approximately five minutes.

I will just say a brief word of introduction about each of our witnesses. Mr. Frank Krogh is an attorney with the firm of Morrison and Foerster representing Citizens United for the Rehabilitation of Errants. Mr. Curtis Hopfinger is Director of Government and Regulatory Affairs at Securus Technologies. Mr. David Goad is the Sheriff of Allegany County, Maryland and President of the National Sheriffs' Association. And each of those witnesses will be testifying with respect to H.R. 1133, the Family Telephone Connection Protection Act.

Testifying on the Commercial Advertisement Loudness Mitigation Act is Mr. Joel Kelsey, Policy Analyst at Consumers Union, Mr. David Donovan, President of The Association for Maximum Service Television and Mr. Jim Starzynski, Principal Engineer and Audio Architect for NBC Universal.

Testifying on the Local Community Radio Act is Mr. Peter Doyle, Chief of the Audio Division of the Media Bureau of the Federal Communications Commission, Ms. Caroline Beasley, Executive Director and CFO of Beasley Broadcast Group and Ms. Cheryl Leanza, Policy Director of the United Church of Christ, Office of Communication.

We welcome each of you and, Mr. Krogh, we will be pleased to begin with you and you will need to turn your microphone on and move it as close as possible to you and we can hear you much better.

**STATEMENTS OF FRANK W. KROGH, ESQUIRE, MORRISON AND FOERSTER LLP; CURTIS HOPFINGER, DIRECTOR OF GOVERNMENT & REGULATORY AFFAIRS, SECURUS TECHNOLOGIES; DAVID GOAD, NATIONAL SHERIFFS' ASSOCIATION; JOEL KELSEY, POLICY ANALYST, CONSUMERS UNION; DAVID DONOVAN, PRESIDENT, THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC., JIM STARZYNSKI, PRINCIPAL ENGINEER AND AUDIO ARCHITECT, NBC UNIVERSAL, ADVANCED ENGINEERING; PETER DOYLE, CHIEF, AUDIO DIVISION, MEDIA BUREAU, FEDERAL COMMUNICATIONS COMMISSION; CAROLINE BEASLEY, EXECUTIVE VICE PRESIDENT AND CFO, BEASLEY BROADCAST GROUP; AND CHERYL A. LEANZA, POLICY DIRECTOR, UNITED CHURCH OF CHRIST, OFFICE OF COMMUNICATIONS, INC.**

**STATEMENT OF FRANK W. KROGH**

Mr. KROGH. Thank you for this opportunity to testify. I am Frank Krogh, an attorney with the firm of Morrison and Foerster which represents the Washington Lawyers Committee for Civil Rights and Urban Affairs in a proceeding before the Federal Communications Commission addressing prison inmates' long distance telephone service rates. We also have been coordinating closely in that proceeding with Citizens United for the Rehabilitation of Errants or CURE.

Charlie and Pauline Sullivan, the co-directors of CURE, are here with me today and they have asked me to testify in support of H.R. 1133, the Family Telephone Connection Protection Act of 2009. On behalf of CURE, I want to thank Subcommittee Chairman Boucher and Congressman Rush, the sponsor of H.R. 1133, for their leadership in trying to solve this problem of unaffordable inmate telephone rates.

The long distance telephone rates charged prison inmates and their families are exorbitant and make it harder for inmates to maintain the critical family and community connections that are needed for their rehabilitation. H.R. 1133 would ensure that the FCC addresses this issue forcefully.

As Chairman Boucher and Congressman Rush explained, prison inmates and their families pay some of the highest long distance rates in the country. The problem arises from the bidding process to win these exclusive service contracts. The competing service providers generally are expected to offer generous commissions to the prison administrator or state correctional agency or the treasury for the right to provide the exclusive service to the facilities for the prison system. The winning bidder is typically the service provider that offers the highest commission payment not the lowest service rate. So then the winning bidder then has to charge excessive rates for the inmate calls in order to cover these huge commission payments of 40 to 65 percent.

As a result, you have got these tremendous collect call charges often as high as \$3.95 for a service charge plus a per-minute charge of 89 cents. And I have even seen inmate collect rates of \$4.28 plus 98 cents a minute as opposed to the typical rate available to residential subscribers or calling card customers of a few pennies per minute. At current rates, one hour of conversation a

week can run up a monthly phone bill of \$300 which is a huge financial burden for the innocent families, low-income families and loved ones receiving and paying for inmate collect calls. These rates deprive inmates and their family members of their most reasonable means, sometimes the only possible means of communication and strain the family and community rehabilitative ties that reduce recidivism, preserve families and ease prison tensions.

The need to act on this issue has become widely recognized. The American Bar Association, the American Correctional Association and a report released in 2006 by a diverse national prison reform commission which included correctional officials, all recommend that inmate telephone rates be drastically reduced in order to reinforce family and community ties.

Now, as Congressman Stearns pointed out, in some cases this commission revenue is used for prisoner welfare programs but that cannot justify the charging of unreasonable rates. You can't violate Federal Law on the grounds that the profit is going to charitable purposes. This is a regressive tax on some of the poorest people in America and this also means that these programs, these prisoner welfare programs are not free at all. They are being fully funded right now by the prisoners and their families. Those families and prisoners should have a choice of having fewer programs and more communication. I think if you gave them that choice, they would choose more reasonable telephone rates so they could communicate more. They should not be deprived of that choice through a regressive tax on their telephone calls.

Now, H.R. 1133 confirms the need to reduce inmate telephone rates and would require that the FCC consider imposing maximum interstate inmate calling rates, a requirement that inmate telephone service providers offer a debit calling option which is cheaper than and lower cost than collect calling and a prohibition of commission payments. The ABA has endorsed the proposed legislation as have leading newspapers. Some of the remedies specified in H.R. 1133 are also proposed in the pending FCC petition filed by Martha Wright, the grandmother of a former prisoner, and other petitioners. The Wright petitioners have demonstrated that it is entirely feasible for interstate long distance telephone services to be provided profitably to prisoners at rates far below those prevailing at most prison facilities.

For example, interstate inmate long distance rates in Florida, Missouri, Nebraska, New Hampshire and New York correctional facilities are way below typical interstate inmate rates. Before New York eliminated its 57.5 percent commission rate in 2007, the interstate collect rate for prisoners in New York correctional facilities was 16 cents a minute plus a \$3 connection charge, which is equivalent to 41 cents a minute for a 12-minute call. Now, with no commission payment, the rate is 6.8 cents per minute plus \$1.28 connection charge which is equivalent to 17.5 cents a minute for a 12-minute call.

Michigan previously had an interstate rate equivalent to \$1.16 per minute for a 15-minute collect or debit call. Now, the debit and collect rates are 12 cents and 15 cents per minute respectively, with no per-call charge. So it is quite possible to have much lower

rates and have the service provided at a profit which the service providers are quite eager to do.

Mr. BOUCHER. Mr. Krogh, let me ask if you could wrap up. Your time has expired.

Mr. KROGH. Oh yes, I think that H.R. 1133 would ensure that the FCC consider the remedies proposed by the Wright petitioners at the FCC and reaffirms the FCC's authority to impose those remedies. The bill would therefore help bring about prison inmate telephone service reform and CURE urges its swift passage.

Thank you for your time. I would be happy to answer any questions.

[The prepared statement of Mr. Krogh follows:]

**TESTIMONY BEFORE THE SUBCOMMITTEE ON COMMUNICATIONS,  
TECHNOLOGY, AND THE INTERNET ON BEHALF OF CITIZENS UNITED FOR  
THE REHABILITATION OF ERRANTS ON H.R. 1133, THE FAMILY TELEPHONE  
CONNECTION PROTECTION ACT OF 2009**

Thank you for this opportunity to talk with you. I am Frank W. Krogh, an attorney with the firm of Morrison & Foerster LLP, which represents the Washington Lawyers' Committee for Civil Rights and Urban Affairs in a proceeding before the Federal Communications Commission ("FCC") addressing prison inmates' long distance telephone service rates. We also have been coordinating closely with Citizens United for the Rehabilitation of Errants ("CURE") in the inmate telephone proceeding, and I have been asked by CURE, a nationwide grassroots prison reform organization, to testify in support of H.R. 1133, the Family Telephone Connection Protection Act of 2009. On behalf of CURE, I want to thank Subcommittee Chairman Boucher and Congressman Rush, the sponsor of H.R. 1133, for their leadership in trying to solve the problem of unaffordable inmate telephone rates. The long distance telephone rates that prison inmates and their families have to pay are unconscionable and must be reduced in order to allow prisoners to maintain the family and community connections that are so crucial to rehabilitation. H.R. 1133 will ensure that the FCC addresses this issue forcefully.

**Background: Inmate Telephone Rates Keep Rising While Other  
Telecommunications Rates Have Declined.**

Prison inmates generally pay some of the highest long distance rates in the country. These rates result from the exclusive service agreements that prison administrators typically enter into with telecommunications carriers for inmate calling services. As part of the bidding process, competing service providers generally are expected to offer generous commissions to the prison administrator or state correctional agency or treasury for the right to provide exclusive service to the facilities. The winning bidder is typically the service provider that offers the

highest commission rates, rather than the lowest service rates, and those commission rates often exceed 45 percent and sometimes reach as much as 65 percent of gross revenues. The winning bidder then charges excessive rates for inmate calls in order to cover the huge commissions that it has agreed to pay.

Thus, as the FCC has recognized, this approach “perversely” has the distorting effect of allowing competitive pressures to drive prices up, rather than down, “because the bidder who charges the highest rates can afford to offer the confinement facilities the largest location commissions.”<sup>1</sup> This upward trend in commission payments and rates has continued for years. Typical long distance inmate collect calling rates now include a per-call charge that can be as high as \$3.95 and a per-minute charge of as much as \$0.89. Compare that to typical long distance rates available to the typical residential subscriber or calling card user of a few pennies per minute. Inmate telephone service now stands in isolation as the last remaining telecommunications monopoly niche. At some prison facilities, inmates also are limited to collect calling services and are not offered the cheaper alternative of debit card or debit account calling services, in which the prisoner establishes an account with the prison commissary to pay for telephone calls.

The inflated rates resulting from these exclusive service agreements, excessive commissions and “collect call-only” requirements make long distance telephone calls from prison inmates unaffordable. At current rates, one hour of conversation per week can result in a monthly telephone bill of \$300, a huge financial burden for the innocent low income families and loved ones receiving and paying for inmate collect calls. Prisoners are forced to restrict their

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<sup>1</sup> *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, Order on Remand and Notice of Proposed Rulemaking, 17 FCC Red 3248, 3253 (2002).

calling, and their families are forced to restrict their acceptance of collect calls, effectively depriving inmates and family members of their most reasonable means of communication and further straining the family and community ties necessary for released inmates' rehabilitation.

For years, prison inmate advocates have pressed for regulatory mechanisms that would provide relief from the exorbitant rates and limited service options for inmate long distance calling services. CURE and The Coalition of Families and Friends of Prisoners of the American Friends Service Committee ("AFSC") have stressed the need to reduce the burden of oppressively high inmate calling rates, which is borne largely by economically disadvantaged relatives and friends of inmates, often located far from the facilities where the inmates are incarcerated. Not only do these excessive rates directly injure the non-inmates paying them, but, as studies cited by CURE and AFSC explain, they also work to the detriment of society by weakening rehabilitative ties that reduce recidivism, preserve families, ease prison tensions and promote societal efforts to rehabilitate ex-offenders. Moreover, these exorbitant rates are imposed on a captive market that is unable to afford them, while all other consumers enjoy the benefits of increased competition, reduced rates, and choices in telecommunications services.

In 2000, CURE organized a nationwide campaign, the Equitable Telephone Charges ("eTc") Campaign, to mobilize prisoners' family members and other concerned citizens to advocate for more reasonable rates. The eTc Campaign has had significant success in persuading state authorities to reduce inmate service rates, especially intrastate and local rates, and making debit and prepaid calling options more available to prisoners. Excessive interstate long distance inmate rates, however, remain a substantial burden in all but a handful of states.

The need to act on this issue has become widely recognized. In 2005, the American Bar Association adopted a recommendation urging all levels of government to "afford prison and jail

inmates reasonable opportunity to maintain telephonic communication with the free community, and to offer telephone services in the correctional setting with an appropriate range of options at the lowest possible rates.”<sup>2</sup> The recommendation was accompanied by a report citing studies demonstrating the importance of regular telephone communication between prisoners and family and friends for prisoners’ rehabilitation and eventual return to the community as law-abiding citizens.

On February 1, 2006, the American Correctional Association approved an amended formal policy statement recognizing that “offenders should have access to a range of reasonably priced telecommunications services.”<sup>3</sup> A report released in June 2006 by a diverse national prison reform commission, including correctional and other public officials, stresses the negative effects that high inmate telephone rates have on the family and community ties necessary to prevent violence and the need to “smooth the process of reentry and make it more likely that prisoners will succeed after release.”<sup>4</sup> It urges policymakers to “support family and community bonds . . . by minimizing the cost of prisoners’ telephone calls”<sup>5</sup> and to “end practices such as” extracting huge commissions from inmate telephone service providers and limiting inmate

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<sup>2</sup> American Bar Association, Recommendation Adopted by the House of Delegates (Aug. 8-9, 2005). *See also* Catherine Anderson, Chair, Criminal Justice Section, American Bar Association, Report (Aug. 2005).

<sup>3</sup> American Correctional Ass’n., Public Correctional Policy on Adult/Juvenile Offender Access to Telephones (Jan. 24, 2001; Feb. 1, 2006), <http://www.aca.org/government/policyresolution/> (select “Policy,” type in “Access to Telephones” and click on “Search”) (last visited February 14, 2007).

<sup>4</sup> Commission on Safety and Abuse in America’s Prisons, *Confronting Confinement* 35-36 (John J. Gibbons & Nicholas de B. Katzenbach, Comm’n Co-Chairs) (June 2006).

<sup>5</sup> *Id.* at 36.

telephone service to collect calling “that interfere with the maintenance of critically important family and community ties.”<sup>6</sup>

More recently, New York State announced in 2007 that it would waive its 57.5 percent commission on prison inmate calls and renegotiate the state’s inmate telephone service contract in order to reduce the cost of collect calling by about half. Similarly, Missouri, Nebraska, New Hampshire, Florida and a few other states have cut their commissions or taken other steps to lower inmate service rates, citing studies showing that prisoners are less likely to reoffend if they maintain regular contact with their families while in prison.

**H.R. 1133 Would Further Rehabilitative Goals.**

H.R. 1133 contains findings that prisoners’ families and loved ones ultimately pay for most calls from prisoners, whether collect calls or otherwise. The bill finds that the excessive rates imposed on “[i]nnocent citizens . . . simply due to having a family member or loved one who is incarcerated” are “a burden on interstate commerce.”<sup>7</sup> The bill also finds that the excessive rates are due to a lack of competition and the high commissions paid by service providers to administrators. Excessive inmate service rates “weaken the family and community ties that are necessary for successful reentry into society” by released prisoners and burden the rehabilitation that “reduces crime and the future costs of imprisonment.”<sup>8</sup> In effect, excessive inmate service rates generate more social and economic costs for all of society, far beyond the excessive calling costs.

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<sup>6</sup> *Id.* at 36-37.

<sup>7</sup> See Family Telephone Connection Protection Act of 2009, H.R. 1133, 111th Cong., 1st Sess. § 2(5), (10) (2009).

<sup>8</sup> *Id.* § 2(13), (14).

H.R. 1133 reaffirms the FCC's authority to regulate inmate telephone service and to implement the types of relief described in the bill. It would require that the FCC consider imposing, among other measures: maximum per-minute rates; a requirement that inmate telephone service providers offer debit calling as well as collect calling services; a prohibition of call blocking by an inmate service provider solely on the ground that the service provider has no contract with the local telephone company serving the intended call recipient; and a prohibition of commission payments by inmate calling service providers to prison administrators and state correctional agencies.

The ABA has endorsed the proposed legislation, pointing out "the human costs" of excessive inmate rates,<sup>9</sup> as have leading newspapers. The ABA pointed out that "the family and friends of incarcerated people," rather than the prisoners themselves, "regularly shoulder the high cost of prison telephone services," which makes it more difficult to achieve "the penological and societal benefits that occur when incarcerated people are able to maintain contact with the outside world."<sup>10</sup> The ABA also noted that entering into exclusive service arrangements that provide commission payments of as much as 65 percent of all telephone revenue "creates an ethical quagmire" for prison administrators.<sup>11</sup>

#### **The Wright Proposal Before The FCC**

Some of the FCC remedies described in H.R. 1133 are also proposed in a filing currently pending at the FCC. Martha Wright, the grandmother of a former prisoner, and other petitioners

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<sup>9</sup> Letter from Robert D. Evans, Director, Governmental Affairs Office, ABA, to Rep. Bobby Rush, at 2 (Jan. 31, 2006).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

initially sought relief from exorbitant inmate calling rates in a civil rights class action in federal district court, which referred the telecommunications issues to the FCC. At the FCC, the Wright petitioners have demonstrated that it is entirely feasible for interstate long distance telephone services to be provided to prisoners at rates far below those prevailing at most prison facilities and that market will never bring about reasonable inmate calling service rates without government intervention. It has become clear, based on the actual cost of providing inmate calling services and declining rates for comparable services, that long distance inmate calling services can be provided to prison inmates profitably at much lower rates. In fact, some of the very same service providers that typically charge excessive rates also currently provide long distance calling services to prison inmates where they are required to do so at much more reasonable rates. For example, interstate inmate long distance rates in Florida, Missouri, Nebraska and New York correctional facilities are way below typical interstate inmate rates.

Petitioners accordingly have requested that the FCC impose interstate long distance benchmark rates no higher than \$0.20 per minute for debit calling and \$0.25 per minute for collect calling, with no per-call charges, and that prisoners be offered debit calling as a required calling option. Even the service providers' own cost study, which was artificially limited to the most high-cost locations they could find, showed costs largely consistent with these requested benchmark rates. A debit calling option is especially important because of the prevalence of collect call blocking by inmate calling service providers lacking billing agreements with the called parties' local service providers.

H.R. 1133 would ensure that the FCC consider the remedies proposed by the Wright petitioners and reaffirms the FCC's authority to impose such remedies. This bill therefore would be a useful link in the chain of prison inmate telephone service reform efforts. Like the Second

Chance Act passed last year, H.R. 1133 would enable prisoners to maintain the strong family and community ties necessary for rehabilitation, and CURE urges its swift passage.

CURE would be happy to work with the Subcommittee to explore any and all possible solutions to making all interstate inmate phone calls affordable for families of prisoners. Thank you for your time and attention. I would be happy to answer any questions you may have.

Mr. BOUCHER. Thank you very much. Thank you.  
Mr. Hopfinger.

#### **STATEMENT OF CURTIS HOPFINGER**

Mr. HOPFINGER. Good morning, Chairman Boucher and members of the committee. Thank you for inviting me to speak here today regarding inmate telecommunications and H.R. 1133.

My name is Curt Hopfinger and I am the Director of Regulatory and Government Affairs for Securus Technologies. Securus is a Dallas, Texas based company that provides inmate telecommunications through our wholly owned subsidiaries to correctional institutions in 44 States. We serve approximately 2,600 locations that include county, city and state-operated facilities. In addition, Securus is one of the leading providers and patent holders of technologies necessary to provide robust, reliable and above all secure inmate telecommunications.

My remarks will be brief. My aim is to provide the committee with further contacts and information regarding this highly specialized industry and the role that inmate telephone communications providers play in assisting law enforcement in meeting the demands in the correctional setting.

Today Securus is in a highly competitive industry. Today we compete with numerous providers of inmate telecommunication services for contracts with correctional authorities that are put out for public bid. It is not uncommon for as many as eight different correctional service providers to bid for the same contract. This bidding process which is governed by the procurement codes and regulations applicable to the area in which the correctional facility is located, forces all participants to present their very best menu of technologies, security feature and above all telephone call prices in order to secure a contract.

As many law enforcement officials have explained to the FCC and elsewhere, the inmate telephone system is a critical tool for maintaining security both inside and outside the correctional environment. Today our industry provides law enforcement with a greater choice and quality of investigative tools than ever before.

I will provide just one example of how inmate telephone systems have assisted law enforcement officials in preventing crime and protecting the public. My written testimony has another. This example comes from one of our counties that is served by Securus Technologies. Grant County has informed us that the Federal Bureau of Investigation routinely listens to the recordings of Grant County inmate calls to assist in finding Al-Qaeda terrorist cells. Thus, even at the county level, secure inmate calling platforms are providing the necessary tools for assisting in preserving homeland security.

All of the features and services I have described above, of course come at a cost. In this specialized corner of the telecommunication's industry, those costs are large in absolute figures and also in terms of the proportion of revenue that these costs represent. The requirement to provide customized products to law enforcement and correctional institutions causes inmate telephone service providers to incur substantial costs. In addition, it prevents our industry

from enjoying the real economies of scale like local exchange companies and long distance companies that serve the general public.

I am pleased to tell you that in 2007, Securus began deploying a system called the Secure Call Platform or SCP which is a centralized system that requires less reliance on hardware and software at the correctional facility itself. Now that SCP has been deployed, our network efficiencies have improved and our calling rates have decreased significantly at several locations.

I must however make it clear that SCP is neither appropriate or feasible at all correctional facilities. The multi-million dollar investment by Securus that made this new technology possible is however indicative of the fact that the industry is competitive and that law enforcement, inmates and families of inmates are in fact reaping the benefits.

Having given you this brief background on inmate telephones and how they work and are deployed, I would like to say a few words about H.R. 1133. Securus is concerned that H.R. 1133 will have the unintended consequences of hindering competition, compromising security and actually decreasing the availability of telephone service for inmates. In brief, this legislation would make it more difficult for Securus and all inmate telephone service providers to compete, to innovate and to even maintain their existence in the inmate telephone service market.

First, the legislation would require the FCC to set a federal rate cap. Securus is concerned that a federal rate cap would inevitably impose below cost rates for some facility locations and certainly for facility locations in high cost areas. In addition, a mandatory rate cap could leave such a slender margin of return that for many contracts few service providers could risk putting in a bid.

Second, the legislation would impose facilities-based competition at the individual facility sites. This mandatory unbundling could require installation and maintenance of two or more redundant inmate calling platforms at every facility. This multi-provider scheme would lead to a host of administrative and security problems. In addition, it would increase the cost to the service providers and the facilities themselves. These increased costs would have to be recovered by those paying for inmate telephone calls.

Third, the legislation would require an inmate telephone service provider to complete calls to persons regardless of whether the provider has any billing agreement with the called party or the called party's local carrier. I assure the committee that Securus and the industry as a whole are making great efforts to establish billing relationships with called parties whether through their local residence exchange carrier or via billing arrangements directly with the called parties. A federal mandate requiring the completion of all inmate calls however, will discourage both inmates and called parties from allowing Securus to setup billing relationships with them. The result would be an unprecedented situation in which a telephone company is forced to give away service for free.

[The prepared statement of Mr. Hopfinger follows:]

**HEARING BEFORE THE HOUSE OF REPRESENTATIVES**  
**COMMITTEE ON COMMERCE**  
**SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY,**  
**AND THE INTERNET**

Testimony of Curtis L. Hopfinger  
Regarding H.R. 1133, the  
“Family Telephone Connection Protection Act of 2009”  
On Behalf Of  
Securus Technologies, Inc.  
Dallas, Texas

Thursday, June 11, 2009

Good morning Chairman Boucher and Members of the Committee. Thank you for inviting me to speak to you today regarding inmate telecommunications and H.R. 1133, entitled the "Family Telephone Connection Protection Act of 2009".

My name is Curt Hopfinger, and I am Director of Regulatory and Government Affairs for Securus Technologies, Incorporated. Securus is based in Dallas and presently provides inmate telecommunications services, through our wholly owned subsidiaries T-Netix Telecommunications Services, Inc. and Evercom Systems, Inc., to correctional institutions in 44 states. Each of these states has granted us the regulatory certification required in order to provide common carrier telecommunications service, and have approved our tariffs containing the rates, terms, and conditions of that service.

We serve approximately 2,600 locations that span the range of city, county, and state-operated facilities. In addition, Securus is the leading owner and licensor of the technology necessary for providing robust, reliable, and, above all, secure inmate telecommunications services.

My remarks will be brief. My aim is to provide the Committee further context and information regarding this highly specialized industry and the role my employer, Securus Technologies, Incorporated, plays in assisting law enforcement professionals in meeting the demands of the correctional setting.

I. FIERCE COMPETITION WITHIN THE INMATE TELECOMMUNICATIONS INDUSTRY IS BRINGING SUBSTANTIAL BENEFIT TO CORRECTIONAL AUTHORITIES, INMATES, AND THE PUBLIC

The inmate telecommunications industry is highly competitive. Today Securus competes with several different providers of inmate telecommunications for the service contracts that correctional authorities put out for public bidding. It is common for as many as eight different competitors to bid for the same contract. This bidding process, which is governed by the procurement codes and regulations applicable to the area in which the correctional facility is located, forces all participants to present their very best menu of technologies, security features, and telephone call prices in order to win a contract. I assist Securus in crafting its bids, and I assure you that each bidding cycle is hard fought and, when Securus has been awarded the final contract, hard won.

As a direct result of this competition, the inmate telecommunications industry has achieved significant advancements in the technologies and services from which correctional authorities can choose. In the last ten years, this industry has made technological advancements that have brought greater security, increased service sophistication, and lower calling prices for inmates and their loved ones. The technology used for these services allows for greater efficiency and capacity, thus resulting in more robust service, as well as enhanced investigative tools to assist law enforcement in the challenging correctional environment. In addition,

advancements in technology have made telephones accessible more often and to more inmates than at any time in the nation's history.

Prices have fallen, and are falling, sharply. By virtue of advanced technology and persistent, fierce competition among providers, Securus and, in my experience, the entire industry has slashed calling rates dramatically as compared to the rates that were in place as recently as ten years ago. Moreover, inmates and their loved ones enjoy a greater range of payment options. Ten years ago almost all inmate-initiated calls could be placed only as collect calls. Today these calls can be collect or pre-paid, with payment options that include the use of calling cards, pre-paid calling accounts, and the ability to pay one's bill or replenish an inmate's account at an electronic kiosk located on the facility's premises.

All of these benefits flow from the highly competitive environment in which Securus does business. Competition is working in the inmate telecommunications industry for all the right reasons and with all good results.

II. THE INMATE TELECOMMUNICATIONS INDUSTRY PROVIDES  
CORRECTIONAL AUTHORITIES THE TOOLS THEY NEED TO  
PRESERVE PUBLIC SAFETY AND TO ENSURE A SECURE  
PENOLOGICAL ENVIRONMENT

As many law enforcement officials have explained to the Federal Communications Commission ("FCC") and elsewhere, the inmate telephone system is a critical tool for maintaining security both within and outside the correctional facility. Today our industry provides law enforcement with a greater choice and quality of investigative tools than ever before.

The inmate calling environment is special. The calling system not only furnishes inmates and their families with the ability to keep in touch, but it also must not become the means for committing criminal acts or other conduct that endangers inmate security or public safety. For example, we must do all we can to ensure that judges, prosecutors, and witnesses are kept safe. The inmate telephone system is therefore equipped with technology to prevent the forwarding of calls to a third number and the setting up of three-way calls in which neither the phone system nor correctional authorities can know who is the third party on the call. These protections require the development, installation, and maintenance of special hardware and software that establishes a secure calling environment. Law enforcement officials have decided that the best method for achieving a secure environment is to procure inmate telecommunications services via exclusive contracts that are awarded pursuant to public bids.

Correctional authorities expect the inmate telephone system to include the features and functionalities needed to prevent improper telephone use and to investigate misconduct. Securus, for example, holds dozens of patents for the technology used to prevent three-way and forwarded calls, as well as to ensure that innocent persons are not injured or harassed by phone calls.

I will provide two examples of how inmate telephone systems have assisted law enforcement officials in preventing crime and protecting the public. The first example comes from a Sheriff in Ohio who experienced a jail break. After the inmate absconded, this Sheriff asked the resident inmate telephone service

provider to give him the list of phone numbers that the inmate had called in the days preceding his escape. Because the inmate calling system requires all inmate calls to be recorded and stored according to the inmate's unique identification number, the service provider was able quickly to satisfy the Sheriff's request. Using that list of dialed phone numbers, the Sheriff's Office found the residence at which the escaped inmate was hiding, and was able to return him to the facility before any further crimes could be committed.

Another example comes from Grant County, Kentucky which is a Securus client. The Federal Bureau of Investigation routinely relies on the recordings of Grant County inmate calls to assist in finding Al-Qaeda terrorist cells. Thus, even at the county level, secure inmate calling platforms are proving to be a necessary tool for preserving homeland security.

Dozens of other new and highly sophisticated features are available to law enforcement, such as a feature that alerts guards when a particular inmate telephones a known criminal associate, and the use of inmate biometric voice recognition to ensure that each inmate is phoning only the persons whom the jail permits him to phone. The inmate telecommunications industry — which today is comprised not of the Baby Bells or huge long-distance companies but rather is a collection of smaller, highly specialized players — has brought these benefits to law enforcement officials and hopes to continue to do so.

III. OUR INDUSTRY EXPERIENCES A COST STRUCTURE FAR MORE CHALLENGING THAN DOES THE TELECOMMUNICATIONS INDUSTRY GENERALLY

All of the features and services I have described come, of course, at a cost. In this specialized corner of the telecommunications industry, those costs are large not only in absolute figures, but also in terms of the proportion of revenue that these costs represent.

An inmate telecommunications system is not like the local telephone network serving the residential and business market. Unlike a local exchange carrier, or "LEC," Securus cannot simply install one switch and light an entire city. Our system, and the systems used by our competitors, are custom-built with proprietary hardware and software packages that will serve the needs of each correctional facility.

Of the nearly 2,600 facilities that Securus serves, the majority use what we call "premises-based platforms." By that I mean that we create a calling service platform — a combination of hardware and software — and physically install it at the facility. We then purchase or lease from the local LEC the phone lines and transport facilities to connect the facility to the Public Switched Telephone Network ("PSTN"). Each site is built out to satisfy the features and functionalities that the resident correctional authority has chosen and which Securus, as the winning bidder, promised to provide. This requirement to provide premises-based, customized products to law enforcement and correctional authorities causes Securus to incur substantial costs. In addition, it prevents

Securus from enjoying any real economies of scale, unlike the LEC and long-distance companies that serve the general public.

Now, I am pleased to tell you that Securus has created a new calling system that alleviates this cost burden somewhat. Beginning in 2007, Securus began using a system called the Secure Calling Platform, or SCP, which is a centralized system requiring less reliance on hardware and software at the correctional facility level. This system is operated, monitored, and to some extent maintained from a central Network Operation Center, or NOC. Though some call platform functions continue to require equipment at each jail, such as the system in which correctional authorities store the lists of phone numbers each inmate is permitted to call, the SCP platform is more centralized and entails less on-site presence than any system in the country. In addition, the SCP system uses Voice over Internet Protocol, or "VoIP," technology, in part, to transport the calls.

The level of funding and work involved in creating SCP was mammoth. It required several years and the work of engineers who are the best in this business. Now that SCP has been deployed, our network efficiency has improved and our calling rates at many sites served via SCP have dropped significantly. I must, however, make clear that SCP is not always a feasible option, and some correctional authorities choose not to have it. My point is that in order to compete, and wishing to meet the needs of correctional facilities and inmates, Securus made an enormous investment in technology. This investment is indicative of the fact

that the industry is competitive and that law enforcement, the inmates, and the families of inmates are in fact reaping the benefits.

IV. H.R. 1133, THE "FAMILY TELEPHONE CONNECTION PROTECTION ACT OF 2009"

Having given you the foregoing background on how inmate telephones work and are developed, I would like to say a few words about H.R. 1133. I have read this bill closely, both this version and those which Congressman Rush has introduced in previous terms. In addition, I have been privileged to speak with Mr. Rush's knowledgeable staff to gain a better understanding of the laudable goals they have for this bill, namely, to afford inmates and their families increased access to telephone calls.

Securus is concerned that H.R. 1133 will have the unintended consequences of hindering competition, compromising security, and decreasing the availability of telephone service for inmates. In brief, this legislation would make it more difficult for Securus, as well as other inmate telephone service providers, to compete, innovate, and retain their existing presence in the market.

First, the legislation would require the FCC to set a federal rate cap. Though the FCC has the authority and expertise to perform ratemaking for telecommunications services, in the context of inmate telephone systems this task may be insurmountable. The widely variant technological needs of correctional facilities, coupled with tremendous range in the cost of facilities needed to connect our systems to the PSTN, result in enormous differences in our cost of service taken

on a nationwide level. Securus is concerned that a federal rate cap would inevitably impose below-cost rates for some facilities in high-cost areas, or would leave such a slender margin that, for many contracts, few service providers could risk putting in a bid. For in addition to a high cost of service in proportion to overall revenue, our industry faces a bad debt rate that is as much as three times as high as the bad debt that residential LECs experience. Not only that, but our costs of service are not easily predictable; there is no one determinant — not the jail size, not the inmate population, not the geographic location — that could be a reliable barometer of costs nationwide.

It is difficult for Securus to imagine a rate cap that adequately would cover all of these cost inputs. Setting a rate even at the state level would be difficult given our unique cost structure. At the federal level, the job is more complex, and perhaps even impossible. I ask the Committee to consider whether the recent market-driven rate decreases in this industry alleviate the need for such a complicated ratemaking.

Second, the legislation would impose facilities-based unbundling at the individual facility level. Our engineers have considered this concept and are quite daunted by it. The telephone systems that inmate service providers have developed and installed are proprietary. They run on proprietary software built from the ground up. The challenges of interoperability would be tremendous. Moreover, there is no true “incumbent network” for inmate telecommunications as there was in 1996 in the local telecommunications network. Questions therefore arise as to

which company will be deemed the steward of the telephone systems, and which company's technical standards will prevail. Alternatively, this mandatory unbundling would require installation and maintenance of two or more fully redundant inmate calling platforms at every facility. This configuration would impose a heavy burden on correctional facilities, in terms of both administration and security, while also reducing by half each service provider's ability to recover their costs. Again, the existing bidding process that I have described produces real and sustained competition among providers. Companies are winning contracts away from each other quite regularly. I ask the Committee to consider whether a Section 251-like regulatory regime — with notions of “interconnection” and “unbundled network elements” — should be made to displace this already-effective competitive pressure.

Third, the legislation would require an inmate telephone service provider to enable and complete calls to persons regardless of whether the provider has any billing agreement with the called party's carrier. This provision would force service providers to render service without any assurance of being paid. Though Securus fully appreciates the goal of this draft provision — to increase inmates' ability to place telephone calls — it is concerned that this requirement carries a risk of increased bad debt and a decreased ability to recover costs. Further, I assure the Committee that Securus and the industry at large already are making great efforts to establish billing relationships with potential called parties, whether through the resident LEC or via direct billing straight to the called party's

home. It is already in the industry's interests to be pro-active and innovative in reaching customers quickly to set up accounts and enable inmate calls to be completed. In fact, Securus has led the way in this regard by inventing a new service. When the LEC serving an inmate's loved one has no billing agreement with Securus, our new service allows the inmate to call home and speak briefly with that loved one right away, at no charge, and then allow them to set up a calling account over the phone. A federal mandate requiring the completion of any and all inmate calls, however, may discourage both inmates and called parties from allowing Securus to set up a billing relationship with them. The possible result would be an unprecedented situation in which a telephone company is forced to give away service for free.

Securus and the other participants in this industry are striving to provide affordable, robust, and accessible service to inmates and their loved ones. My sincere belief is that these efforts will continue, and will attain the goals of H.R. 1133 without regulatory intervention.

V. THIS INDUSTRY NEEDS YOUR HELP IN FACING THREATS TO THE PUBLIC SAFETY AND CORRECTIONAL SECURITY

I am ready and able to answer any questions the Committee may have related to H.R. 1133. I will, however, ask the Committee's indulgence to consider two significant challenges that our industry faces and that you can help resolve.

The first challenge is the cell phone. As almost any law enforcement professional will tell you, the use of cell phones by inmates poses an enormous

threat to facility security and the public safety. An inmate could call absolutely anyone with a cell phone, and the facility would have no knowledge of the call nor any record of it. Several recent jail breaks were planned and carried out via cell phones. For this reason, several Departments of Corrections — Florida, Texas, and the District of Columbia are two examples — have attempted to test technology that would jam cell phone signals within their facilities. The FCC has been unable to authorize this testing, because it is constrained from doing so under the existing statutory regime. I invite the Committee to consider how to give the FCC the authority it needs to help correctional authorities with this serious security issue.

The second challenge is the unauthorized diversion of inmate calls by entities holding themselves out as inmate telephone service providers. One phone company has called these entities “traffic pirates.” These “traffic pirates” are not certificated, have no tariffs, and in many instances cannot be identified as to their corporate origin. The scheme involves obtaining local telephone numbers in the area of a jail, giving those numbers to inmates, and then using some form of number translation or remote call forwarding to bounce the supposedly “local” calls out to the interexchange network to unknown telephone numbers. Correctional authorities are extremely worried about the obvious breach of security that these call diversion schemes create, and they have asked Securus’s help in stopping them. I in turn ask the Committee to consider adopting legislation that will declare this conduct unlawful and punishable by civil and criminal penalties.

Mr. BOUCHER. Thank you, Mr. Hopfinger. Your time has expired. Sheriff Goad.

#### STATEMENT OF DAVID GOAD

Sheriff GOAD. Good morning, Mr. Chairman Boucher, Ranking Member Stearns and members of the committee.

My name is David A. Goad and I am currently the Sheriff of Allegany County, Maryland and President of the National Sheriffs' Association. The National Sheriffs' Association represents 3,000 elected sheriffs across the country and more than 20,000 law enforcement professionals, making us one of the largest law enforcement associations in the nation. I am pleased to have the opportunity to appear before you today to discuss our strong opposition to H.R. 1133, the Family Telephone Connection Protection Act of 2009 and the negative and potentially dangerous effect this legislation will have on jails and prisons throughout the United States.

As you may be aware, sheriffs play a unique role in the criminal justice system. Over 99 percent of the sheriffs are elected and oftentimes serve as the chief law enforcement officer of their respective counties. In addition to providing traditional policing within their respective counties, sheriffs also manage local jails and provide court security. Consequently, we have a keen understanding of the needs of the criminal justice system as well as our local communities we serve.

Currently, over 80 percent of the nation's local jails are under the jurisdiction of sheriffs. While operating our nation's jails, sheriffs must process thousands of arrests and are responsible for detaining tens of thousands of inmates nationwide on any given day. The amount of time, effort, resources and funding necessary to manage these jails is quite substantial. Furthermore, sheriffs need to work with the knowledge that the safety of the public, as well as their deputies, is always guarded and held in the highest priority. Therefore, it is necessary for sheriffs to have control over and to have the ability to monitor the activities that transpire within our jails including the communication that inmates have with their connections outside of the facility.

The Family Telephone Connection Protection Act of 2009 would alter a jail's inmate telephone service procedures and amend the Communications Act of 1934 to require the FCC to prescribe rules regulating inmate telephone service. While the bill requires that these regulations do not jeopardize "legitimate security and penological interests," it indicates that a reduction or elimination of revenue derived by corrections institutions from the receipt of commissions does not constitute jeopardizing or affecting legitimate security standards or penological interests. H.R. 1133 also indicates that no provider or inmate telephone services may block or refuse to carry a call placed by an inmate on the grounds that the provider has no contractual or other arrangement with the local carrier servicing the call recipient.

The National Sheriffs' Association believes that this legislation would severely hamper the ability of all the sheriffs and law enforcement officials to effectively manage our nation's jails. Under H.R. 1133, correctional institutions would be required to provide inmates with a choice of carriers while placing telephone calls. This

proposal would amount to nothing less than the complete dismantling of the existing system of inmate phone service.

Under the current system one inmate phone service provider is contractually committed to monitoring and of course control inmate calling for security and law enforcement purposes. Carrier choice would cause the facility to lose control over the monitoring and tracking of inmate calling which frequently results in criminal activity and massive fraud. Moreover, carrier choice would severely hamper the provider's ability to assist law enforcement officials with ongoing criminal investigations and of course to monitor the phone calls of suspected terrorists.

These are dangerous individuals who will continue to conduct criminal activities and operations on the outside via phone while they are incarcerated in local jails. Such activities could also include threats against any testifying witness or against any law enforcement personnel and their families. Consequently, the inability to monitor such calls could have a detrimental and potentially deadly impact. It could place unsuspecting individuals in danger and could prevent witnesses from coming forward to testify. Therefore, sheriffs' ability to easily and effectively monitor inmate telephone calls not only assists law enforcement in criminal investigations but significantly reduces the harm to law-abiding citizens throughout the community.

During the 110th Congress and in the current 111th Congress, there has been strong emphasis on rehabilitating incarcerated offenders and ensuring their successful reentries into society. Local jails are attempting these efforts. However as sheriffs' offices budgets have been significantly reduced or tightened in recent years, sheriffs have been unable to utilize funding for anything other than personnel and necessary equipment and technology. Therefore, sheriffs rely on various services such as inmate telephone commissions to bring in revenue to fund and operate jailhouse treatment, rehabilitation and reentry programs.

I would like to interject a few examples such as in the State of Maryland that has to do with this revenue advantage. As correctional administrators we realize a significant funding loss. My facility which is a 225-bed facility in Western Maryland has realized approximately \$64,000 a year, other facilities such as Harford County, \$170,000 and Washington County in the State of Maryland approximately \$134,000 in lost revenue. Funds generated from commissions on inmate telephones are not a source of income for correctional administrators as we are only allowed to spend such funds on matters related to inmate welfare providing undergarments, socks and so on for inmates and so on. I would add that these commissions on phone calls are not unlike a sales tax. In this instance, the proceeds are entirely devoted to the betterment of the citizen population and in this instance, it is our inmates. I further wish to state that cutting such funds will have a negative effect on inmates in every correctional facility across the United States.

Sheriffs recognize that maintenance of communications with family is a positive influence for the inmate's integration back into the larger society after release. As such, the National Sheriff's Association endorses fair and reasonable rates for inmate calls and would expect all sheriffs to require service providers to adhere to FCC

rate guidelines. Furthermore, the National Sheriffs' Association continues to be an advocate for reentry initiatives proposed by Congress. However, we strongly oppose the proposals within H.R. 1133 as they would compromise public safety, put additional burdens on taxpayers and force correctional institutions to eliminate reentry programs and access to telephones for inmates.

Mr. BOUCHER. Sheriff Goad, thank you.

Sheriff GOAD. I would like to thank you for the opportunity to be here today.

[The prepared statement of Mr. Goad follows.]

**House Energy and Commerce Subcommittee on Communications, Technology,  
and the Internet**

**Hearing on H.R. 1084, the Commercial Advertisement Loudness Mitigation  
(CALM) Act; H.R. 1133, the Family Telephone Connection Protection Act of 2009;  
and H.R. 1147, the Local Community Radio Act of 2009.**

**David A. Goad  
Sheriff, Allegany County, Maryland  
President, National Sheriffs' Association**

**June 11, 2009**

Good Morning Chairman Boucher, Ranking Member Stearns, and Members of the Committee. My name is David A. Goad and I currently serve as the Sheriff of Allegany County, Maryland and President of the National Sheriffs' Association (NSA). The National Sheriffs' Association represents over the 3,000 elected sheriffs across the country and the more than 20,000 law enforcement professionals, making us one of the largest law enforcement associations in the nation. I am pleased to have this opportunity to appear before you today to discuss our strong opposition to *H.R. 1133, the Family Telephone Connection Protection Act of 2009* and the negative and potentially dangerous effect this legislation will have on jails and prisons throughout the United States.

As you may be aware, sheriffs play a unique role in our criminal justice system. Over 99% of the sheriffs are elected and, oftentimes, serve as the chief law enforcement officer of their respective counties. In addition to providing traditional policing within their respective counties, sheriffs also manage local jails and provide court security. Consequently, we have a keen understanding of the needs of our criminal justice system, as well as the local communities we serve.

Currently, over 80% of the nation's local jails are under the jurisdiction of sheriffs. While operating our nation's jails, sheriffs must process thousands of arrests and are responsible for detaining tens of thousands of inmates nationwide on any given day. The amount of time, effort, resources, and funding necessary to manage jails is quite substantial. Furthermore, sheriffs need to work with the knowledge that the safety of the public, as well as their deputies, is always guarded and held in highest priority. Therefore, it is necessary for sheriffs to have control over and the ability to monitor the activities that transpire within their jails, including the communication that inmates have with their connections outside of the jail.

The *Family Telephone Connection Protection Act of 2009 (H.R. 1133)* would alter a jail's inmate telephone service procedures and amend the Communications Act of 1934 to require the FCC to prescribe rules regulating inmate telephone service. While the bill requires that these regulations do not jeopardize "legitimate security and penological interests;" it indicates that a reduction or elimination of revenue derived by corrections institutions from the receipt of commission does not constitute jeopardizing or affecting legitimate security standards or penological interests. H.R. 1133 also indicates that no provider of inmate telephone service may block or refuse to carry a call placed by an inmate on the grounds that the provider has no contractual or other arrangement with the local carrier serving the call recipient.

The National Sheriffs' Association believes that this legislation would severely hamper the ability of all sheriffs and law enforcement officials to effectively manage our nation's jails. Under H.R. 1133, correctional institutions would be required to provide inmates with a choice of carriers when placing telephone calls. This proposal would

amount to nothing less than the complete dismantling of the existing system of inmate phone service.

Under the current system, one inmate phone service provider is contractually committed to monitor and control inmate calling for security and law enforcement purposes. Carrier choice would cause the facility to lose control over the monitoring and tracking of inmate calling, which frequently results in criminal activity and massive fraud. Moreover, carrier choice would severely hamper the provider's ability to assist law enforcement officials with ongoing criminal investigations or to monitor the phone calls of suspected terrorists.

There are dangerous individuals who will continue to conduct criminal activities and operations on the outside via phone while they are incarcerated in local jails. Such activities could also include threats against any testifying witnesses or against any law enforcement personnel and their families. Consequently, the inability to monitor such calls could have a detrimental and potentially deadly impact. It could place unsuspecting individuals in danger and could prevent witnesses from coming forward to testify. Therefore, Sheriffs' ability to easily and effectively monitor inmate telephone calls not only assists law enforcement in criminal investigations, but significantly reduces the harm to law-abiding citizens throughout the community.

During the 110<sup>th</sup> Congress and in the current 111<sup>th</sup> Congress, there has been a strong emphasis on rehabilitating incarcerated offenders and ensuring their successful reentries into society. Local jails are attempting these efforts; however, as Sheriff's Offices budgets have been significantly reduced or tightened in recent years, sheriffs have been unable to utilize funding for anything other than personnel and necessary

equipment and technology. Therefore, sheriffs rely on various services, such as inmate telephone commissions, to bring in revenue to fund and operate jailhouse treatment, rehabilitation, and reentry programs.

H.R. 1133, however, would prohibit the payment of commissions by providers of inmate telephone service to administrators of correctional institutions. The bill fails to recognize that these commissions are a primary source of financial support for a multitude of beneficial inmate programs such as inmate welfare funds, anti-recidivism programs, AIDS education, basic adult education, substance abuse programs, and child abuse prevention programs.

As local governments continue to face severe economic strains, many jails will be forced to eliminate these programs without the payment of commissions. Although Congress is currently working to secure federal funding for rehabilitation and reentry programs, it has yet to secure a substantial amount of funding for these programs. Thus, it would be irresponsible to prohibit the payment of commissions and eliminate sheriffs' primary source of funding for these programs.

Furthermore, these commissions provide crucial funding to enable authorities to administer inmate phone systems. Without commissions, jails must either request more public funding, thus putting additional stress on taxpayers, or be forced to completely cease making telephones available to inmates. As a result, the proposal to prohibit the payment of commissions may not only increase the financial burden on the taxpayers but risk the increased recidivism that would result from removing inmates' access to telephone service.

Sheriffs recognize that maintenance of communication with family is positive influence for the inmate's reintegration in the larger society after release. As such, the National Sheriffs' Association endorses fair and reasonable rates for inmate calls and would expect all sheriffs to require service providers to adhere to FCC rate guidelines. Furthermore, the National Sheriffs' Association continues to be an advocate of reentry initiatives proposed by Congress. However, we strongly oppose the proposals within H.R. 1133, as they would compromise public safety, put additional burdens on taxpayers, and force correctional institutions to eliminate reentry programs and access to telephones for inmates.

I want to thank you for the opportunity to come before you today and express our grave concerns regarding the *Family Telephone Connection Protection Act of 2009* (H.R. 1133).

Mr. BOUCHER. Thank you, Sheriff Goad. Mr. Kelsey.

**STATEMENT OF JOEL KELSEY**

Mr. KELSEY. Chairman Boucher, Ranking Member Stearns and esteemed members of the committee, thank you for the opportunity to testify before you for the first time today on behalf of Consumers Union, the nonprofit publisher of Consumer Reports.

While I am here to offer consumer viewpoints on H.R. 1084, the CALM Act, I would be remiss if I did not also take this opportunity to highlight Consumers Union's support of the Local Community Radio Act. The current cost of starting up an FM radio station is close to \$2.5 million dollars. This financial hurdle often places the station licenses outside of the reach of local hands at a time when consumers are craving more local information than ever before. Efforts to support the LPFM bill are efforts to support the families, workers and places of worship that are the anchors in our communities.

The CALM Act, introduced by Representative Eshoo, addresses a widespread consumer complaint, the abrupt loudness of television advertisements. Representative Eshoo's legislation will go a long way towards preventing advertisements from screaming at consumers in their own living rooms. Specifically, the Act would enable the Federal Communications Commission to monitor the volume of advertisements in television programming and determine acceptable levels. This would ensure that the volume levels of commercial breaks are consistent with the volume level of the programming which it brackets.

For years consumers have noticed that when a television program cuts to commercial breaks, the volume of the television suddenly rises to a shout, far beyond the average level of the television program it follows. We have often wondered are advertisers trying to scare us into remembering the names of their products.

This abrupt, sometimes shocking change in volume during advertisements is not a new phenomenon. In fact, consumer complaints about loud commercials began streaming into the FCC in the 1960s. At that point, the agency contended that there was no way to measure the volume level of commercials but did conclude loud commercials were contrary to the public interest and should be avoided. Throughout the next two decades, the Commission launched several fact-finding proceedings, ultimately concluding that although technology to measure the volume of commercials now exists, the perceived loudness of commercials is subjective and would vary from listener to listener. In 1984, the FCC commented, "As more is learned about loudness, it is likely that more sophisticated control devices will be developed and used by broadcasters. Such actions should begin to eliminate complaints of objectionable loudness."

25 years later, complaints continue to flood the Commission. In fact, in the 25 quarterly reports that the FCC releases on consumer complaints, 21 of them have listed complaints about loud commercials as among the top consumer grievances in radio and television broadcasting. We believe this widespread consumer issue, which has spanned 45 years is a result of more than just the arbitrary or subjective perception of consumers. Rather, it is a real consumer

grievance that deserves a new approach in the new era of digital broadcasting.

The current FCC guidance regarding loud commercials mostly points consumers towards equipment that they can purchase to stabilize the volume during transition to commercials. However, not every consumer can afford to purchase TV sets with smart sound nor should they have to. Advertisers simply do not have the right to scream at consumers in their own living rooms and consumers should not have to pay to experience peace and quiet in the sanctity of their own home.

There are several complexities that accompany this action by the agency. In particular, there are differences in the compressed audio levels of television shows and commercials. While the audio of a television show usually matches natural sound more closely, the audio of a commercial has less distinction between loud and soft sounds resulting in everything seeming much louder. We recommend the FCC focus in on this question in particular and develop an approach that is consistent with the 1979 Notice of Inquiry. In that Notice, the agency concedes that a dynamic range of volume is desirable with regard to broadcasting but at some point the amount of deviation from that average audio level begins to conflict with the public's sensibilities.

Placing a national standard on the loudness of commercials is not without an international precedent. In fact, the Library of Congress has noted that legislation addressing this matter has already been adopted in Australia, Brazil, France, Israel, Russia and the United Kingdom. In addition, the International Telecommunications Union has adopted standards that offer guidance to measure the audio levels of different programs.

In conclusion, the CALM Act provides an elegant and common-sense solution to finally ending a 45-year consumer complaint in the United States. Consumers Union endorses the CALM Act as a solid step towards protecting consumers from unduly loud commercial advertisement, commends Representative Eshoo for championing this legislation and urges lawmakers to bring this measure forward.

Thank you very much. I look forward to your questions.  
[The prepared statement of Mr. Kelsey follows:]



“H.R.1084, The Commercial Advertisement Loudness Mitigation Act (CALM);  
H.R.1147, The Local Community Radio Act Of 2009; and H.R.1133, The Family  
Telephone Connection Protection Act Of 2009”

Testimony  
of

Joel Kelsey  
Policy Analyst  
Consumers Union

Before the

House Energy and Commerce Committee  
Subcommittee on Communications, Technology and the Internet

On

June 11, 2009

Chairman Boucher, Ranking Member Stearns and esteemed members of the Committee, thank you for the opportunity to testify before you, for the first time, on behalf of Consumers Union, the non-profit publisher of *Consumer Reports*.<sup>1</sup> In addition to fighting for consumers in Washington, D.C., we also provide unbiased advice and educational materials to assist consumers in making marketplace decisions through our magazine and online products.

While I am here to offer consumer viewpoints on the H.R. 1084, the Commercial Advertisement Loudness Mitigation (CALM) Act, I would be remiss if I did not also take this opportunity to highlight Consumers Union's support of the Local Community Radio Act. The current cost of starting up an FM radio station is close to \$2.5 million.<sup>2</sup> This financial hurdle often places station licenses outside the reach of local hands, at a time when consumers are craving access to more local media. Efforts to support the LPFM bill are efforts to support the families, workers, and places of worship that serve as the anchors in our communities.

The CALM Act, introduced by Representative Eshoo, addresses a widespread consumer complaint: the abrupt loudness of television advertisements. Representative Eshoo's legislation will go a long way towards preventing advertisements from screaming at consumers in their own living rooms. Specifically, the Act would enable the Federal Communications Commission (FCC) to monitor the volume of advertisements in television programming and determine acceptable levels. This would ensure that the volume levels of commercial breaks are consistent with the volume level of the programming which it brackets.

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<sup>1</sup> Consumers Union is a nonprofit membership organization chartered in 1936 under the laws of the State of New York to provide consumers with information, education and counsel about goods, services, health, and personal finance. Consumers Union's income is solely derived from the sale of *Consumer Reports*, its other publications and from noncommercial contributions, grants and fees. In addition to reports on Consumers Union's own product testing, *Consumer Reports* regularly carries articles on health, product safety, marketplace economics and legislative, judicial and regulatory actions that affect consumer welfare. Consumers Union's publications carry no advertising and receive no commercial support.

<sup>2</sup> See Sect. 2 (5) of H.R. 1147.

For years consumers have noticed that when a television program cuts to commercial breaks, the volume of the television suddenly rises to a shout, far beyond the average level of the TV program it follows. Are advertisers trying to scare consumers into remembering their products? Are they worried viewers may step outside and want to make sure their ad can be heard on the way to the garage or the mailbox? Although the answers to solving this problem can be somewhat technical, we are confident the FCC can find a measured approach to addressing this long held consumer gripe.

The abrupt, sometimes shocking, change in volume during advertisements is not a new phenomenon. Consumer complaints about loud commercials began streaming into the FCC in the 1960's.<sup>3</sup> At that point the agency contended that there was no way to measure the volume level of commercials, but did conclude loud commercials were contrary to the public interest and should be avoided.<sup>4</sup> Throughout the next two decades, the Commission launched several fact finding proceedings, ultimately concluding that although the technology to measure the volume of commercials was later developed, the perceived loudness of commercials is subjective and varies from listener to listener. In 1984, the FCC commented, "As more is learned about loudness, it is likely that more sophisticated control devices will be developed and used by broadcasters. Such actions should begin to eliminate complaints of objectionable loudness."<sup>5</sup>

Twenty five years later, complaints continue to flood the Commission. In fact, in the twenty five quarterly reports on consumer complaints that have been released since 2002, twenty one have listed complaints about the "abrupt changes in volume during transition from regular programming to commercials," as among the top consumer grievances regarding radio and television broadcasting.<sup>6</sup> We believe this widespread consumer issue, which has spanned forty five years is a result of more than just the arbitrary, or subjective, perception of consumers.

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<sup>3</sup> Federal Communications Commission. See *Notice of Inquiry*, Docket No. 14904, 27 Fed. Reg. 12681, published December 21, 1962.

<sup>4</sup> Federal Communications Commission. See *Notice of Inquiry, Amendment to Part 73 of the Commission's Rules and Regulations to Eliminate Objectionable Loudness of Commercial Announcements and Commercial Continuity over AM, FM and Television Broadcast Stations*. 72 F.C.C. 2d 677 [3] (1979).

<sup>5</sup> Federal Communications Commission. See *Memorandum Opinion and Order, Amendment to Part 73 of the Commission's Rules and Regulations to Eliminate Objectionable Loudness of Commercial Announcements and Commercial Continuity over AM, FM and Television Broadcast Stations*. 56 Rad. Reg. 2d (P & F) 390. (1984).

<sup>6</sup> To view the FCC's Quarterly Inquiries and Complaints Reports, visit <http://www.fcc.gov/cgb/quarter/>.

Rather, it is a real consumer grievance that deserves a new approach in the new era of digital communications.

The current FCC guidance regarding loud commercials mostly points consumers toward equipment they can purchase to stabilize the volume during the transitions to commercials.<sup>7</sup> However, not every consumer can afford to purchase TV sets with “smart sound”, nor should they have to. Advertisers simply do not have a right to scream at consumers in their living rooms and consumers should not have to pay to experience peace and quiet in the sanctity of their own home.

In the new world of digital broadcasting, the CALM Act appropriately instructs the expert federal agency to adopt a national standard for commercials, which require their volume not be any louder than the average level of the programs they accompany. There are several complexities that accompany this action by the agency. In particular, there are differences in the compressed audio levels of television show and commercials. While the audio of a television show usually matches natural sound more closely, the audio of a commercial has less distinction between loud and soft sounds, resulting in everything seeming louder. We recommend the FCC focus in on this question and develop an approach consistent with the 1979 Notice of Inquiry. In the Notice, the FCC concedes that a dynamic range of volume levels are desirable with regard to broadcasting content, but at some point the amount of deviation from the average audio levels begins to conflict with the “public’s sensibilities”.<sup>8</sup>

Placing a national standard on the loudness of commercials is not without precedent. In fact, the Library of Congress has noted that legislation addressing this matter has already been adopted in Australia, Brazil, France, Israel, Russia and the United Kingdom. Additionally, the International Telecommunications Union (ITU) has adopted standards that offer guidance to measuring the

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<sup>7</sup> Federal Communications Commission. Consumer & Governmental Affairs Bureau. *FCC Consumer Facts: Program Background Noise and Loud Commercials*. <http://www.fcc.gov/cgb/consumerfacts/backgroundnoise.html>

<sup>8</sup> *Notice of Inquiry, Amendment to Part 73 of the Commission’s Rules and Regulations to Eliminate Objectionable Loudness of Commercial Announcements and Commercial Continuity over AM, FM and Television Broadcast Stations*. 72 F.C.C. 2d 677 [12] (1979).

audio program loudness.<sup>9</sup> In particular, it is worth highlighting that Free TV Australia, a trade group representing the free over-the-air television broadcast license holders, has written additional technical guidance with regard to the audio level of commercial advertisements.<sup>10</sup> This guidance is designed to assist broadcasters in complying with requirements that advertisements not be noisy or “excessively strident.”<sup>11</sup>

In conclusion, the CALM Act provides an elegant and common sense solution to finally ending a forty-five year consumer complaint in the United States. It requires that advertisements during a program should not be any louder than the loudest moment of that program, nor should those peak volumes be sustained throughout the advertisement.

Consumers Union endorses the CALM Act as a solid step towards protecting consumers from unduly loud television advertisements, commends Representative Eshoo for championing the legislation and urges lawmakers to bring this measure forward.

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<sup>9</sup> Soares, Eduardo. Foreign Law Specialist, Library of Congress. Memo to the Honorable Anna Eshoo, Re: *Volume of TV Commercial Advertisements*. June 26, 2008.

<sup>10</sup> Available at <http://www.freetv.com.au/Content/Common/pg-CAD-Operational-Practices.seo> (click on Op 48).

<sup>11</sup> Australia's Commercial Television Code of Practice; Sections 1.11–1.13. Available at [http://www.acma.gov.au/webwr/aba/contentreg/codes/television/documents/comm\\_tv\\_industry\\_cop-060907.pdf](http://www.acma.gov.au/webwr/aba/contentreg/codes/television/documents/comm_tv_industry_cop-060907.pdf)

Mr. BOUCHER. Thank you, Mr. Kelsey. Mr. Donovan.

**STATEMENT OF DAVID L. DONOVAN**

Mr. DONOVAN. Thank you, Chairman Boucher, Ranking Member Stearns and members of the subcommittee for the opportunity today regarding broadcasters efforts to resolve variations in volume between regular programming and commercials in digital television. And I also want to thank Representative Eshoo for the introduction of the CALM Act.

MSTV is a nonprofit trade association representing television broadcast stations across the country. In effect, we are the engineering arm of the television broadcast industry and our mission is to ensure that American consumers have the highest quality, interference-free local television. We have been actively involved in the digital television transition since the 1980s. Working with the FCC, we helped develop the digital TV table of allotments. We helped design the digital converter box that is the backbone of the transition and we have also been actively involved in dealing with the question of loud commercials.

At the outset, MSTV and the broadcast industry want the committee to understand that we fully recognize the problem. We get it. The future of our business, of digital television in particular depends in part, depends in large measure on consumer satisfaction. Unexpected changes in volume can ignore consumers and disrupt the viewing experience. The television broadcast industry has every interest in ensuring in the digital age that consumers are not subject to such frustrations. As a matter of pure economics, we do not want to lose viewers. Our revenue depends on viewers watching programs and commercials. If viewers skip advertisements or shut off their television altogether, we lost revenue.

To this end, I think there is one important element why digital is different from analog and it is extremely important. The Advanced Television Systems Committee standard employs a Dolby 5.1 digital sound system. The dynamic range of the system, i.e., the highs and the lows of volume allows for theater-quality sound. In fact, digital television has more than two times the dynamic range of an average analog television set. Consumers who have purchased large screen television sets in digital now expect the in-home theater experience. Thus, when developing a solution for loud commercials, it is important not to impair the audio range of those sets that have been purchased.

In many respects you now have motion picture production sound quality in the living room. Unfortunately, the noise in most of our living rooms have not changed over the years so you want to make sure you can enjoy the programs without having problems with the loud commercials.

And the industry has made significant progress together and let me just talk about two things in the context of digital. First, the technical parameters are established by our primary programming providers. In this regard, the major television broadcast networks in effect help create a norm for the entire industry and ABC, NBC, CBS and FOX have each individually implemented policies in the context of digital, policies to attempt to control loud commercials in the context of digital television.

Moreover, the entire industry including ABC, NBC, CBS, FOX, all local stations began addressing this issue back in 2007 when the ATSC established the digital loudness subgroup. Now, Jim Starzynski, who has worked on that extensively, will go into detail. Let me just say here that the progress of that subgroup has been remarkable. In many respects, it has resolved more issues in the last two years than the government was able to solve in decades and we are now on the cusp of resolving this issue. Importantly, when ATSC adopts its recommended practice it will have the salutary effect of providing guidance for all local televisions for local advertising, local programming, syndicated programming, national spot but also influence both cable and satellite systems which have similar technologies.

I would ask the committee to consider just one word of caution. This system has been worked on now for nearly two years. Engineers by and large are problem solvers. That is what they do and we are on the cusp of resolving this issue. Our concern with the bill if enacted will send to the FCC for one year and require a resolution within one year, in effect it creates or may create a jump ball in which once the lawyers get involved, you end up starting the process over in the context of a regulatory environment. And this may have the unintended consequence of actually delaying a solution rather than fostering it. Nonetheless, we think the bill is important. Certainly the bill has focused our attentions and helped accelerate the process but we are concerned that there may be some unintended consequences here.

Mr. Chairman, I want to thank you for the opportunity to testify before you today and I want to thank Representative Eshoo for sponsoring the bill and I am prepared to answer any questions you may have.

[The prepared statement of Mr. Donovan follows:]



**Testimony of**

**David L. Donovan  
President**

**The Association for Maximum Service Television, Inc.**

***Broadcasters' Efforts to Prevent Loud  
Commercials***

**Before the  
Subcommittee on Communications, Technology, and the Internet  
of the  
Committee on Energy and Commerce  
United States House of Representatives**

**June 11, 2009**



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Committee on Energy and Commerce  
United States House of Representatives**

**June 11, 2009**

Thank you, Chairman Boucher, Ranking Member Stearns, and Members of the Subcommittee, for the opportunity to address you today regarding broadcasters' ongoing efforts to resolve variations in volume between regular programming and commercials in digital television. My name is David Donovan, and I am the President of the Association for Maximum Service Television, Inc. ("MSTV").

MSTV is a nonprofit trade association representing television broadcast stations across the country. We are the "engineering arm" of the television broadcasting industry. Our mission is to ensure that American consumers have the highest quality, interference free, local over-the-air television. For example, we have been involved in the digital transition since the 1980s. We worked with the Federal Communications

Commission ("FCC") to help create the table of DTV channels. Working with the National Telecommunication and Information Administration ("NTIA"), the National Association of Broadcasters ("NAB") and the Consumer Electronics Association ("CEA"), we helped develop the digital to analog converter box that has become the backbone of the digital transition. We have also spent a considerable amount of time addressing the issue of loud commercials.

MSTV and the entire broadcast engineering community look forward to tomorrow's (June 12<sup>th</sup>) transition to digital television. We believe this transition will also prove an added incentive to resolve your concerns regarding loud commercials. With the termination of analog service, we can now focus our undivided attention to our "new" digital viewers.

#### **I. THE TELEVISION BROADCAST INDUSTRY RECOGNIZES THAT LOUD COMMERCIALS ARE A PROBLEM**

The Commercial Advertisement Loudness Mitigation Act, H.R. 1084, ("CALM Act") would require the FCC to prescribe rules regulating loud commercials within one year of enactment. Specifically, the legislation would enact several measures that, when taken together, would preclude the broadcast of commercials at a louder volume than that of the surrounding programs.

At the outset, MSTV wants the Committee to understand that we fully recognize the problem. Unexpected changes in volume can annoy consumers and disrupt the

viewing experience. Consumers who are unable to easily use volume controls or a mute button may be particularly frustrated by sudden spikes in loudness as a program goes to a commercial break. The television broadcast industry has every interest in ensuring that consumers are not subjected to such frustrations. As a matter of pure economics, we do not want to lose viewers because they are annoyed by loud commercials. Free, over-the-air television is fundamentally an advertiser supported medium. Our revenue depends on viewers watching programs and commercials. The broadcast industry depends on keeping these viewers satisfied. If viewers skip the advertisements, turn the channel, or shut off their television all together, a station loses advertising revenue. Accordingly, we know how important it is to develop technical standards to avoid excessively loud commercials.

The television broadcasting industry has a long history in developing systems to measure and control loud commercials. Measuring audio loudness has, however, been a complex challenge. Audio loudness is the human psychoacoustic perception of a sound level and is measured with devices that attempt to replicate the human ear's sensing system. As early as the 1960s, the industry has been focusing on the psychoacoustic perceptions of sounds. In 1967, CBS Labs designed and built the first "loudness meter." The "Audimax" and "Volumax" controllers became the gold standard. These controllers were used by the industry for years to address the loudness issue.

As will be discussed below, following on to a long history in which we successfully addressed loud commercials in the analog broadcast context, the television broadcast industry has been working on this issue as it relates to digital transmission since 2007. Because analog television for full-power television stations ends in 2009,

the industry believed it was important to begin addressing the loud commercial issues in the context of digital transmission. At the same time, the industry has worked to ensure that in addressing loud commercials, we do not deprive consumers of one of the core benefits of digital technology — the superior sound experience offered by digital television. Unlike in the analog context, the broadcast television standard adopted by the Advanced Television Systems Committee (“ATSC”), which in turn has been incorporated into the rules and regulations of the FCC, employs the Dolby 5.1 system. The dynamic range of this system, *i.e.*, the audio highs and lows, allows for theater quality sound. In fact, digital television has more than two times the dynamic range of a standard analog television set. Consumers purchasing expensive large screen television sets expect an in-home theater experience with superior sound. Thus, when developing a solution for loud commercials, we must be careful not to impair the full audio range that is possible with the new digital system.

Despite these complexities, the industry has made significant progress resolving these issues. In my testimony, I will describe the industry’s efforts to address this issue in the context of digital television. I will also explain why an immediate legislative response, at this point in time, may be unnecessary and ultimately, counterproductive. We all share the same goal. The only question is how to achieve the objective.

## **II. THE MAJOR SUPPLIERS OF BROADCAST PROGRAMMING ARE IMPLEMENTING POLICIES TO ADDRESS LOUD COMMERCIALS**

It is important to remember that, as a general matter, the technical parameters established by our primary programming suppliers -- the major television broadcast networks -- help to create a "norm" for the entire television broadcast industry. In this regard, the major television broadcast networks, including ABC, NBC, CBS and Fox are each, individually, implementing policies that attempt to control loud commercials in the context of digital transmission.

CBS and the CW Networks have had policies in place to control commercial loudness since December 2007. CBS has issued a detailed manual explaining its practices. CBS conducted a yearlong study of loudness for a variety of content including: dramas, comedies, news, sports and commercials. More than 10,000 loudness measurements were used to help develop a loudness controller with TC electronics and other manufacturers. This loudness controller uses the ITU-R BS 1770 measurement process and controls all Dolby 5.1 channels of surround sound.

Fox has reached out to its licensors of prime time programs and its commercial advertisers to explain the challenge that DTV audio presents to the viewer. For six months, Fox has been measuring and evaluating program and commercial content as delivered to Fox using BS 1770 to measure subjective loudness. It has implemented a

screening process to measure content act by act and to meet a loudness specification of (-23dBFS) within 2 dB.<sup>1</sup>

NBC/Universal has been active in addressing the management of audio for programs and commercials. With respect to in-house production, advertisers and suppliers provide NBC with soundtracks that are compatible with its in-place ATSC audio practices. It requires that all content be produced and delivered with consistent loudness. Equipment is then set to operate at this loudness level. To the extent content is delivered outside the range of NBC's guidelines, new technology is ready at WNBC-DT to automatically normalize the loudness of promotional material to match the rest of NBC's programming. NBC Universal has been an active participant in the ATSC's Subgroup on Digital Loudness, about which you will hear more today.<sup>2</sup>

Currently, ABC has policies concerning peak audio levels, which can negatively affect the transmission path. ABC plans to include new, strict guidelines for audio mixing and loudness in its program and commercial delivery specification later this year. ABC intends to either reject commercials that do not meet its program delivery

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<sup>1</sup> Fox supports a common industry target of -24LKFS +/- 2dB and has formally added it to its commercial and program delivery specification. Fox has participated in the ATSC Ad-Hoc Working Subgroup on Audio Loudness since its inception in 2007. This work has included initial testing to confirm the use of the ITU BS 1770 Subjective Loudness Measurement for TV programs and commercials, development of a Recommended Practice on the use of BS 1770 along with AC 3 meta data (dial-norm) and the proposed revision of ATSC A53 part 5 Standard to formalize the adoption of BS 1770 to set the dial-norm value.

<sup>2</sup> Mr. Jim Starzynski, Principal Engineer and Audio Architect, NBC Universal, Inc, who will be testifying today, is the Chairman of the ATSC's Working Group on Loudness.

specifications for audio loudness or modify the audio to conform. ABC also participates in the ATSC's working group on digital television loudness.

As noted above, the activities of the major broadcasting programming suppliers generally established the "norm" for the industry. As a result, we would anticipate similar solutions to be adopted by programming syndicators, national advertisers, local stations and local advertisers. Moreover, other multichannel video suppliers would generally look to these solutions and apply them to their own technologies. For example, as a competitive matter, when broadcasters implement solutions to address and prevent loud commercials, other programming platforms must find solutions as well or risk losing viewers. In this instance, however, we have greater assurance of an industry-wide solution because of the significant work of the Advanced Television Systems Committee's Subgroup on Digital Loudness.

### **III. SIGNIFICANT PROGRESS HAS BEEN MADE ADDRESSING THE PROBLEM OF LOUD COMMERCIALS**

We have made significant progress in resolving the loud commercial problem. There have been numerous discussions in the MSTV Engineering Committee, which is comprised of the chief engineers from television stations across the country. However,

because these issues necessarily implicate the ATSC digital standard, the industry looked to the ATSC as the proper forum to address this issue.<sup>3</sup>

Recognizing the need to address digital transmission and loud commercial issues within the context of the ATSC, the broadcast industry established a Digital Loudness Subgroup in April 2007.<sup>4</sup> The work of the committee recognizes that technology provides a mechanism to mitigate loud commercials.

ATSC's Subgroup on Digital Loudness has been working on a "Recommended Practice." Once adopted, the Recommended Practice will explain to stations how to implement the ATSC audio standard. For the purposes of this hearing, the Recommended Practice will provide specific guidance for commercial loudness. I understand that the Recommended Practice is expected to be voted on and released in September 2009.

Importantly, the Recommended Practice will provide guidance for all local television stations. It will provide guidance for stations when they broadcast syndicated programming, national spot advertising, local programming and local advertising. Moreover, while the ATSC's Recommended Practice is applicable primarily to over-the-air television broadcasting, it will provide guidance for closely-related standards and technologies that are currently used by cable and satellite systems. In effect, by

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<sup>3</sup> As noted previously, the digital broadcast standard (ATSC A53) provides for a significant improvement in audio quality over analog transmission. Indeed, Dolby 5.1 (A-3) is an important part of this standard.

<sup>4</sup> The testimony of Jim Starzynski, Chairman of the Advanced Television Systems Committee's Subgroup on Digital Television Loudness, provides specific detail of this Working Group's activities.

working through the engineering community, the broadcast television industry is on the verge of resolving much of this problem.

#### **IV. WE RESPECTFULLY URGE CAUTION MOVING FORWARD WITH LEGISLATION AT THIS TIME**

It is worth noting that the industry's voluntary efforts have surpassed previous government efforts to regulate loud commercials. In 1962, the FCC opened an investigation into the causes and cures of excessively loud commercials. At the time, technical equipment to measure the loudness of complex sounds did not exist to aid the FCC's efforts, and the FCC ended its investigation by adopting a statement of policy in 1965 offering guidance on how to avoid excessive contrasts in loudness between programs and commercials.<sup>5</sup>

Over a decade later, the FCC initiated a second inquiry into the loudness of commercial advertisements in 1979.<sup>6</sup> However, after a three-year fact finding *Notice of Inquiry*, the FCC found in 1984 that "although the Commission would like to see the matter resolved, it appears that little more can be gained with additional government

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<sup>5</sup> *Amendment of Part 73 of the Commission's Rules and Regulations To Eliminate Objectionable Loudness of Commercial Announcements and Commercial Continuity over Standard, FM and Television Broadcast Stations*, Docket No. 14904, Report and Order, 1 F.C.C.2d 1, 10 (1965).

<sup>6</sup> *Amendment of Part 73 of the Commission's Rules and Regulations To Eliminate Objectionable Loudness of Commercial Announcements and Commercial Continuity over AM, FM, and Television Broadcast Stations*, BC Docket No. 79-168, Notice of Inquiry, 72 F.C.C.2d 677 (1979).

studies.”<sup>7</sup> The FCC terminated the proceeding stating, “It seems unlikely that the more subjective factors, peculiar to each listener, can be controlled by machinery. Electronics may reduce the number of complaints of loudness, but it is unlikely that the loudness question can ever be resolved to everyone’s satisfaction.”<sup>8</sup>

In the context of digital transmission, industry engineers have been able to work through most of the problems, and we are on the verge of reaching solutions that will resolve the issue, while at the same time providing flexibility. With the cessation of analog transmission on Friday, the industry has a tremendous incentive to resolve this issue quickly. Moreover, the very existence of H.R. 1084 provides a strong incentive to move forward.

It is possible, however, that forcing the FCC to complete a rulemaking would have the unintended consequence of delaying proposed technical solutions. As with any FCC legal proceeding involving highly-complex technical issues, there would be a wide variety of debate from all sides. Indeed, it may reopen some of the issues that have already been resolved. Subsequent reconsideration petitions and potential court appeals may lead to further delay. Simply stated, a requirement that the FCC commence a proceeding may inject tremendous uncertainty into the process. It may actually slow down implementation of solutions that already are being developed.

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<sup>7</sup> Amendment of Commission’s Rules to Eliminate Objectionable Loudness of Commercial Announcements, BC Docket No. 79-168, 49 Fed Reg 28077 (1984).

<sup>8</sup> *Id.*

The proposed legislation has had the positive effect of focusing broadcasters' efforts on this issue. Now that the digital transition has occurred, broadcasters have a tremendous incentive to focus their attention and fix this problem. Accordingly, we would respectfully request that you forgo moving forward with legislation at this point in time. I am confident in their work, and I believe that the industry is on the right path to a timely solution.

\* \* \*

I appreciate Representative Eshoo's initiative in proposing this legislation and thank Chairman Boucher and Ranking Member Stearns for holding this hearing today. These efforts are good reminders that this is an issue of importance to the Subcommittee, just as it has been for the members of the ATSC committee and the broadcast industry over the past years.

Thank you again for providing me an opportunity to describe the broadcast industry's efforts to resolve the loud commercial issue, and I would be pleased to respond to any questions that you may have.

Mr. BOUCHER. Thank you very much, Mr. Donovan. Mr. Starzynski.

**STATEMENT OF JIM STARZYNSKI**

Mr. STARZYNSKI. Mr. Chairman and Ranking Member Stearns, thank you for inviting me to testify in H.R. 1084 and for the opportunity to discuss how NBC Universal and the TV industry generally are addressing the TV loudness issue.

I am here today representing NBC Universal, which I serve as principal engineer and audio architect. I have been working in the TV industry for 25 years and have focused on digital TV for the past 12. I also serve as chairman of the subgroup on digital television loudness within the advanced television systems committee, the technical standard organization for over the air digital TV.

Though digital TV greatly enhances audio quality, if not properly managed it also creates the opportunity for excessive variations in loudness. This can be especially apparent when transitioning from programs to commercials. The TV understands and shares the concerns about variations in volume levels. We want to give our audience the best possible listening experience and we know that experience is not currently optimal. Congress has also heightened our awareness of the problem and helped galvanize industry action on this issue. As a result, we have invested significant effort and resources in voluntary action to address the situation. This hearing is especially timely because we are on the cusp of offering a solution.

Our experience at NBC Universal provides an example of a possible solution. Early on we recognized that the digital transition would require a culture change in our management of audio programs and commercials. Whether produced internally or obtained from outside suppliers, TV programs and commercials come from hundreds of different sources. The sheer number and diversity of program sources contribute to uneven volume levels unless properly managed. Thus, our goal of providing a cinema-quality sound experience also created a risk of excessive variation. Fortunately, the ATSC's current digital standard as adopted by the FCC incorporates the necessary technology to eliminate variation in loudness during program to commercial transitions. And although the ATSC standard generally applies only to over-the-air broadcasting, the standards and technologies used by cable, satellite and telecom operators are all closely related. Therefore, NBC Universal required our in-house productions, external show suppliers and advertising customers to provide soundtracks compatible with our in-place ATSC audio practices. We require all of our content to be produced and delivered at a consistent loudness and we set our broadcast equipment to properly operate at this loudness level. These practices are generally sufficient to ensure consistent audio level across NBC programs and networks.

To address content delivered with loudness outside the range of our spec, WNBC-DT in New York is about to test new technology that will automatically normalize the loudness levels. This technology simply adjusts the volume of disparate content before transmission much like adjusting the sound with a remote control at

home. If successful, if the test if successful at WNBC, we plan to apply the technology to all NBCU television services.

Now, let me discuss the broader issue and the industry status. In April of 2007, the ATSC recognized that the emerging digital TV loudness problem deserved more attention across the industry so it created the ATSC subgroup that I chair which is DTV loudness experts from all over the major broadcast networks as well as cable, production and postproduction, manufacturing and education.

Our goal was to identify the impediments to providing good DTV audio at consistent volume levels, then discuss and document solutions for those problems. This process ultimately led to the development of a recommended practice which addresses five areas concerned and those areas are the first, contemporary sound measurement. The second, establishing the correct sound monitoring environment. The third is an explanation of how to properly manage DTV's metadata element. The fourth is management of dynamic range and the fifth, methods to effectively control program-to-interstitial loudness or programs to commercials.

This recommended practice is a comprehensive, effective and easy-to-read resource that covers all issues from content creation through distribution and transmission to the consumer experience. This ATSC recommended practice can become the roadmap for all TV professionals, no matter their industry segment or level of technical sophistication.

In terms of timing, the ATSC recommended practice is in final review by the audio experts group and scheduled for submission to our parent group in July on the 22nd with release of a final document anticipated for September. After release of the finished recommended practice, the industry will be well-positioned to resolve concerns over TV loudness.

Because the industry is on the cusp of taking action to address TV loudness concerns, legislation on this matter is, for the moment, inadvisable. Legislation may slow or stall widespread implementation of the recommended practice while the industry waits for Congressional and subsequent agency action. Further legislation might result in sub-optimal technical solution or require adherence to a technical standard that has already become obsolete.

I understand a self-regulatory approach may not provide some with the same level of assurance as a legislative solution however I can assure you that the industry is motivated to act.

Once again, thanks for inviting me to address this issue. I would be happy to take your questions.

[The prepared statement of Mr. Starzynski follows:]

TESTIMONY OF

JIM STARZYNSKI

PRINCIPAL ENGINEER AND AUDIO ARCHITECT  
NBC UNIVERSAL, INC.

AND

CHAIRMAN OF THE ADVANCED TELEVISION SYSTEMS  
COMMITTEE'S SUBGROUP ON DIGITAL TELEVISION  
LOUDNESS

ON

H.R. 1084,

THE COMMERCIAL ADVERTISEMENT LOUDNESS  
MITIGATION ACT

BEFORE THE

SUBCOMMITTEE ON COMMUNICATIONS,  
TECHNOLOGY, AND THE INTERNET

OF THE

COMMITTEE ON ENERGY AND COMMERCE

U.S. HOUSE OF REPRESENTATIVES

June 11, 2009

Mr. Chairman and Ranking Member Stearns, thank you for inviting me to address the Subcommittee on H.R. 1084 and the issue of television loudness. I appreciate the opportunity to share with you a status report on what is happening in the television industry and at NBC Universal, Inc. regarding this important issue.

I am here today representing NBC Universal, which I serve as Principal Engineer and Audio Architect. My duties are overseeing audio technologies and practices for all NBC Universal television properties – the NBC Network, our 10 owned and operated NBC stations, 11 NBC Cable channels, the Telemundo Network, and our 16 owned and operated Telemundo stations. I have been working in the television industry for 25 years and have focused on digital television for the past 12 of those years. I also serve as Chairman of the Advanced Television Systems Committee's (ATSC) Subgroup on Digital Television Loudness. The ATSC is the technical standards organization for over-the-air digital television and in that capacity developed the standard that ultimately was adopted by the Federal Communications Commission (FCC) for over-the-air digital television transmission in the United States.

Let me open by stating that the ATSC's current digital standard as adopted by the FCC incorporates the necessary technology to eliminate variation in loudness during program to commercial transitions for America's broadcast television audience. Although ATSC standards generally apply only to over-the-air

broadcasting, the standards and technologies used by cable, satellite and telco operators are closely related. However, many broadcasters, as well as cable, satellite and telco multichannel video programming providers (MVPDs) and the TV production community, have been slow to effectively adapt to the changes required to transition from traditional analog audio techniques to new digital audio practices that are now required.

With digital television's expanded dynamic range and its goal to provide cinema-like sound to the audience also comes the opportunity for excessive variation in content when DTV loudness is not managed properly. This can be especially apparent when transitioning from programs to commercial material.

The programs and commercials that you see at home come from hundreds of different sources. Local TV stations obtain much of their programming from syndicators, and their ads usually come from local businesses. MVPDs typically distribute hundreds of digital channels that contain an exponentially larger number of localized ads. No single industry segment is to blame for unacceptable loudness variation. Coordinated action by all groups is the key to solving the loudness problem and achieving viewer satisfaction.

The industry is well aware that the current situation is bad for consumers, broadcasters, MVPDs, networks, advertisers and the production community. Our awareness is partly a result of self-interest: we are motivated to give our

audience the best possible listening experience, and we know that experience is not currently optimal. Through the introduction of legislation and other actions, Representative Eshoo and other Members of Congress have also contributed to our awareness of the problem and have helped galvanize industry action on this issue.

I am here to tell you that, in fact, the television industry understands the concerns about television loudness. We have invested significant effort and resources in voluntary action to address the situation. This hearing is timely because we are on the cusp of offering a solution.

First, I'd like to discuss the steps that NBC Universal has taken. Early on, NBC Universal recognized that the transition from analog to digital was going to require a culture change in the way we manage the audio for our programs and commercials, whether produced internally or obtained from outside suppliers. Our goal of a cinema-quality sound experience for the audience also created an opportunity for excessive variation if digital technology's range wasn't managed with a new level of care.

NBC Universal requires our in-house productions, external show suppliers and advertising customers to provide us with soundtracks that are compatible with our in-place ATSC audio practices. We require all of our content to be produced and delivered at a consistent loudness. We set our broadcast equipment to

properly operate at this loudness level. The same practices apply at the NBC network, our owned television stations and our cable channels, such as Bravo, Sci-Fi, MSNBC, CNBC and USA Network.

In the case of content that might be delivered with loudness outside the range of our specification, new technology is ready to be tested at WNBC-DT in New York, automatically normalizing the loudness of promotional material to match the rest of our programming. This technology operates with minimal intervention and retains the sound quality our content suppliers and audiences demand. It simply adjusts the volume of disparate content before transmission, much like the way any of us might adjust the sound with our remote control at home. This technology represents a huge leap forward in our ability to operationally address the loudness issue. If the technology is successfully tested at WNBC, we plan to apply to all NBCU television services.

Now let me inform you about the broader industry status. In April of 2007, the ATSC – the technical standards organization for over-the-air digital television – recognized that the emerging digital television loudness problem deserved more attention across the industry. Since that time, I have been privileged to chair an ATSC sub-group of technical experts on DTV loudness. This group is made up of the brightest, most experienced and most assertive audio professionals in the industry. We have representation from all of the major broadcast networks, as

well as representatives from cable, production and postproduction, manufacturing and education segments.

Our goal was to first recognize the problems impeding good DTV audio with consistent volume levels, then to start discussing and documenting the solutions to those problems. Through much collaboration, we determined that an explanation of best practices in five areas was the key to an effective industry solution. These five concerns became the basis of our ultimate goal of publishing a document called an ATSC Recommended Practice. They are:

1. Contemporary sound measurement
2. Establishing the correct sound monitoring environment
3. An explanation on how to properly manage DTV's metadata element, i.e., the data that control the characteristics of the audio
4. Management of dynamic range control, i.e., controlling the differences between the softest and loudest sounds
5. Methods to effectively control program-to-interstitial loudness, i.e., transitions from programs to commercials

This last section was motivated by a need to make certain that important information about how to manage program-to-commercial loudness was assembled in one place, capable of being followed independently from the other aspects of the Recommended Practice.

Although ATSC standards generally apply only to over-the-air broadcasting, the standards and technologies used by cable, satellite and telco operators are closely related. Therefore, this particular ATSC Recommended Practice can become the roadmap for all TV professionals, no matter what segment of the industry they work in or their level of technical sophistication. It explains how to effectively apply the ATSC audio standard with its ability to control digital television loudness. The experts that contributed to this work have created a comprehensive, effective and easy to read resource that covers all the issues from content creation, through distribution, transmission and to the end result, the consumer experience. We believe the prior unavailability of such a document, combined with the press of many other technical issues raised by tomorrow's digital television transition, at least partly explains the lack of focus on digital TV's loudness issue to date.

The ATSC Recommended Practice is fully assembled into a single document and is in its final phase of review by the audio experts group. Submission of a completed document to our parent group is on schedule for July 22 with anticipation of a finished, released document in September of this year.

I believe that, after release of the finished Recommended Practice, the industry will be well positioned to resolve concerns over TV loudness. The already in-place ATSC standard for over-the-air digital television incorporates the necessary

technology for solving the program to commercial loudness problem addressed in H.R. 1084. The Recommended Practices simply fleshes out the audio portions of that standard. The closely related standards and technologies used by cable, satellite and telco operators are likewise technically capable of solving the problem. Careful loudness management and inter-industry adoption of consistent practices is what is needed to solve this problem. The ATSC Recommended Practice provides the missing piece of the puzzle: an easy-to-follow roadmap for implementing existing technologies to address TV loudness concerns.

Because the industry is on the cusp of taking action to address TV loudness concerns, I think legislation on this matter is, for the moment, inadvisable. Legislation may slow down or stall widespread implementation of the industry-developed Recommended Practice while the industry waits for congressional and subsequent agency action. Further, legislation might result in a sub-optimal technical solution or require adherence to a technical standard that may become obsolete.

I know that the self-regulatory approach I am advocating may not provide some with the same level of assurance as a legislated solution. However, I can assure you that the industry is motivated to act. The awareness generated by congressional interest, and in particular Congresswoman Eshoo's introduction of H.R. 1084, combined with the timely release of a very focused and effective

technical resource developed by the ATSC, has created a tremendous amount of motivation across the television community to solve the loudness problem while providing an outstanding, contemporary television experience for the audience.

Once again, I thank you for your attention and for inviting me to address this issue. I would be pleased to answer any questions you may have.

Mr. BOUCHER. Thank you, Mr. Starzynski.  
Mr. STARZYNSKI. Thank you.  
Mr. BOUCHER. Mr. Doyle.

**STATEMENT OF PETER H. DOYLE**

Mr. DOYLE. Good morning, Chairman Boucher, Ranking Member Stearns and members of the subcommittee. Thank you for the opportunity to appear before you today.

I am Peter Doyle and I will be presenting testimony on behalf of the Federal Communications Commission. I am chief of the media bureau's audio division. My staff and I are responsible for all terrestrial radio broadcast station licensing.

The Commission authorized the low-power FM radio service in January 2000. In establishing the first new radio station in more than 30 years, the Commission sought to respond to a broad and deep interest in creating outlets for highly local radio stations grounded in their communities. 859 LPFM stations are currently licensed and operating.

The Commission initially declined to adopt third-adjacent channel minimum distance separation requirements. They concluded that such requirements would unnecessarily restrict the number of LPFM stations and would not cause unacceptable levels of interference.

In December 2000, Congress passed the 2001 DC Appropriations Act, legislation which directed the Commission to impose third-adjacent channel protection requirements. The media bureau thereafter dismissed 462 applications which could not be amended to comply with the Act's spacing requirements.

In accordance with the Act, the Commission selected the Mitre Corporation to conduct interference tests. Mitre delivered its Phase I Report in June 2003. Mitre substantially agreed with the Commission's conclusions finding that third-adjacent channel LPFM transmissions would have little impact on incumbent full-power stations. In February 2004, the Commission submitted its report to Congress and recommended that Congress eliminate LPFM third-adjacent channel requirements.

I would like to make two specific comments about the Local Community Radio Act. First, the Commission's FM translator licensing experience, since the delivery of the 2004 report further confirms the agency's initial determination that LPFM stations would not cause unacceptable levels of interference. The FM translator service has by far the most flexible rules to engineer in a low-power FM station in a mature radio market. These rules permit an FM translator to co-locate with a third-adjacent channel full-power station on the basis of a Commission approved, no actual interference methodology.

On the other hand, a translator station must cease operations if a single listener complaint of actual interference remains unresolved. Since 2004, the audio division has granted approximately 4,400 new translator station licenses with approximately 1,800 of these relying on a no-actual interference processing standard with regard to a nearby or co-located second or third-adjacent channel station, a perfect, real world test of the Commission's FM interference prediction methodology.

There has been no discernable increase in interference complaints during this licensing process, a substantial vindication of the Commission's technical conclusions. Accordingly, we remain confident that the impact from LPFM stations which generally operate at lower power levels than translator stations would be extremely modest.

The second point I would like to make is that the failure to repeal current third-adjacent channel requirements could significantly restrict the future growth of the LPFM service. In 2007, the Commission announced a processing policy to consider second-adjacent channel spacing waivers from LPFM stations at risk of displacement from encroaching full-power stations. Last Friday, the U.S. Court of Appeals denied the Broadcasters challenge to this processing policy thereby saving approximately 40 stations at risk of displacement. Enactment of H.R. 1147 would permit the Commission to expand this processing policy to permit third-adjacent channel waivers.

The audio division currently anticipates enormous applicant interest in the next LPFM window. It is difficult to develop definitive projections regarding the preclusive impact of the 2001 DC Appropriations Act with both applicant demand and supply unknown until an LPFM window opens. Nevertheless, the audio division has done some research and has reached a few general conclusions. Beginning with cities of approximately 500,000 or less, our analysis shows that current requirements materially limit channels for LPFM stations sometimes for closing use of the only channel or channels otherwise available for LPFM use. Channels would be widely available for communities of less than 50,000 if current spacing requirements were eliminated.

The Commission's extensive experience in FM translator licensing refutes the claim that elimination of third-adjacent channel protection requirements would result in pervasive interference. The Commission has twice unanimously requested that Congress lift these restrictions. As chief of the audio division and on behalf of the division's expert engineers who prudently safeguard the technical integrity of the radio spectrum and who are responsible for ensuring interference-free service by over 16,000 FM stations daily, I wholeheartedly support that request.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.

[The prepared statement of Mr. Doyle follows:]

**STATEMENT OF PETER H. DOYLE**

**CHIEF, AUDIO DIVISION,  
MEDIA BUREAU  
FEDERAL COMMUNICATIONS COMMISSION**

**BEFORE THE  
U.S. HOUSE COMMITTEE ON ENERGY AND COMMERCE,  
SUBCOMMITTEE ON COMMUNICATIONS,  
TECHNOLOGY, AND THE INTERNET**

**LEGISLATIVE HEARING ON H.R. 1084, THE COMMERCIAL  
ADVERTISEMENT LOUDNESS MITIGATION ACT (CALM), H.R. 1147, THE  
LOCAL COMMUNITY RADIO ACT OF 2009 AND H.R. 1133, THE FAMILY  
TELEPHONE CONNECTION PROTECTION ACT OF 2009**

**JUNE 11, 2009**

Good morning Chairman Boucher, Ranking Member Stearns and Members of the Subcommittee. I am Peter Doyle, and I appear today before you to present testimony on behalf of the Federal Communications Commission. I am Chief of the Media Bureau's Audio Division. My staff and I are responsible for all terrestrial radio station licensing. I am pleased to provide a brief update on the development of the low power FM radio service and to discuss more fully the technical issues which relate to the Commission's 2004 Report to the Congress on the Low Power FM Interference Testing Program, the so-called Mitre Report.

**I. Creation of the LPFM Service**

The Commission authorized the low power FM ("LPFM") radio service in January 2000.<sup>1</sup> In establishing the first new radio service in more than 30 years, the Commission sought to respond to a broad and deep interest in creating outlets for highly local radio stations grounded in their communities. Both the LPFM service and technical

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<sup>1</sup> See *Creation of a Low Power FM Service*, Report and Order, 15 FCC Rcd 2205 (2000) (subsequent history omitted).

rules were crafted to leverage the limited remaining FM spectrum to promote diversity and localism – new voices reaching underserved communities. An LPFM licensee must be a local non-profit or public safety entity. An LPFM licensee may not hold an interest in any other broadcast station. The licensing criteria favor an applicant which has an established community presence, pledges to originate significant amounts of local programming, and agrees to enter into voluntary time sharing agreements with competing applicants. The modest maximum technical facilities – 100 watts effective radiated power with an antenna height of 30 meters above average terrain – create licensing opportunities not available to full power stations. LPFM stations, which have a typical service range of 3.5 miles, can be constructed for less than fifty thousand dollars. Some organizations, relying extensively on volunteers and “barn-raising”-type community events, have constructed stations for far less. Technical and programming volunteers are the operational mainstays of many LPFM stations.

## **II. LPFM Third-Adjacent Channel Spacing Requirements**

The 2000 Report & Order imposed LPFM distance separation requirements to protect full-power FM stations operating on co-, first- and second-adjacent channels and on intermediate frequency (“IF”) channels. The Report and Order concluded, however, that imposition of third-adjacent channel separation requirements would restrict unnecessarily the number of LPFM stations. Based on its finding that LPFM stations would not cause unacceptable levels of interference to full-power stations operating on third-adjacent channels, the Commission declined to impose this additional requirement on the service.

In a subsequent September 2000 reconsideration order, the Commission adopted complaint and license modification procedures to address unexpected LPFM interference to full-power stations operating on third-adjacent channels and imposed modified spacing requirements to protect radio reading services. It declined, again, to impose general third-adjacent channel protection requirements. In December 2000, Congress directed the Commission to do so in the 2001 District of Columbia Appropriations Act (“2001 DC Appropriations Act” or “Act”). The statute also directed the FCC to evaluate the likelihood of interference to full-power stations if LPFM stations were not subject to third adjacent channel spacing requirements.

The 2001 DC Appropriations Act had both immediate and longer-term impact on the roll-out and development of the LPFM service. The Commission, moving rapidly to initiate the new community-based radio service, had opened the first two of the four-stage LPFM national filing windows prior to enactment of the Act. As a result of the new spacing requirements, the LPFM stations proposed in a number of previously-filed applications became short-spaced to existing full-power and FM translator stations. The Media Bureau dismissed 462 applications which could not be amended to comply with the Act’s third-adjacent channel spacing requirements.

### **III. The Mitre Study**

As also required by the 2001 DC Appropriations Act, the Commission selected an independent entity, the Mitre Corporation, to conduct field tests. Due to budgetary constraints, the planned field tests and listener test program were divided into two phases. Mitre delivered its Phase I Report to the Commission on June 2, 2003. The Report is long, but I believe it is fair to state that Mitre substantially agreed with the Commission’s

initial findings and conclusions regarding the potential for third-adjacent channel interference. Mitre found that no signal degradation to the reception of full-power stations occurred at distances greater than 333 meters from the various transmission test sites, and that signal degradation became significant within 250 meters, particularly at distances less than 100 meters, from the test sites. It concluded that, with the imposition of adequate emission standards, third-adjacent channel LPFM transmissions would have little impact on incumbent full-power stations. For this reason, Mitre recommended that the FCC not undertake Phase II of the study - the costly formal listener test program and economic analyses.

The Commission sought public comment on the Mitre Report findings. In February 2004, the Commission submitted its Report to Congress. The Report summarized the Mitre Report conclusions and recommendations, provided a brief analysis of the public comments received, and made two specific recommendations to Congress:

- **Existing third-adjacent channel minimum distance separation requirements between LPFM stations and existing full-service FM stations and FM translator and booster stations should be eliminated.**
- **Congress should re-evaluate the necessity of completing Phase II testing.**

#### **IV. Additional Commission Actions to Strengthen and Promote the LPFM Service**

The Commission proposed in 2005 and adopted in 2007 a series of wide-ranging rule changes to strengthen and promote the long term viability of the LPFM service, and the localism and diversity goals that this service is intended to advance.<sup>2</sup> In the 2007 action, the Commission proposed additional rule changes to preserve operating LPFM

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<sup>2</sup> See *Creation of a Low Power FM Service*, Second Order on Reconsideration and Further Notice of Proposed Rulemaking, 20 FCC Rcd 6763 (2005), Third Report and Order and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 21912 (2007).

stations. It also sought comment on whether to adopt more flexible LPFM technical licensing standards to expand LPFM licensing opportunities in large and medium-sized communities. Finally, the Commission again recommended that Congress remove the requirement that LPFM stations protect full-power stations operating on third- adjacent channels.

**V. Commission Comments on The Local Community Radio Act (H.R. 1147)**

- **The Commission's FM translator licensing experience since the delivery of the 2004 Report further confirms the agency's initial determination that LPFM stations would not cause unacceptable levels of interference to third-adjacent channel full-power stations.**

Although the technical licensing standards for the various FM services are derived from common principles, they differ in certain respects. By far, the FM translator service has the most flexible rules to “engineer in” a low power FM station in a mature radio market. Translators operate on a secondary, non-interfering basis. That is, they have no rights *vis-a-vis* subsequently authorized full-power stations and must cease operations if they cause actual interference to those stations. The rules require that translators protect other stations operating on third-adjacent channels, as demonstrated by a lack of overlap of the proposed translator station’s “interfering” contour and the other station’s “protected” contour. However, where there is prohibited overlap, a translator application will be granted if the applicant can show “lack of actual interference.” The applicant first identifies the area of “predicted interference” by comparing the ratio of the signal strengths of the two stations, using an undesired/desired (“UD”) signal strength methodology. The applicant then shows, for example, that no one resides within this area, typically that in the immediate vicinity of the proposed transmitter site. A translator

station that makes such a showing must nevertheless cease operations if interference occurs and cannot be resolved.

In 2003, the Audio Division opened a filing window for applications for new FM translator stations. More than 13,000 applications were filed and approximately 4,400 licenses have been issued to date. My staff has confirmed that approximately 1,800 of these licensed stations have relied on U/D signal strength ratio showings to meet the “no actual interference” processing standard with regard to nearby second or third-adjacent channel stations -- a perfect real world test of the Commission FM interference prediction methodology.

The result of this massive translator licensing initiative? No discernible increase in interference complaints. This operational record strongly supports the Commission’s determination that any third-adjacent channel interference from LPFM stations – which generally operate at lower power levels than translator stations – would be extremely modest. The Commission fully concurs with the finding in Section 2 of H.R. 1147: “The actual interference record of these translators is far more useful than any results that further testing could yield.” Equally important, this licensing initiative demonstrates the confidence of translator licensees, who risk their time and capital to construct these secondary stations, in the Commission’s interference prediction methodology and their ability to remedy incidents of third-adjacent channel interference caused by translator operations.

- **The failure to repeal current third-adjacent channel requirements may significantly restrict the future growth of the LPFM service.**

**LPFM Station Displacement.** LPFM stations are not protected from subsequently authorized new full-power FM stations or modifications to licensed full-

power stations. If an LPFM station cannot resolve actual interference to a co- or first-adjacent channel full-power station within the full-power station's 70 dBu contour, the LPFM station must cease operation. Although, to date, only one LPFM station has been "displaced" – forced off the air permanently - by a full-power FM station "move-in," the Media Bureau has identified approximately 40 LPFM stations that could be forced to cease operations for this reason. Stations faced with displacement often seek alternate channels to remain on the air. However, fully-spaced channels are not always available.

In 2007, the Commission announced a processing policy to consider second-adjacent channel spacing waivers from LPFM stations at risk of displacement. (The 2001 DC Appropriations Act prohibits waivers of third-adjacent channel spacing requirements.) Under this policy, the Commission weighs the potential loss of service by the LPFM station against the potential for new interference to the short-spaced full-power station. Currently, 14 stations remain on the air with second-adjacent channel waivers. In eight of these cases, the affected full-power station consented to the short spacing. Another nine displacement applications seeking second-adjacent spacing waivers are currently pending.

The National Association of Broadcasters appealed this processing policy – based on the theory that it conflicts with 2001 DC Appropriations Act requirements – to the U.S. Court of Appeals for the D.C. Circuit. Last Friday, the Court held that the Act does not limit the Commission's authority to set standards for second-adjacent channel waivers and upheld the processing policy. Enactment of H.R. 1147 would permit the Commission to expand this processing policy to permit third-adjacent channel waivers to avoid LPFM station displacement on a going forward basis.

**Meeting the Demand for Radio Broadcast Spectrum.** Over the past nine years, the Audio Division has opened application filing windows for new radio broadcast stations in the AM, commercial FM, full-power noncommercial educational FM, low power FM, and FM translator services. The number of applications filed during these windows has uniformly demonstrated a strong and increasing demand for limited radio broadcast spectrum. More than 16,000 stations now operate in the FM band. We have essentially completed our initial round of LPFM station licensing. More than 3,300 applications were filed and over 1,200 construction permits were issued. Local organizations that apply for new LPFM stations often face serious obstacles, including limited technical expertise, reliance on volunteer staff, and modest service areas. As a result, hundreds of these authorized stations were never constructed. 859 LPFM stations are currently licensed and operating.

The Audio Division currently anticipates enormous applicant interest in the next LPFM window. It is difficult to develop definitive projections regarding the preclusive impact of the statutory third-adjacent channel spacing requirements. We will learn about the demand for new LPFM stations only when a filing window is opened. Moreover, projections are mere snapshots made against the background of a dynamic and constantly changing database of broadcast applications and authorizations. Finally, the licensing process is, to some extent, serendipitous. It comes down to the availability of one radio channel at one location from which a local community group is prepared to construct and operate an LPFM station.

Nevertheless, the Audio Division has done some research and has reached a few general conclusions. Beginning with cities of approximately 500,000 or less, our analysis

shows that the current requirement materially limit channels for new LPFM stations, sometimes foreclosing the use of the only channel (or channels) otherwise available for LPFM use. Channel availability would expand significantly for communities of less than 200,000 and channels would be widely available for communities of less than 50,000 if third-adjacent channel spacing requirements were eliminated.

As reflected in a currently pending LPFM Notice of Proposed Rule Making, the Commission is considering creative but responsible ways to expand LPFM licensing opportunities. This includes the use of translator-type technical rules that would permit LPFM stations to operate on a non-interfering basis. The 2001 D.C. Appropriations Act may limit the Commission's policy options, including the adoption of protection standards that are not based on distance separation requirements, to meet the great demand for community-based radio stations.

The Commission's extensive experience in FM licensing refutes the claim that elimination of third-adjacent channel protection requirements would result in pervasive interference. In fact, the potential for interference would be limited to areas immediately adjacent to LPFM transmitter sites. Thus, the Commission continues to believe that the public interest benefits of expanding a low power FM community-based radio service operated by local organizations that can address the needs of underserved communities warrant more relaxed LPFM technical licensing standards.<sup>3</sup> The Commission has twice unanimously requested that Congress lift LPFM third-adjacent channel spacing requirements. As Chief of the Audio Division and on behalf the Division's expert

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<sup>3</sup> See *Creation of a Low Power Radio Service*, Second Further Notice of Proposed Rulemaking, 22 FCC Rcd at 21942.

engineers who prudently safeguard the technical integrity of the radio spectrum daily, I wholeheartedly support that request.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.

Mr. BOUCHER. Thank you, Mr. Doyle. Ms. Beasley.

**STATEMENT OF CAROLINE BEASLEY**

Ms. BEASLEY. Good morning, Chairman Boucher, Ranking Member Stearns and subcommittee members.

My name is Caroline Beasley. I am the executive vice president and chief financial officer of the Beasley Broadcast Group, a family-owned company which owns and operates 44 radio stations in 11 markets. I am testifying today on behalf of the National Association of Broadcasters where I serve as vice chair of the NAB radio board.

My main message today is that full-power FM stations and low-power FM stations can coexist. There is a role for each to play within their communities and there is a process in place to continue licensing LPFM at the FCC. That being said, it is important to maintain interference guidelines that protect listeners to both services.

The hallmark of full-power radio broadcasting is service to our communities. Broadcasters provide unequalled community service and contribute millions of dollars locally through direct fundraising, charitable giving and donated airtime. We air a wide range of music and entertainment, provide local news, act as a lifeline in times of crisis, heighten awareness of important issues and inform voters. In times of emergencies, local radio broadcasters rise to the occasion. Local broadcasters will break from regular programming and stay on the air to reach the public and share essential information.

In 2008, as the wildfire ravaged southwest Florida, Beasley responded as five of our stations helped raise funds for families that lost homes. When an explosion occurred at a sugar refinery in Georgia, a neighboring Beasley station acted as a communications center between the public and officials dealing with the disaster. The station was flooded with offers of help and assistance for victims of the explosion. Listeners have come to expect this involvement from their local broadcasters and we will always be there for them.

In serving our local communities, broadcasters are concerned about interference. Simply, a listener that experiences interference is a lost listener, one who will change the channel and stop tuning in. This is a person we may not reach at a critical time during an emergency. The engineering study commissioned by the FCC and the subsequent recommendations to Congress address the subject of interference. The common perception of the report is that interference is simply not a problem and the policy should be changed. The study however showed that interference did in fact result from an LPFM station operating on a third-adjacent channel. At various test sites, significant degradation was found during listening. Some full-power FM programs had static. Some were not heard at all and at others time a different program could be heard in the background. These factors were not present when the LPFM test station was turned off but subsequently occurred when the LPFM station was turned on.

In view of these findings, the study recommended consideration of a formula or a way in which to mitigate the interference. The

NAB's analysis was that harmful interference would be far more prevalent than the government's report and our objections to that report were documented at length. Moreover, it is significant to note that even the government's commission report did not recommend a wholesale elimination of third-adjacent channel protection. There is a process in place at the FCC for approving low-power FMs and to date, 865 stations have been licensed. Under existing rules, there is also a great deal of capacity remaining for the licensing of additional low-power FM stations. Nationwide, there is room for tens of thousands of additional LPFMs. This is possible under the existing third adjacent channel protection policy. Interference is a real concern for local broadcasters and buffer protections are necessary and make sense.

Any policy discussion to remove third adjacent channel protection, should carefully balance interference risks to both full-power and low-power FM services. Even with third adjacent protections in place, there are examples of harmful interference caused by LPFM, stations that are not adhering to existing technical regulations. Enforcement remains an issue and increasing the chance of interference through a policy change affects all listeners and may increase the likelihood of a lost listener at a time of need or emergencies.

Thank you, Mr. Chairman, for the opportunity to testify and thank you, Mr. Doyle, for the chance to discuss your legislation. I appreciate your interest in providing greater opportunity and diversity in radio and I hope we can work together to further that goal.

[The prepared statement of Ms. Beasley follows:]

Testimony of Caroline Beasley  
Executive Vice President and CFO, Beasley Broadcast Group  
On Behalf of the National Association of Broadcasters

Hearing before the U.S. House of Representatives  
Committee on Energy and Commerce  
Subcommittee on Communications, Technology and the Internet

June 11, 2009

Good morning Chairman Boucher, Ranking Member Stearns and Subcommittee members, my name is Caroline Beasley. I am the Executive Vice President and Chief Financial Officer of the Beasley Broadcast Group, a station group which owns and operates 44 radio stations in 11 markets. I am testifying today on behalf of the National Association of Broadcasters (NAB). NAB is a trade association that advocates on behalf of more than 8,300 free, local radio and television stations and broadcast networks before Congress, the Federal Communications Commission (FCC) and other federal agencies, and the Courts.

I am grateful for the opportunity to speak with you today about the valuable services provided by full power local stations like those operated by Beasley. My key message is that full power radio stations and low power radio stations can and should continue to provide service to the American people. Both services provide value, and they can continue to do so with appropriate interference protections.

Full power radio broadcasters provide a free, over-the-air service that reaches virtually every household in America, keeping local communities – and your constituents – informed and connected. Local broadcast stations provide a wealth of local news and public affairs programming, political information, vital emergency information, and additional, unique community service (including billions of dollars annually of free air

time for public service announcements and monies raised for charities, other local organizations and causes, and needy individuals). Providing these services without damaging interference serves the public interest.

The service that low power FM (LPFM) stations provide is also valuable. LPFM can serve very localized, niche audiences. NAB urges Congress to maintain an appropriate balance between preserving the public's full power radio service and the licensing of LPFM stations to serve their audiences.

**I. Full Power Radio and LPFM Stations Provide Differing But Not Mutually Exclusive Services**

Full power radio service and LPFM service are complementary services. Both provide viable and valuable service to the listening public.

LPFM stations and full power stations do not provide – and were not intended to provide – the same type of service. Full power radio broadcasters serve entire markets with music, news, sports and emergency and weather information. Although in any given market the programming on the radio dial is diverse, running the gamut from country music to hip-hop to sports programming and talk, full power broadcasters take into account the tastes and preferences of a broad population in their markets. In contrast, LPFM stations provide a hyper-local signal, sometimes covering an area no more than a mile in diameter, with niche programming serving a very limited section of a market. Indeed, the FCC created LPFM to “serve very localized communities” and to allow small groups and organizations, such as schools and churches, to provide programming. Report and Order, *Creation of a Low Power Radio Service*, 15 FCC Rcd 2205, 2208, 2213 (2000).

In light of LPFM stations' limited service, they are subject to fewer regulatory requirements. For example, LPFM stations are not required to operate a main studio or maintain a public file. *Id.* at 2277. In fact, many LPFM stations operate out of private residences. Clearly, full power and low power FM stations do not, and were not designed, to offer the same type of services to the same size of audiences.

**II. Full Power Radio Stations Provide Valuable Programming and Life-Saving Information to Local Communities and Listeners Throughout the Nation**

Local radio stations serve their local communities in myriad ways – by airing a wide range of music and entertainment, providing local news, acting as a lifeline in times of crisis, raising billions of dollars for charity, heightening awareness of important issues and informing voters. Especially given today's highly competitive media marketplace, local stations must serve their communities and be responsive to local needs and interests to retain their audiences and, thus, the advertising revenues necessary to survive.

I also note that within our system of local broadcasting the men and women who run local radio stations are local citizens. The local station managers, local station sales staff, local DJs and local engineering personnel that manage and operate local stations share the concerns of their audiences. They shop in the same stores, their children go to the same schools, they are interested in the same political races, and they are equally affected by the same disasters. For this simple reason, it is not surprising that broadcasters provide unequalled service to local communities. Every year, broadcasters

contribute billions of dollars to their local communities via direct fundraising, charitable giving, and donated airtime.<sup>1</sup>

Broadcasters' commitment to public service is particularly evident in times of crisis. Let me give you a recent example from Kentucky. When a snow and ice storm left hundreds of thousands in the dark and caused a statewide emergency declaration this past winter, radio stations WBIO-FM, WXCM-FM, WLME-FM, WKCM-AM and WVJS-AM in Owensboro, Ky., and WTJC-AM/FM in Tell City, Ind., covering a large part of rural Northern Kentucky and Southern Indiana, powered on. Throughout the day and night, these stations broke from all regular programming to get crucial information out to their listeners, many of whom had no power, no heat and no other means of obtaining emergency information. Phones at the stations rang throughout the crisis. Callers with information on kerosene and generators got the word out through radio. The stations stayed on air continuously with updates until the crisis passed. "People will come up to me and thank us for being a lifeline, because there was no other way to get information," said news director Mike Chaney. "When the power is out, you have radio."

Broadcasters' commitment to their local communities doesn't end when the crisis ends. The effects of a disaster on a community are often long-lasting, and when national attention turns away, local broadcasters remain to assist their community and listeners. For example, when wildfires in Southern California destroyed more than a thousand homes and burned hundreds of thousands of acres, KABC-AM in Los Angeles immediately responded to the crisis, partnering with sister station KLOS-FM and KABC-

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<sup>1</sup> NAB's last comprehensive survey of radio and television broadcasters' community service in 2006 demonstrated that local radio and television stations provided over \$10.3 billion in community service in the previous calendar year. NAB, *National Report on Broadcasters' Community Service* (June 2006).

TV to organize the first media relief fundraiser. The "drive-by" event was held at three separate locations on one day. On-air personalities greeted and interviewed donors at their cars during the 14-hour live broadcast. The KABC Web site linked to all area Red Cross chapters, and the National American Red Cross set up a special link on the KABC Web site so listeners could donate any time of day or night. Station staff gave 288 hours to the effort and with individual and corporate donors raised a remarkable \$4.5 million for the victims of the fire.

Wildfires in Southwest Florida brought out the best in Beasley stations WRXK-FM, WJBX-FM, WXKB-FM, WJPT-FM and WWCN-AM. In 2008, those stations, in conjunction with a local hotel, sponsored the "Estates Fire Fundraiser," raising more than \$10,000 from the single day event to help aid the families who lost homes in the fire.

Similarly, when an explosion at a local sugar refinery killed 13 workers, stations WSOK-AM and WLVH-FM in Savannah, Georgia, held a radiothon to help the families affected by the tragedy. For the community-wide event, the stations partnered with the United Way and invited community choirs, musical groups and pastors from all over the city to take part. The six-hour live broadcast from St. John's Baptist Church raised thousands of dollars for the victims' families. Beasley station WGAC in nearby Augusta, Georgia, acted as a communications center between the public and officials dealing with the disaster and rallied its listeners to help the affected families. WGAC's servers were flooded with emails from local citizens and businesses that wanted to lend a hand any way they could. Thanks in large part to those stations' efforts, the victims' families were assured lodging, food and clothing. (Please see [broadcasterpublicservice.org](http://broadcasterpublicservice.org) for

dozens of other similar examples and a state-by-state breakdown of the ways in which broadcasters serve their local communities every year.)

During an emergency -- particularly one that arises with little notice -- no industry can match the ability of full power broadcasting to provide comprehensive alerts to affected citizens. Wide signal coverage ensures that anyone in a car, at home or even walking around with a mobile device can receive up-to-the-minute alerts when disaster strikes. Through our participation in the Emergency Alert System (EAS) and additional coverage of natural disasters and other emergencies, broadcasters help save lives with extensive, timely emergency information. Coordination with local law enforcement via Amber Alerts has led to the recovery of 443 abducted children. In fact, the Amber Plan was originally created by the Association of Radio Managers with the assistance of law enforcement agencies in the Dallas/Ft. Worth area.

And every day, local stations assist listeners in many ways -- we guide viewers and listeners to their homes with detailed traffic reports, remind them if they will need an umbrella in the afternoon and tell them when and if their local school is closed during a snowstorm. The attached Beasley Broadcast Group newsletters provide just a sampling of the public service performed by our stations. This service includes raising awareness of important issues (e.g., mental illness, autism, breast cancer, etc.); fundraising for local and national charities, organizations and causes (e.g., hospitals, humane societies, foundations, medical research groups, etc.); publicizing and supporting local events (e.g., blood drives, charitable walks and races, sport tournaments, etc.); supporting children and education; and helping individuals in need. Full power broadcasting is such an integral part of our daily lives, it can be easy to take for granted.

LPFM cannot provide the same kinds of community service – especially during emergencies – that full power stations provide. Nor should it be expected to. It is not a criticism of LPFM to observe that it cannot provide lifeline information to large portions of a community or across large geographic areas. In limited circumstances, LPFM stations may be able to provide emergency information to a neighborhood or similarly small geographic area. But to ensure that the maximum number of citizens receive vital emergency information, full power stations must be able to air their programming without damaging interference.

In addition, as a noncommercial service serving very small geographic areas and discrete audiences, LPFM stations simply lack the resources to provide the extensive community-wide service offered by full power stations. Few LPFM stations remain on the air 24 hours a day the way that most full power radio broadcasters do. These stations do not have the resources to offer extensive local news, unlike full power stations such as WTOP here in Washington, DC. Thus, I reject the claim made by some that full power stations do not provide high quality local programming or that LPFM stations provide somehow “better” programming.

Moreover, innovations such as digital broadcasting are enhancing full power broadcasters’ ability to serve local communities and listeners. HD Radio digital radio technology not only offers crystal-clear audio; it also permits the broadcasting of multiple free, over-the-air program streams to bring additional content, including much more local content, to the public within stations’ current spectrum. Currently, there are nearly 2,000 HD Radio stations in the U.S. broadcasting almost 3,000 channels of audio programming, an increase in programming of 50% over that possible using analog

broadcasting alone. HD Radio technology further allows other services, including wireless data enabling text information, such as song titles and artists or weather and traffic alerts, and even more innovative features are under development. In sum, digital technology is allowing local radio stations to improve the technical quality and enhance the content of the services provided to listeners.

**III. Extensive Opportunities Exist for LPFM Stations While Preserving the Technical Excellence of Valuable Full Power Service, Both Analog and Digital**

In establishing the LPFM service in 2000, the FCC strove to “create a class of radio stations designed to serve very localized communities,” while at the same time “preserv[ing] the integrity and technical excellence of existing FM radio service, and not . . . impeding its transition to a digital future.” *FCC Low Power Radio Order* at 2206, 2208. NAB believes that this balance is both appropriate and achievable. At the end of last year, there were 859 LPFM stations operating in the United States. There are, moreover, abundant opportunities to build and operate LPFM stations in cities and towns across America. Literally tens of thousands of LPFM licenses are still available across the country, even assuming that the standard third-adjacent channel protections continue to be maintained.

Congress provided, in the Radio Broadcast Preservation Act of 2000, a buffer of protection between LPFM stations and full power stations equal to the buffer that has existed between full power stations for decades. Interference protections are necessary to ensure that local station signals providing vital news and emergency information can reach as many listeners as possible. With this in mind, Congress should be cautious when considering reducing the interference protections for full power service, as

proposed in H.R. 1147, the Local Community Radio Act of 2009. Acting conservatively in this area is also warranted as full power radio stations continue their transition to digital broadcasting and work to ameliorate some existing digital coverage shortfalls and reception difficulties.

It is also important to recognize that during emergencies, citizens are more likely to rely on portable radio devices to receive alerts and updates. Those radios have been shown to be more susceptible to interference than home or car stereos since portable radios are typically smaller and less expensive and hence cannot perform as well as the larger, more expensive (and better designed) radios used in homes and automobiles. For citizens that rely on portable radios, reduced interference protections for full power service could be the difference between receiving and not receiving an emergency alert.

I want to thank you again for the opportunity to present our views to the Subcommittee. America's full power radio broadcasters are always pleased to inform members of Congress about the valuable services provided by local stations. NAB urges Congress to maintain an appropriate balance between preserving the public's full power service without damaging interference and the licensing of LPFM stations to serve very localized, niche audiences.

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**AUGUSTA REACHES OUT**

"Heartbreaking" is the word WGAC PD, Harley Drew, used to describe the tragic explosion at the Imperial Sugar Refinery just outside of Savannah, Georgia.

About 100 second-shift employees were in the facility Thursday, February 7th, around 7:20 p.m., when an explosion occurred in a silo where the refined sugar is kept until it is packaged.

The most serious burn victims were taken to the world-renowned Joseph M.

**WGAC/580  
 NEWS • TALK RADIO**

Still Burn Center at Doctor's Hospital in Augusta, and the people of Augusta responded in every way. WGAC 580 News/Talk Radio made the decision to become involved in trying to help the people of Savannah rather than just reporting on the tragedy. They broadcast the following statement on February 8th:

*"Because of the immediacy of our broadcast abilities and the fact that WGAC has the ability to broadcast breaking information 24 hours a day repeatedly, we feel our mission is to both bring the public accurate information and to act as a communications center between the public and officials dealing with the disaster."*

*"It is heartbreaking to have to report on tragedies such as what has befallen our friends from Savannah. However, the people of the CSRA [Central Savannah River Area] have, once again, shown*

*their compassion and care. The WGAC hotline via email has been flooded with citizens and local businesses wishing to donate blood, food, clothing, supplies and money. God Bless you all."*

*"The communications line via email at scott@wgac.com will be monitored tonight and throughout the weekend for those who have been unable to reach us due to the strain on our server. Once again, it is a pleasure to serve such a caring and giving community."*

Investigative Reporter, Scott Hudson, sent this email the next day:

*"Harley, our server nearly crashed with all the incoming emails. I am still getting them today... those families who had to dash out in the middle of the night with their injured loved ones were shrouded in love by the citizens of Augusta. All their lodging, food and clothing were taken care of."*

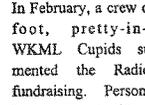
Thank you, WGAC, for responding with all your heart, providing aid and support, and exemplifying radio at its best.

**WKML SAYS  
 THANK YOU TO  
 FAYETTEVILLE**

The Big Heart Bash is a concert given in honor of WKML 95.7 listeners who generously donated at the Partner In Hope level during the 21st Annual St. Jude Radio-thon.



More than 400 Partners In Hope enjoyed the music of recording artists Jeff Bates and James Otto. There was great support from the entire WKML staff, and many of the air staff showed up in black tie and had a part in the program.



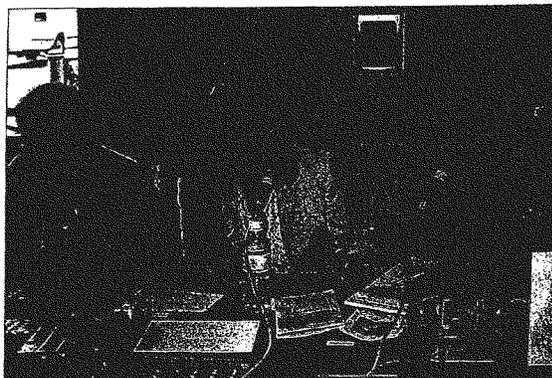
In February, a crew of six-foot, pretty-in-pink WKML Cupids supplemented the Radio-thon fundraising. Personalities Larry K. Smith, Don



Chase, deanO and Steve Richards donned their red trousers and pink vests to deliver bouquets of roses that had been pre-ordered by listeners.

WKML listeners donated/pledged a total of \$156,321 to St. Jude Children's Research Hospital in Memphis.





**EASTERN NC'S 107.9 WNCT DOES IT AGAIN!**

WNCT's Annual Radio-thon to benefit Children's Miracle Network is a national good-deed phenomenon! The 3-day event is ranked #1 in the nation for phone donations - beating Orlando, At-

lanta, Washington D.C. and Dallas - and ranked #1 in the nation for return rate: 92%! Receiving no money from corporate donations, the ENC team is proud to report that 100% of pledges are from caring and generous listeners phoning in and 100% of proceeds goes to Eastern NC's local Children's Hospital, Pitt County Memorial in Greenville. This year, the station raised \$137,000 which brings their 11-year total to \$2.3 million from WNCT listeners!

For the past two years, WNCT has conducted a 4-hour "mini-thon" live from the Children's Miracle Network Celebration at Disney World in Orlando, FL. Last year, they raised more in four hours that all the other participating radio stations combined! At this year's Celebration in March, hosted by Children's Miracle Network Co-Founder Marie

Osmond (pictured above with radio personality Uncle Doug Moreland and PD Jerry Wayne), WNCT was the only radio station to conduct a mini-thon. The WNCT team was able to meet and interview Miracle kids from all over the USA, Canada and the UK.



*Brandon and Derrick, two Miracle Kids with miracle stories of survival.*

Since its founding in 1983, Children's Miracle Network has grown dramatically from a televised fundraiser in the Osmond's small studio to one of the world's leading children's charities helping 17 million kids each year. The annual CMN

Celebration event brings together the organization's diverse partners and many celebrities to share best practices, celebrate achievements and honor the children.

Holding the record for the most consecutive radio-thons, PD Jerry Wayne, Breakfast Club Host and Promotions Director Donna Kelly, and radio personalities Uncle Doug Moreland and Jeff Diamond have been a team since 1997.

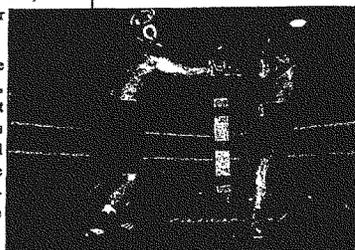
**PHILLY'S XTU TAKES THE PLUNGE!**

92.5 XTU was the sponsor of the very first Polar Bear Plunge for the Delaware Valley Chapter of the Alzheimers Association. Creative Services Director Lora Lewis was the only staffer to accept the challenge, explaining, "Idiot that I am, I paid \$30 for the right to jump into the Schuylkill River"...and here she is being pulled out, goose bumps and all! The event raised over \$35,000 in "cold" cash.



**A KNOCKOUT FUNDRAISER**

In a "Battle of the Airwaves," *Wired* 96.5 WRDW morning show producer, Justice, took on actor Danny Bonaduce from the TV reality show "Breaking Bonaduce" in a celebrity boxing match to benefit the Don Guanella School for Developmentally Disabled Boys in Philadelphia. The sold-out crowd watched Justice pummel the former child star but lose the bout by a point. The match received national coverage and made all the celebrity gossip sites.





with the consent of the Lt. Colonel, we put the wheels in motion. WKML provided food for the families awaiting the release of the soldiers once they had arrived, and made sure that every gift bag was exactly the same for each soldier. We also agreed to not broadcast until after the fact to ensure their security."

**WITH HEARTFELT THANKS**

This item is near and dear to Krysta Kaye's heart. Krysta is Promotions Director for Fayetteville's WKML and her husband, John, was among the heroes recently welcomed home by the station with handshakes, hugs, heartfelt thanks and value-packed gift bags.

In her own words...

"I began working on this with WKML in December 2007 (before I started working for BBGI) because of all the red tape involved."



Krysta, John & John Christopher ...a family photo.

"This Infantry group had been in Afghanistan for 15 months. They had experienced significant harm and loss of life as they fought for our freedom."

"As a military spouse, I was able to

find out the chain of command, go to the Lt. Colonel of the battalion and speak for WKML. WKML wanted to be able to

say THANK YOU to the troops as they arrived home. We not only wanted to say THANK YOU but be the FIRST to do so (not to mention the ONLY radio station allowed to do this to the best of my knowledge). After going through JAG and PAO (Public Affairs)

"Our sales team started making phone calls explaining the pin-point marketing our partners would get being the first to reach the paratroopers. We quickly received items to fill the bags with free or half-price deals."

"As time passed, we received updates as to flight times and made sure we were



ready to go meet the battalion as they arrived over a two week time period."

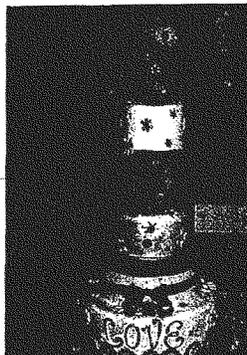
"WKML was able to say THANK YOU to these brave men for their service, give them a gift bag that showed the appreciation of the station and advertisers, and welcome them home in a way that has never been done before."

"This was a very time consuming endeavor but what we got back from the families and the soldiers has been overwhelmingly worth the effort."

An interactive video of the photos is on WKML's website - check it out!



**LET THEM EAT CAKE**



Wired 96.5 was the sponsor of "Let Them Eat Cake" at Philadelphia's Hyatt Regency. Brides-to-be were able to sample the wares of over 40 pastry chefs as the bakeries competed in the areas of Best Design, Best Taste and Creativity. G-N from the Chio in the Morning Show was a celebrity judge and money raised at the annual event benefited the City of Hope's local programs and research into breast cancer and AIDS.

**RAISING AWARENESS**

Delaware's 99.5

WJBR teamed up with Immaculata University to "Stomp Out

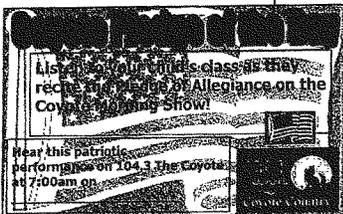


Stigma" and raise awareness for mental illness. With afternoon jock Catey Hill painting faces and over 40 student volunteers pitching in (some are pictured below), 104 people crossed the finish line of the 5K-Run/1 1/2-mile Walk, raising \$3,300+ for the worthy cause!



**COYOTESALUTES KIDS**

Every day at 7:10 a.m. the Coyote Morning Show in Las Vegas plays the "Pledge of the Day" and, each day, a different class of kids, K through 3, gets



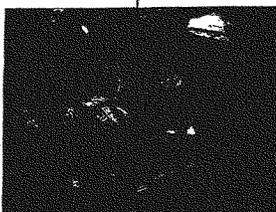
to hear themselves pledge allegiance to the flag on the radio!

104.3 The Coyote contacts schools individually to see if they would like to participate. A producer and promotions person visit ten to twelve classrooms, record the children, and hand out pledge cards for the kids to take home to their parents stamped with the date that classroom will be played on the air.

Coyote reports the response to this patriotic community outreach promotion has been overwhelming

**B103.9 IS HUMANE SOCIETY'S BEST FRIEND**

On a Monday morning, employees of Gulf Coast Humane Society in Fort Myers, FL, arrived



at work to discover the building had been burglarized and over \$7,000 in brand new computer equipment and supplies for the new low-cost public veterinary clinic scheduled to open in March had been stolen.

In two days, the team at B103.9 had organized and publicized an emergency radio marathon for that Wednesday, 6 a.m.-6 p.m. Listeners calling in with a donation of \$20 or more had their song

request played on the air. The listener who made the largest contribution received a pair of tickets to see the Jonas Brothers in concert plus a meet & greet with the band. Contributions were also accepted online and in person at the studio and a local mall.

They had hoped to raise \$8,000.00 to cover the cost of the stolen items. Thanks to a quick response, a huge team effort and a caring community, \$10,250 was raised for the humane society in 12 hours (the Jonas Brothers tix went for \$1,550)!

**WQAM'S PROS WERE GOOD SPORTS FOR MAKE-A-WISH**

Miami's Sports Radio 560 WQAM-AM offered some "good times" in exchange for good bids to benefit Make-A-Wish Foundation in an on-air auction.

Former Dolphins tight end "Big Dog" Joe Rose auctioned off 4 club tickets to the Dolphins-Jets game, VIP pre-game field passes, a meet-n-greet with Rose in

the broadcast booth and an autographed John Beck helmet.

Jim "Mad Dog" Mandich, a key member of the historical 1972 Miami Dolphins undefeated team, auctioned off a half-day of back country fishing with

Mad Dog himself, dinner for two at Ziggy and Mad Dog's and a one-night stay at the Chesapeake Resort in Islamorada (in the Florida Keys). ESPN veteran Jason Jackson auctioned off golf for two with himself and the Miami Heat's Jason Williams completing the foursome at the Doral Golf Resort and Spa, plus two lower bowl tickets, lot 19 parking and access to the Dewars Clubhouse for the Heat-Magic game. WQAM also



broadcast live from the Ultimate Sports Auction at the Broward County Convention Center. In addition to making some South Florida sports fans very happy, the station raised approximately \$6,000.00 enabling the charity to grant one wish.

**LEADER OF THE PACK**



Eastern NC's Cub Scout Pack 200, Den 1, got a private tour of the WNCT 107.9 studios. Mid-day jock Jeff Diamond recorded the little guys and they got to hear themselves the next day on his show. This visit fulfilled part of the pack's "go see it" requirements and the boys received a badge for participating.

**THE POWER OF EDUCATION**

DJ Def, LA Smooth and the Power 96 Street Team recently went to Miami's Jorge Mas Canosa Career Day to speak about the opportunities a good education can offer and to motivate kids to stay in school. They told the students about the variety of talents and skills needed and explained the different positions available in radio broadcasting. It looks like the kids were tuned into the message...





**WJBR WARMS MORE THAN HEARTS**

This past winter, *Delaware's 99.5 WJBR* supported "Operation Warm," an organization that provides new winter coats to indigent children in the state of Delaware. WJBR collected \$33,108 and more than 100 brand new coats. That translates to more than 2,300 children who were kept warm and cozy this winter!

**SW FLA'S WJPT CARES**

"Caring For Allyson" was a fundraising event with proceeds benefiting a little girl in a tragic situation.



Allyson's mother was shot to death in front of students at a child care center in Cape Coral, FL, on Jan. 25<sup>th</sup>. Her estranged husband, Allyson's father, remains in custody at the Lee County Jail, charged with first-degree murder. Allyson now lives with her mother's parents.

*SW Florida's 106.3 WJPT* brought giveaways and contributed auction items to the "Caring For Allyson" fundraiser which featured rides, face painting, and activities for kids of all ages. It's estimated that at least 3,000 people attended, and that more than \$20,000 was raised for Allyson's trust fund.

**WMGV MAKES A MILLION FOR MAKE-A-WISH**

A few years ago, WMGV began collecting spare change from Eastern NC businesses, with the goal of collecting



a million pennies for the Make-A-Wish Foundation...hence the name "Make A Million For Make-A-Wish." This last time, they decided to kick it up a notch with a Radio-thon. They had their engineers install 4 phone lines in the conference room and promoted the event a week or two out on-air and by email blast...then crossed their fingers. 12 hours later they had raised over \$22,500! Combined with the spare change they collected, they gave almost \$24,000 to the Make-A-Wish Foundation of ENC.

**NOT THE SAME OLD STORY**

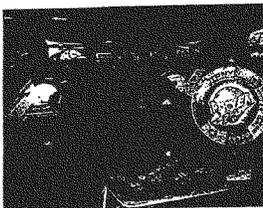
Charly Kayle of the "Tofte, Kayle & O'Brian - TKO Morning Show" on *Classic Hits 96.3 The New KKLZ* in Las Vegas, shared her love of books during "Nevada Reading Week" by reading several books to a kindergarten class at Roger Bryan Elementary, whose mascot, proudly displayed below, is a tiger. She enjoyed exploring the lessons from the stories with the students, and the kids enjoyed it so much they invited her to come back and read more books...every



month! Never one to put down a good book, Charly (shown with school support staff) accepted, and will be a regular in this kindergarten class of bookworms!

**KEEPING TEENS OFF THE STREETS**

*Power 96's* own Model Mike and the *Power 96* Street Team visited the Teen Center in Deerfield Beach, FL, to help encourage teenagers to attend the Teen Center as an alternative to hanging out on the street. The goal of the *Power 96* team was to entertain the kids and give them a reason to come back.



**SEEN AROUND**

WUKS/WZFX account executive, Beverly Pone, has been appointed to the Salvation Army Advisory Board in Fayetteville...*Power 96's* Baby Bree and the *Power 96* Street Team hosted the HIV/AIDS Awareness Drive at Plantation High School in Broward County, FL...Jeff Diamond, mid-day jock for Eastern NC's WNCT, emceed the Eagles Wings Charity Benefit basketball game between the Washington, NC, Fire Rescue and Police Departments with proceeds going to the Food Bank of Beaufort County...BBGI Fayetteville stations were on hand broadcasting from the city's annual Health & Wellness Fair...*KISS 101.9* WIKS-FM in Eastern NC participated in Tom Joyner's National "Take a Loved One to the Doctor Day"...*Miami's 99.9 Kiss Country* WKIS-FM offered on-site and on-air support to the Girl Scouts of Broward County Food Drive and the Hallandale Beach Police Unity Tour Fundraiser...Receptionist Pat Lane's photo was spotted in Fayetteville's *City View Magazine* in conjunction with her outstanding and very valuable work with Relay For Life.

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**PAJAMA GAME IN VEGAS**

The 6<sup>th</sup> Annual DJs for PJs® was an all-day event to collect new pajamas for children in need. Pajama-clad DJs from



*Coyote's JC Hawkins, Darcy and Rick Kelly*

104.3 Coyote Country KCYE-FM, Classic Hits 96.3 The New KKLZ-FM, fresh 102.7, Today's Soft Music KFRH-FM, NewsTalk 720 KDWN-AM broadcast live from 6 a.m. to 7 p.m., from four donation points. Businesses and individuals dropped off new pajamas for children from infancy to teen for local agencies to distribute to abused, neglected and abandoned kids throughout Southern Nevada. A collaboration with Consultants in Marketing, Leadership Las Vegas, Wal-Mart, Station Casinos and Courtesy Imports, over 13,000 pairs of jammies were collected!



*GM Chuck Meylin and Mayor Oscar Goodman*



*KKLZ's Jim, Louis, Charly, Andrea, Mike*

**WILMINGTON WALKS THE HIGH ROAD FOR AUTISM**

April was Autism Awareness Month and Delaware's 99.5 WJBR teamed up with the Autism Society of Delaware to promote the inaugural "Walk the High Road for Autism" walk to raise awareness of autism and raise funds to support the work of the ASD. The walk was a means to provide more family events, the development of an adult support brokerage, and social skills training programs.



Bowling with Zito and Garrett from New Rock 99X, Breakfast with B103's Drew Show, and Thirsty Thursday Night in a Miracle baseball suite for 25 people from Sports Radio 770. Over \$10,000 was raised to help the families put their lives back together.

**PUTTING OUT FIRES IN SW FLORIDA**

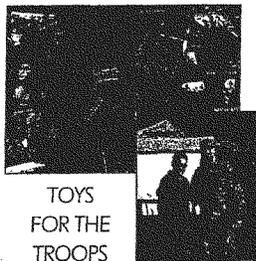
Beasley's 96 K-Rock WRXK-FM, New Rock 99X WJBX-FM, B103.9 WXXB-FM, Southwest Florida's Great Music - Great Memories 106.3 WJPT-FM and Sports Radio 770 WWCN-AM, along with a local hotel sponsored the "Estates Fire Fundraiser" with all proceeds going to families whose homes were destroyed by a wildfire.



Over 25,000 people turned out to see country artists Sara Evans, Jason Michael Carroll, Sarah Johns, Lost Trailers, Wanted and Chelsea Musick; family activities and entertainment including a classic car showcase, wing-eating contest, United Way Duck Town (kids area), pony rides, petting zoo, moon bounce, two-lane slide, joust, obstacle course, face painting, hair wrapping and more.

**CHILI IN PHILLY**

92.5XTU Philadelphia's Country Station and Gloucester County Chamber Of Commerce hosted the 3<sup>rd</sup> Annual Chili Cook-Off, Concert & Festival to benefit the Boys & Girls Club, People for People, United Way, Habitat for Humanity and the 4-H Fair Association.



**TOYS FOR THE TROOPS**

The WKXC *Kicks 99* Wake-Up Krew in Augusta knew just what our troops needed for their "down time." The promotion, called "Operation Air Force One," collected hundreds of CDs and DVDs from listeners to send overseas to our troops.

**ANDIE & THE SOLEMATES**

*92.5 XTU's* 24<sup>th</sup> Anniversary Show, the Philly station's FREE annual listener appreciation concert, featured performances by an all-star lineup of country recording artists plus a family festival.

At the Anniversary Show, Andie of the Evans & Andie Morning Show, along with her team - the XTU Solemates - sold limited edition beads to raise money for the Philadelphia Breast Cancer 3-Day benefiting Susan G. Komen for the Cure and the National Philanthropic Trust Breast Cancer Fund. The Solemates will be participating in the Breast Cancer 3-Day, walking 60 miles in 3 days.

Concert-goers spotted wearing the beads could win backstage passes. At the Kenny Chesney Show, Andie sold lighted leis and pink glow necklaces.

Last year they raised about \$95,000 - and this year hope to break \$100,000!



**KIDS AND TRUCKS!**

Beasley's *104.3 Coyote Country* KCYE-FM and *Classic Hits 96.3 KKLZ-FM* were the media partners for Family-To-Family Connection's Touch-A-Truck in Las Vegas. Children explored, climbed on, sat in and had their pictures taken with their favorite big rigs, fire trucks, police cars, construction and commercial vehicles, and many, many more - approximately 90 vehicles in all. Proceeds benefitted *Family To Family Connection, Las Vegas West*, a nonprofit organization that empowers and supports families in Nevada to provide a safe and nurturing environment for their children



through parent education and community networking. The center offers free services to families of infants and toddlers up to age four. Over 4,300 people attended and \$40,000 was raised.

**POWER 96 D.A.R.E.S.**

W P O W - FM DJs Model Mike, KC Chops and Big Al took part in Mi-am-i's D.A.R.E.S.

Walk to help raise money for the program that teaches kids in our public schools to stay away from drugs. After the walk, Big Al and KC mixed for the crowds as Model Mike hosted the entertainment.



**FAYETTEVILLE SAYS**

**WELCOME HOME HEROES**

**WKML 95.7** *The Big 95.7* WKML-FM and the Braxton Bragg Chapter of the Association of the United States Army sponsored "Welcome Home Heroes," a celebration to welcome home the 82<sup>nd</sup> Airborne Division, Special Forces and Support Units from their extended stay in the Gulf.

Picture above, the Golden Knights jumped in to start the show! Lone Star entertained a massive crowd along with backup band Borderland. Other events included VIP's with a Welcome Home address and family activities. Admission was free for all!

**AUGUSTA AIDS RED CROSS**

All seven Augusta stations put on their fundraising hats to give the Red Cross a hand. Augusta raised over \$1,500 in two days to help the victims of severe tornadoes

that blew through the area last spring.





**BEASLEY BROADCAST SUPPORTS RELAY FOR LIFE**

BBGI was well represented in communities across the country raising millions to help find a cure for cancer. Funds raised from Relay For Life, the American Cancer Society's signature fundraising event, support ACS research, education, advocacy and patient support programs.



Classic Hits 96.3 KKLZ-FM Vegas



96 KRock WRXK-FM Ft. Myers



Soft Rock V103.3 WMGV-FM Eastern NC

**VEGAS ACES THE FIRST TEE**

104.3 The Coyote KCYE-FM's Tom and Rick were on hand at The First Tee of Southern Nevada Wal-Mart/Sam's Club Charity Golf Tournament. The more than \$60,000 raised will be used to operate and expand programming, allowing the organization to reach more than 65,000 area youth this year alone. A portion of the proceeds will go to the Wal-Mart & Sam's Club Scholarship given to one graduating senior each year.



"Wake Up with The Coyote's" Tom & Rick with Wal-Mart representative Tina

**BEASLEY-EMBARQ ATHLETIC SCHOLARSHIPS**

Challenging student-athletes to always do their best in whatever they face, former N.C. State football standout Dwight Sullivan was the guest



speaker at the Beasley-Embarq Scholar-Athlete Banquet in May. This program is a joint venture of Beasley Fayetteville and Embarq. One male and one female athlete were presented with cash scholarships in the amount of \$1,000 each.



**PHILLY'S SundayOUT!**

Wired 96.5 WRDW's G-N from the Chio in the Morning Show and Casey from mid-days were at SundayOUT!, the region's largest gay & lesbian street festival, sponsored by Equality Forum, an organization whose mission it is to advance civil rights. The event in Philadelphia's Old City featured over 100 artisans, vendors, music, live entertainment and conversations with gay leaders.



Wired's Casey, G-N, and friends.

**WJBR HOSTS ADOPT-A-MOM**

WJBR and Delawaremoms.com teamed up to support the Delaware Health and Social Service's Adopt-a-Mom Program in celebrating the website's first birthday. Michael Waite and Jill Quale hosted the gala and participants earned tickets to the "Moms Only" party by dropping off donations of diapers or baby formula. Not only did the station heighten awareness of an internet community devoted to better parenting, but supplied mothers-in-need in the process.

**HOOPS FOR HEART**

Power 96 WPOW's Model Mike worked the crowd while Big Al and KC Chops mixed...all to help the American Heart Association raise money at their "Hoops for Heart" Basketball Tournament in Miami.





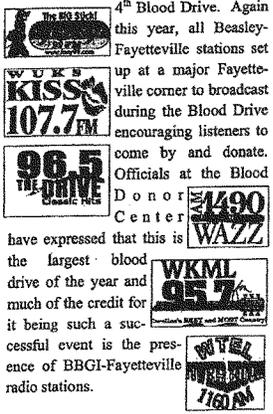
**CHIO WALKS THE WALK**

*Wired 96.5 WRDW's* Chio in the Morning was at this year's MS Walk in Philly to support participants in their 10K (6.2 miles) walk. Rest stops were located every 2 to 3 miles along the route, where walkers were greeted by energetic volunteers handing out water and nutritious snacks. Walkers received completion certificates as they crossed the finish line to the cheers of friends and family.

**FAYETTEVILLE SUPPORTS PRE-4TH BLOOD DRIVE**

For the past several years, BBGI-Fayetteville has joined forces with the Blood Donor Center of Cape Fear Valley Health System to promote the Pre-July 4<sup>th</sup> Blood Drive. Again this year, all Beasley-Fayetteville stations set up at a major Fayetteville corner to broadcast during the Blood Drive encouraging listeners to come by and donate.

Officials at the Blood Donor Center have expressed that this is the largest blood drive of the year and much of the credit for it being such a successful event is the presence of BBGI-Fayetteville radio stations.



**SEEN AROUND**

Eastern North Carolina stations championed good works throughout their markets including AIDS Awareness efforts, the Real Crisis Center, Breast Cancer Awareness and Merci Clinic...

WAZZ-AM's Curt Nunnery was one of thirteen recognized for his work in the community by the Senior's Call to Action Team in Fayetteville - and the emcee for the Senior's Awards Gala was WAZZ personality, Wendy Riddle...

Delaware's 99.5 WJBR partnered with the Pantene Beautiful Lengths campaign to make no-cost wigs for female cancer victims and helped the Delmarva Blood Bank raise money with a 5K event...

Fayetteville's WKML/WFLB Promotions Director Krysta Kaye was honored for her many contributions at a Volunteer Appreciation Luncheon at Ft. Bragg...

Model Mike from Miami's Power 96 WPOW spoke about job opportunities in the radio industry at two middle school career days in April...

Foxy 99 WZFX Promotions Director UB Brown and Foxy personalities spoke to young men about setting goals and making good decisions at a Fayetteville middle school's "Boys to Men" program; Foxy PD UB along with Big Bruce was also at the Salvation Army Shelter's "Love Lunch" working alongside 30 agencies to help the homeless...

Fayetteville's Big 95.7 WKML, Kiss 107.7 WUKS, Foxy 99 WZFX and 96.5 The Drive WFLB all took part in the March of Dimes event at the community college...

The Power 96 WPOW family took part in the PowerAde Pro Challenge to demonstrate their love and support of the Miami YMCA...

**COMMUNITY**

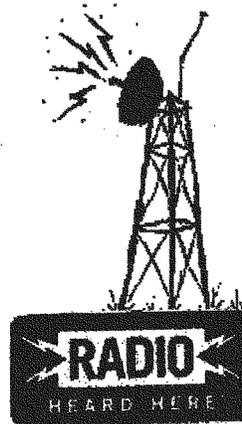
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## SUCKER FOR A GOOD CAUSE



*Power 96's* DJ Laz of the DJ Laz Morning Show was on air 36 hours culminating in a live 12-hour remote to benefit "Radio Lollipop," the innovative, in-house radio station designed to stimulate the minds and raise the spirits of the young patients at Miami Children's Hospital. Last year, *Power 96*



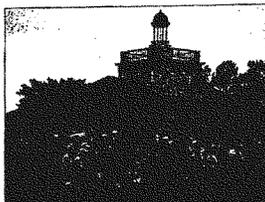
*DJ Laz and DJ Laz from the Morning Pimp Show.*

WPOW-FM raised over \$50,000 for Radio Lollipop, and this year, setting out to double that figure, ultimately collected an amazing \$180,000, plus over \$50,000 worth of toys!

Radio Lollipop is an international, non-profit organization dedicated to providing care, comfort, play and



entertainment to children in hospitals. This volunteer-run organization uses music, upbeat interactive activities and contests to engage the children who can request their favorite songs, win prizes and hear their voices on the radio.



## CELEBRITIES SCORE FOR CANCER RESEARCH

Fayetteville's WKML, WFLB and WUKS sponsored the 2008 Jimmy V Celebrity Golf Classic benefiting the V Foundation for cancer research at the world-renowned Pinehurst Resort. The stations gave away over 600 gallery tickets, and for two holes, announced the celebrities playing for the crowd.



*Kevin "Hercules" Sorbo with Larry K. Smith.*



*WKML Promotions Director Krysta Kaye with Extreme Makeover Home Edition's Paul DeMio.*

In the past fourteen years, the Classic has raised over \$13 million. The V Foundation for Cancer Research was founded in 1993 by ESPN and the late Jim Valvano, legendary North Carolina State basketball coach and ESPN commentator. Since 1993, The Foundation has raised more than \$60 million to fund cancer research grants nationwide.

## COACHES COOK FOR CHARITY



WJBR Morning Show host Michael Walte was one of the judges of the Lavan-Keeler Cook-Off...that is, DSU Head Football Coach Al Lavan and University of Delaware Head Football Coach K.C. Keeler. They mixed, stirred and fried their way to a tie with the proceeds from the event going toward the coaches' chosen charities. Coach Lavan cooked on behalf of IMPACT Delaware Tobacco Prevention Coalition, and Coach Keeler's culinary abilities benefited the Boys & Girls Club of Delaware.

## WIRED UP

Wired 96.5 sponsored the annual Campus Philly celebration attended by over 10,000 incoming college students. The kids partied and learned about the city's cultural and entertainment opportunities, housing and rentals in the area, clubs and nightlife, and even fitness and health options, while enjoying live music along with lots of handouts.



CROSSING THE FINISH LINE FOR CANCER



The New KKLZ once again sponsored the Danny Ganz 12th Annual Champions Run For Life all to benefit the Nevada Childhood Cancer Foundation. KKLZ Morning Show's Mike O'Brian, for the 4th year in a row, served as host for the event that attracted over 1,500 people to The District in Green Valley. People participated

in either the 1 mile fun run/walk or the competitive 5K with \$500 cash going to the top male/female finisher.



Dancy Ganz with KKLZ's Mike O'Brian

THE POWER OF PINK

Delaware's 99.5 WJBR made a difference this year by participating in the American Cancer Society Making Strides Against Breast Cancer Walk. Morning Show personality Michael Waite hosted the festivities and over 5,000 walkers and joggers gathered to support the cause. Together the WJBR team raised \$4,979 - far surpassing their original goal of \$995! Way to think pink, guys!



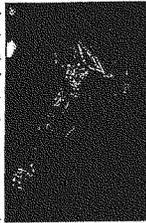
LOTS AND LOTS AND LOCKS OF LOVE

Check out WJBR.com for an invideo following Promotions Director Kim Campbell on her journey as she cut off and donated 12 inches of her hair - a feat that can be tough for any woman! Locks of Love is a charitable organization that gives hair prosthetics to financially disadvantaged children, age 18 and under, with long-term medical hair loss from any diagnosis. Kim has been growing her hair long and cutting it off every 4 years for this charity and has surely impacted many children with her kindness. (Hey, Kim - you look great!)



"NINA'S NIGHT OUT"

Multi-platinum singer-songwriter, Jessica Simpson was the headliner for the 5th Annual "Nina's Night Out" sponsored by 104.3 The Coyote in Las Vegas and KTNV anchor Nina Radetich. 100% of proceeds benefited The Rape Crisis Center, a southern Nevada nonprofit that provides education, support and advocacy for victims of sexual assault and their families. At his year's event, Jessica performed songs from her new country album along with other popular favorites.



PINKFEST - A CONCERT & FESTIVAL FOR THE CURE!

92.5XTU's big fundraising event in Philly starring Martina McBride and Jack Ingram also featured Kristie Lee Cook and Crystal Shawanda performing on the American Idol side stage. This day of fun included a Karaoke Contest for Backstage Passes and a "Martina Midway" with games, a dunk tank and lots more. A portion of the proceeds raised benefited Morning personality Andie Summer's team, the "XTU Solemates," at the Philadelphia Breast Cancer 3-day for the Susan G. Komen Foundation for the Cure and the National Philanthropic Trust.



WE DON'T LIKE IKE!

Miami's Power 96 WPOW-FM held a hurricane food and clothes drive for victims of Hurricane Ike. Power 96 collected five full Pack-Rat container trucks full of donated goods for those in need.

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**CLASSIC ROCK 106.5 GRANTS  
A VERY SPECIAL CHRISTMAS WISH**

During **WSFL-FM's** Christmas promotion, "The 15 Days of Christmas," the station encouraged their Eastern NC listeners to submit a Christmas wish for themselves, a family member or friend.

Andy Martin of **Williamston, NC**, did just that. His prosthetic leg is old and worn out.



He lacks insurance and a new prosthetic leg costs approximately \$13,000. So Andy asked Santa – via the elves at **WSFL** – for a new leg. Working together with Beasley sister station **VI03.3 WMGV-FM, Classic Rock 106.5** contacted Hanger Prosthetics & Orthotics in **Greenville, NC**, and arranged to make his wish come true.

During the call from **WSFL**, when he realized his wish was being granted, Andy's gratitude was heartfelt and genuine. "Thank you, thank you so much...I'm sitting here right now crying, and you've got to believe me, I don't cry...things like this don't happen," he responded. "You've got to understand how much this means..."



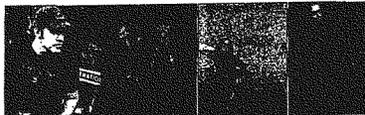
Cindy Miller

"I have chills just thinking about it," said **WSFL PD Cindy Miller**. "It's times like this when I can forget about the business side of radio and just think about how awesome my job is!"



**KICKS 99'S 10<sup>TH</sup>  
ANNIVERSARY  
GUITAR PULL  
WINS "GABBY  
AWARD"**

**Kicks 99 WKXC-FM's** 10th Annual Guitar Pull concert to benefit "Million Pennies for Kids" continued the station's tradition of bringing rising stars and established acts to the **Augusta** area. Formatted as a social gathering, the concert featured all the artists - **Lady Antebellum, Luke Bryan, James Otto, Rodney Atkins, Joe Nichols** and **Sara Evans** - sitting together on-stage with each taking a turn telling stories, singing a song and perhaps commenting on the work of another. **Nashville's** biggest artists donated their time and all money raised went to the local **United Way** to help children and their families have a brighter Christmas.



**WILMINGTON GIVES THANKS FOR  
99.5 WJBR'S ANNUAL TURKEYTHON**

Their goal is to give listeners an opportunity to meet their favorite DJs while contributing to those in need. Partnering with the **Ministry of Caring, Delaware's 99.5 WJBR** beat last year's numbers, collecting 881 turkeys, 1,000 lbs. of canned food and over \$1,000 cash!



Promotions Coordinator **Megan Clendenen** babysits a truckload of turkeys

96.3 KKLZ AROUND TOWN

**Classic Hits 96.3 KKLZ** joined up with the Firefighters of S. Nevada Burn Foundation for the 7th Annual "Fill the Fire Truck" Toy Drive. The toys and gift cards - enough for over 18,000 kids - were given to local schools and charities for distribution to their needy families.



**KKLZ** helped families celebrate at the NICU (Neonatal Intensive Care Unit) Reunion at Sunrise Children's Hospital. The NICU cares for over 750 infants each year who are critically ill or premature and require intervention.

**G.I.E.T. ... GIVING IN THE FAYETTEVILLE TRADITION**

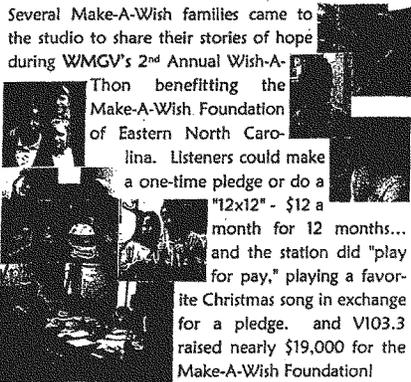
Salvation Army bell ringers with kettles were right there alongside Beasley Fayetteville on-air personalities as the stations broadcast from four remote locations, asking listeners for non-perishable food, clothing, toys and cash for the less fortunate at Christmas. We hear Fayetteville listeners were generous and the day was a rousing success!



**SOFT ROCK V103.3 MANNED THE PHONES TO MAKE WISHES COME TRUE**

Several Make-A-Wish families came to the studio to share their stories of hope during WMGV's 2nd Annual Wish-A-

Thon benefitting the Make-A-Wish Foundation of Eastern North Carolina. Listeners could make a one-time pledge or do a "12x12" - \$12 a month for 12 months... and the station did "play for pay," playing a favorite Christmas song in exchange for a pledge. and V103.3 raised nearly \$19,000 for the Make-A-Wish Foundation!



WJBR'S WARM, FUZZY FUNDRAISER



If it's December in Delaware...it's time for 99.5 WJBR's annual promotion with Operation Warm, a nonprofit organization that turns coins into coats for kids. A gift of \$15 provides a brand new warm coat for an underprivileged child in the Delaware Valley.

During the very first broadcast, \$2,500 was collected in just 4 hours by the

Morning Show's Michael Waite and Jill Quale! By Christmas, WJBR and their dedicated listeners raised \$15,760 dollars...that's over a thousand new coats for kids!



Michael Waite with Kim Fortunato, President Operation Warm

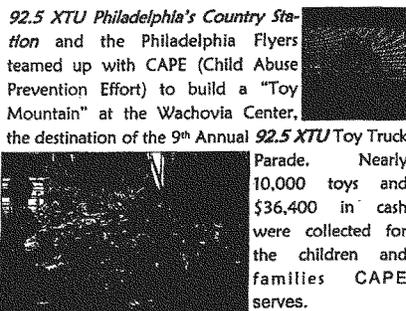
FAYETTEVILLE HAS THE KISSMASS SPIRIT!



KISS 107.7 team members and several WUKS listeners traveled out to Whispering Pines Nursing Home last Saturday to do a little "Kissmas Karoling!" Beverly Pone and Debbie Eason, along with Taylor Morgan, Pam Patton, Kristy Sykes and their kids all serenaded the residents at Whispering Pines accompanied by Bryan Morgan on guitar. "I found myself near tears throughout much of the event," said PD Taylor Morgan. "Giving of yourself and being appreciated so much for something so small left us all with an experience that was priceless!"

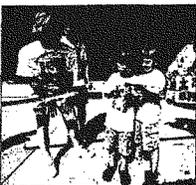
A MOUNTAIN OF LOVE

92.5 XTU Philadelphia's Country Station and the Philadelphia Flyers teamed up with CAPE (Child Abuse Prevention Effort) to build a "Toy Mountain" at the Wachovia Center, the destination of the 9th Annual 92.5 XTU Toy Truck Parade. Nearly 10,000 toys and \$36,400 in cash were collected for the children and families CAPE serves.



**SW FLORIDA SUPPORTS  
WALK NOW FOR AUTISM**

**8103.9 WXXB-FM, New Rock 99X WJTB-FM, 96 K-Rock WRXK-FM, Sunny 106 WJPT-FM and Sports Radio 770 WWCN-AM** were media sponsors again this year for Autism Talks' Walk Now for Autism.



Vans and personnel from all five stations were there to entertain and cheer on the walkers. The walk was a huge success with over 2,800 participants and more than \$170,000 in proceeds.



**99.9 KISS COUNTRY'S TOYS IN THE SUN RUN**

30,000 motorcycles followed the WKIS-FM KISS Country RV

down I-95 in South Florida for the Toys in the Sun Run to benefit Joe DiMaggio Children's Hospital! From the motorcycle ride, toy collection with performances by Big Kenny from Big & Rich, Richie Supa from Aerosmith, and Mark Chesnutt, and appearances by NASCAR driver Bernie Lamar and Supermodel Niki Taylor, the event raised over \$150,000.

**CLASSIC HITS 96.3 KKLZ CARES**

Firefall was the featured band at the "KKLZ Cares" Concert to benefit Catholic Charities of Southern Nevada. The station collected donations of food, grocery store gift certificates and cash at locations around Las Vegas to help feed the hungry during the holidays.

Everyone who donated was eligible to receive free concert tickets.

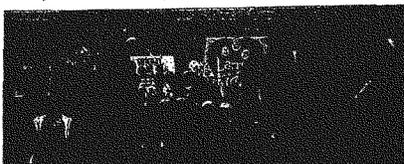


*KKLZ Staff at the Concert, L to R: Terrie Springs-Mid-days; Gus Stone-Production; Jim Toftte, Charly Kayle, Mike O'Brian-KKLZ Morning Show; Mike Manko-Evenings*



**A CHRISTMAS TO REMEMBER FOR LARRY'S KIDS**

The magic of Christmas touched more than 200 kids and their families in Fayetteville, thanks to WKML's Larry K. Smith and a record number of volunteers. Dozens of families enjoyed a very merry Christmas party knowing that someone cares and the Salvation Army's "Kids to Kamp" program received \$1,000.



**THE POWER 96 "GREAT TURKEY GIVE-AWAY"**

Miami's WPOW-FM invited listeners to show up at two "surprise locations" and take home a free turkey!

**WIRED 96.5'S "CHIO IN THE MORNING SHOW" GIVES BACK**



The goal of "Chio's Christmas Wish" is to help needy families celebrate the season who, due to financial, physical or mental difficulty, are unable to provide for themselves or their families during the holiday season. In the month of December, Chio solicits letters from **Wired 96.5** listeners to nominate families in the Philadelphia area who are in need of some holiday cheer. Since 1998, Chio has been giving gifts of \$1,000 to deserving families.

**FOXY "FLIPS THE BIRD!"**

The week before Thanksgiving, **Foxy 99 WZFX-FM** set up business at a different location each day to give away Thanksgiving turkeys, stuffing and cranberry sauce to Fayetteville families.



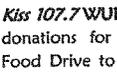
OUT & ABOUT

 The **103.9** van was on hand for the Southwest Florida "Making Strides Against Breast Cancer" walk in support of the American Cancer Society's lifesaving research, prevention, early detection, and support programs for thousands of patients and their families. Over \$58,000 was raised!

 Again this year, Fayetteville's **FOXY 99** "Jammed the Bus" with toys for the Salvation Army at Wal-Mart locations all across the **WZFX** listening area.

 **WSFL** sponsored the "Benefit for Timmy and Hannah" in Eastern NC and helped raise \$8000 with a bike ride and concert. A Fire Control Specialist III for the City of Kinston Fire and Rescue Division, Timmy was badly burned in a home accident. Hannah, born with multiple congenital abnormalities, is the daughter of Tracey and volunteer firefighter Chris Roddy.

 **Beasley SW Florida stations** were there to help judge and play music at Delta Family Counseling's "CARES High School Challenge" for suicide prevention. They had record attendance, and great money was raised and matched by a generous donor!

 **Kiss 107.7 WJKS** collected "drive thru" donations for the Heat of Carolina Food Drive to help brighten the holidays for Fayetteville families in need.

Hope you enjoyed this holiday recap. Now, more than ever, great good can come from local involvement and we're proud of the caring Beasley teams who reach out and give back to their communities every day. Thanks for all you do!



COMMUNITY

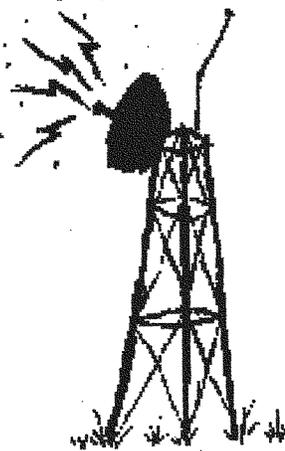
SERVICE...

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Mr. BOUCHER. Thank you very much, Ms. Beasley. Ms. Leanza.

**STATEMENT OF CHERYL A. LEANZA**

Ms. LEANZA. Thank you. Good morning, everyone. Thank you for keeping your attention on this long, long panel. I really appreciate your time. I know it is a lot of information and I am going to try to be brief and hopefully interesting for you. I want to thank Chairman Boucher and Ranking Member Stearns and members of the subcommittee.

And I am here today to support the Local Community Radio Act of 2009, H.R. 1147. First, I want to extend my sincere gratitude to Congressman Doyle and Congressman Terry for their leadership on this issue, as well as the bipartisan group of legislators on this subcommittee for bringing this issue forward. In particular, as a quick side note want to articulate UCC support for the other bills that are being considered this morning and I have a letter with me today from 20 media justice organizations in support of Congressman Rush's bill.

But I am here to talk about low-power radio. I am going to describe the service. I am going to describe the problem. I am going to give you a couple of examples. I am going to hit the technology for a little bit and hopefully we will get out of here with time to spare, at least in my five minutes, right.

So what is low-power radio? They are small FM stations. They are 100 watts. They reach five to seven miles in diameter. They are really small. They fit in between the cracks and they use spectrum that is not used right now.

We do have 800 stations on the dial. We know something about them and there are an incredible diversity of stations. I couldn't begin to describe them all to you today but encourage you to look at my written testimony and go back into your home districts and find out about what is going on there because it really is incredible.

But as I said, we are not here today about the stations that are on the air. We are about the people who are left behind because although we have 800 stations on the air, there is one station in the top 50 markets in this country. That is 140 million people that have virtually no opportunity to hear about low-power radio. Hundreds and thousands of organizations are waiting, waiting for Congress to act, waiting for this bill to pass. Organizations like Southwest Virginia Community College that submitted an application to the FCC. Everything was 100 percent right. The previous legislation passed and their hopes were smashed away.

In contrast, if we pass this legislation, just about every community in this country would get three or four LPFM stations. They are all waiting for Congress to act to pass this bill.

So there are a lot of stories I could tell you about low-power radio but since it is June and it is the beginning of hurricane season, I am going to talk a little bit about some good examples. I want to assure you that although I don't know who is going to win the hockey finals this season, that LPFM radio is going to win the Stanley Cup overall.

Let me give you some examples, Coalition of Immokalee Workers is in central Florida. During Hurricane Wilma they saved almost 300 people through their broadcast. What is different about this

radio station? They don't just broadcast in Spanish. They broadcast in indigenous languages like Mixe and Zapotec. This is not stuff you hear on the radio now. When you get information in your native language, it is much easier to respond in an emergency.

Similarly in Hancock County, Mississippi, during Hurricane Katrina, QRZ was able to stay on the air. Why? They were small enough they could pick up the transmitter, move it to higher ground and operate the entire time using a car battery. That doesn't happen with regular full-power radio.

Finally, I want to tell you about somewhere that they wish they had low-power radio, Citrus County, Florida. During Hurricane Frances, they were desperate for information, local information. Well certainly, there was a lot of information on the radio about Hurricane Frances in that region. It was all emanating out of Tampa and directed towards Tampa. The Citrus County officials were so desperate for attention that they actually announced in 2004 they were going to try to get a low-power radio station but they are still waiting. Congress needs to act.

So I need to spend about 60 seconds to make three points about the technical issues about low-power radio because you keep hearing this is a great service. It is a great idea but there are technical problems. I understand that. I understand the desire to study but let me make a few points to you.

First, we know low-power radio is safe because there are thousands of translator stations on the air now run by full-power broadcasters that are the same size, the same distance apart, exactly the same. In fact, some of them are closer than low-power radio stations and they are working fine. Mr. Doyle said it in technical terms. I am telling you in layman's terms, these are the same. They are on the air. They don't cause interference. The only difference between those stations and LPFM is who owns them. Are they a member of the NAB or are they not?

My second point, we have a 2.2 million Congressionally-ordered independent study. Not a government study, not a private sector study, an independent study. It confirms all of the analysis of many other studies that have come before it. I need to say to you today, one of the organizations that I am representing is the National Federation of Community Broadcasters. They are 200 full-power, noncommercial broadcasters on the air. The organization is 25 years old. They support this service. They support the legislation. They care incredibly about signal integrity. They would not be here today supporting this legislation if there was a danger to the service.

Finally, I need to point out to you that incumbents do not have a sterling track record when it comes to technical questions about new entrants, whether it was an AM radio broadcaster trying to keep out that newfangled FM service in the 1930s or it was Ma Bell telling you that it was absolutely impossible for you to buy a telephone in the store and hook it up to the network without causing the entire network to fall down. Incumbents protect their territory and this situation is no different. We can certainly study the issue to death and we can study it more. We can create an entire stimulus package for just studying this issue but thousands of stations, thousands of applicants around the country have been wait-

ing and waiting and we have put a lot of resources into it and we know the answer. The record is clear.

So in closing, I want to share a quick experience with you, one of my favorite parts of working on low-power radio. I often get the chance to ask people, what would you do if you had a radio station? What would it sound like if your community were in control and all of a sudden their eyes light up because the wheels in their head are turning. Oh my gosh, we would broadcast the local high school football game. We would find out what exactly is going on at city council or the school board and what about that river on the other side of the county? Is that safe? Can my kids walk in it and wade in it? And the music, the band down the corner that they just heard for the first time that they're sure is going to make it, the cherished songs from the homeland that they like to share with their children and their grandchildren. There is nothing like this on radio today.

So I am bringing with you a potent example of why this service is so popular. These are 20,000 signatures. The public interest community has collected 20,000 signatures only since the end of February, since this legislation was introduced this year. This is just the tip of the iceberg. These 20,000 people are asking you all to move this legislation ahead and I hope that you will listen to them.

Thank you for your time and I look forward to answering your questions.

[The prepared statement of Ms. Leanza follows:]

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**Testimony of  
United Church of Christ, Office of Communication, Inc.  
Prometheus Radio Project  
National Federation of Community Broadcasters**

**Submitted to the  
House Energy and Commerce Committee  
Subcommittee on Communications, Technology, and the Internet**

**Cheryl A. Leanza  
Policy Director  
United Church of Christ, Office of Communication, Inc.**

**June 11, 2009**

Chairman Boucher, Ranking Member Stearns and members of the Subcommittee, thank you for the opportunity to testify before you. I appear today speaking on behalf of just a few of the hundreds of organizations that support full implementation of low power radio to encourage this Subcommittee to move the Local Community Radio Act of 2009, H.R. 1147. For the last fifty years, the United Church of Christ media justice advocacy arm has been working to ensure we have a media as diverse as America and accountable to the communities they serve. The Prometheus Radio Project is the premier advocate in the country for low power radio broadcasters and those hoping to become broadcasters. The National Federation of Community Broadcasters represents over 200 noncommercial radio stations in almost every state in the union, DC and Puerto Rico.

As the committee is well aware, in the year 2000, the Federal Communications Commission conceived of a new implementation of an old idea – distribution of low power radio stations to community groups across the country. This reopened the airwaves to allow for local FM broadcasting after a 20-year hiatus. Today there are approximately 800 local, low power radio stations on the air. Although we have stations all across the country, demonstrating the need and interest in this opportunity, we also are facing a serious limitation. Currently, the FCC is not allowed to fully implement the low power radio service. This limitation has the effect of reducing the number of stations available, particularly in the top fifty markets in this country.

Low power radio is an extraordinary service. Churches, community groups, civic organizations, local governments, high schools, civil rights chapters and many others are currently running radio stations around the country. These radio stations reach out five to seven miles in diameter on the regular FM dial. They broadcast at 100 watts – the same power as a light bulb. Because low power radio stations use simple technology they are extremely inexpensive to operate – they are easily within the reach of smaller organizations. But these stations are high in impact. Not only is radio a powerful medium, but a medium whose power is intensified when its listeners recognize their own community on the airwaves. This is radio that speaks directly to the questions and concerns of the day, unfiltered through large corporate entities or boardroom decisions. Instead, community organizations and volunteers put blood, sweat and tears into the daily effort of bringing the culture, news, and local events to their towns and neighborhoods.

Unfortunately, thus far the story of low power radio has been a classic example of when government needs to get out of the way. Low power radio is a chance to breathe new life into an industry that could use a spur from innovation and new thinking. Commercial radio has been bleeding listeners and facing declines in revenue. And low power radio is positioned exactly in the sweet spot where we have seen radio succeeding – in the noncommercial service with smaller, locally targeted stations. Tens of thousands of listeners around the country are waiting to hear new life and a different sound emanating from their radios. Congress can make it happen.

### *Stations Fill Every Niche Around the Country*

Low power radio stations are all around the country and fill a wide range of needs for their audience. Although there has not been much detailed study of low power radio, we know that generally 40 percent of the stations belong to religious institutions and 40 percent belong to other types of nonprofits. Just under 10 percent are at colleges and universities and just under another 10 percent are at K-12 schools.<sup>1</sup>

There are stations serving a wide range of educational institutions. Roanoke College in Salem VA, broadcasts on WRKE-LP 100.3 live on campus, and is run entirely by students. In Ocean City, MD, the preschool program at Edinboro Early School sponsors WEES-LP, which offers a family oriented old time radio format with music from the 1950-1960s.

Local music and culture find outlets on low power radio stations in a way that is just not possible on larger stations. In West Virginia, WYAP-LP plays the old-time music native to the area. Before WYAP-LP, the 342 square miles of rural mountainous terrain was without a local source of information. The senior citizen and high school volunteer staff the station 24 hours per day 365 days a year. In Opelousas, Louisiana, zydeco music—once vanished from the airwaves of the region that it created it – is broadcast from the 100-watt KOCZ-LP.

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<sup>1</sup> Philip Daniel Goetz, Low Power FM Broadcasting: A Survey Snapshot of the Field, University of Texas at Austin at p. 18 (2006).

American Indians, who are some of the most underserved by radio have benefited from low power radio. Radio provides a particularly good medium to preserve Indian culture such as oral histories and languages spoken by native people. The Pascua Yaqui tribe in Tucson, Arizona runs KYPT-LP at 100.3 with an all volunteer staff. KCUW-LP is the Umatilla reservation station in Pendleton, Oregon. One illustrative example of their unique programming is a live performance by the Nixyaawii Community School Eagle Boyz Drum group.

In Ringgold Georgia, WBFC-LP airs 24 hours per day of Gospel under the tag-line "We Broadcast for Christ." Much of its programming is Southern gospel music. This religious educational programming includes programming from National Right To Life, and Legal Alert created by the Christian Law Association. In Estes Park, CO, KREV-LP a Gift from the United Methodist Church of Estes Park, operates on \$20 per day. In Chanute Kansas, the FireEscape Coffeehouse is an interfaith Christian youth group. Conceived of and created by young people themselves, the Coffeehouse is a safe place to socialize, drink cappuccino, hang with their friends and bring in Christian bands for entertainment and evangelization. It opened the doors in July 1998 with its first concert with Nashville-based Christian rock group, "Polarboy." A perfect compliment to this ministry is their low power FM radio station, KFEX-LP 93.1, FireEscape Radio, which plays the bands and offers outreach to the local area.

A League of United Latin American Citizens (LULAC) chapter in South Bend, Indiana is the proud licensee of WSBL-LP (98.1). WSBL is, according to its mission statement, "focused on serving the Hispanic community of St. Joseph County by providing information, motivation and educational radio programming in an entertaining format." When WSBL-LP began its Spanish-language broadcast in September 2002, the community not only heard traditional and contemporary Hispanic music but also received English-language vocabulary lessons during the breaks. WSBL-LP regularly runs public service announcements for early-childhood vaccinations, prostate cancer testing, and HIV screenings, and can measure the results. "The statistics at local clinics jumped from last year to this," says Eliud Villanueva, director of WSBL-LP. "We have really made a difference, and that surprised us more than anyone else."

Some organizations are still waiting for their chance.

During Hurricane Frances, in 2004, local officials in Citrus County Florida were so frustrated with their inability to get appropriate emergency coverage for that they were considering obtaining a low power FM radio station. Because their community is within the Tampa Bay market, more populous counties like Pinellas, Hillsborough, Pasco counties were covered and Citrus County was ignored, leaving residents unable to get accurate information when they needed it.<sup>2</sup>

The Mbaise Cultural Union, which has done critical work with Nigerian immigrants in Houston, would have benefited greatly from a Low Power FM addressing the community's issues and needs – and could have been a critical source of information during the recent hurricane. The FCC's analysis shows that without third adjacent protection, Houston has no space for low power radio, but up to four stations could be located there with more flexibility.

Southwest Virginia Community College hoped to include a student-run and community radio station in their new Learning Resources Center. However because of limitations placed on the FCC's ability to license LPFMs by the Radio Broadcasting Preservation Act, their application was dismissed. This application met every condition except for the distance requirement to a radio station, on the third adjacency, over 25 miles away in Marion, VA.

#### *A Resource During Emergencies*

Not only does low power radio add a wide range of viewpoints to the air, but these stations have proven critical during a crisis. Nothing can substitute for the universal accessibility of radio when emergencies strike. For example, when Hurricane Katrina made landfall in Mississippi, a low power station, WQRZ-LP, was the only source of emergency information in Hancock County, Mississippi, broadcasting vital recovery information 24 hours a day. The city of Bay St. Louis, where the station is based, was ravaged as 125 m.p.h. winds destroyed bridges and other infrastructure. Throughout the county most radio, television, and phone services were down. Shortly before the storm, WQRZ had moved its equipment—including its home-made radio

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<sup>2</sup> Justin George, *After the Storms*, *St. Petersburg Times* (September 19, 2004).

tower—to an Emergency Operations Center where it made its broadcasts. The station provided vital information long after the storm, eventually receiving a temporary full-power license.

The Coalition of Immokalee Workers, famous for its advocacy on behalf of farmworkers in tomato fields, run one of the first LPFM stations to get on the air, Radio Conciencia, WCIW-LP. WCIW has been able to accomplish a lot for its community during its time on the air. During Hurricane Wilma Radio Conciencia was the only radio that was transmitting information on where to go and what to do in Spanish and in the indigenous languages spoken in the community. It mobilized two vans and transported over 350 people to shelter until late into the night.

In another innovative example, WRIR-LP in Richmond VA has a five-year contract with the city of Richmond to broadcast emergency response information in support of the City's recovery efforts in the event it is needed.

During Hurricane Ike many residents in East Texas lost electricity for up to a week. While most television stations stayed on the air, people were simply unable to tune in. In Chalk Hill, TX, residents used battery powered radios to tune in to the local low-power station, KZQX-LP, which stayed on the air using generators. KZQX-LP broadcasted vital information, such as reports from local authorities and interviews with the area energy company as well as the local Public Safety Director. Volunteer reporters ran live reports on road closures and damages. Reports continued after the storm passed.

***HR 1147 Will Serve Communities that are Shut Out from LPFM***

Although the low power radio community has been incredibly tenacious and creative in its efforts to create stations around the country, many communities are simply shut out by the current law. Our eight hundred radio stations are located only in smaller markets across the country. Right now there is only 1 LPFM station in the top 50 markets. If the Community Radio Act becomes law, most communities in America would have 3 to 5 opportunities for LPFM stations.

The consequences of Congress' limitation is significant. Many communities around the country wound up with only 1 station, instead of three or four. This meant that a church group needed to compete against a community group or a school needed to compete against a college. Thus, the FCC was forced to spend resources choosing among many deserving groups when there were other usable channels sitting empty. Congress could wipe that slate clean.

Suburban communities located close to large urban areas have the most to gain. For example, Kingston NY is over 100 miles from New York city, but it is limited in the low power radio stations it could get because of expansive protections for New York City broadcasters. Richmond Virginia suffers from being adjacent to the Washington market. The whole state of New Jersey has a long-term problem with radio and television stations that are located in New Jersey but in actuality serve New York and Philadelphia. Low power radio would help these communities get service directed to their own residents.

Attached to my comments is a list of all the low power radio applicants that the FCC dismissed when Congress passed the Radio Broadcast Preservation Act.<sup>3</sup> Six hundred and fifty-three applications were dismissed in twenty states. It is important to note that the FCC had not accepted applications yet for the remaining states and territories, so we will never know who would have applied in the rest of the country. Moreover, this was only the first filing window conducted by the FCC, so it is likely that as the service became more well-known, many more organizations would have applied for a station. In addition to the stations that were dismissed, attached to the testimony are examples from a few states showing the applicants that applied, those that have stations, and those that were dismissed.

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<sup>3</sup> Second Report and Order, *Creation of a Low Power Radio Service*, FCC 01-100 at App. B (2001). This list includes the disappointed applicants in Alaska, California, Connecticut, Georgia, Illinois, Indiana, Kansas, Louisiana, Maryland, Maine, Michigan, Minnesota, Mississippi, New Hampshire, Nevada, Oklahoma, Rhode Island, Tennessee, Utah, and Virginia.

*Low power radio is part of the solution for the radio industry.*

In recent years, there has been a significant literature developed analyzing the troubles currently plaguing FM radio. Radio is losing listeners and vitality and increasingly individuals tune into alternate sources for their music and information programming. Although radio is losing listeners, low power radio is well-positioned to capitalize on areas where radio is succeeding: it is noncommercial, and it is intensely local, capable of providing news and information not found anywhere else in any other medium. When an industry is moribund and losing vitality, the surest way to improve the situation is to infuse a little competition and new blood into the mix.

Radio is one our most powerful means of mass communication. Millions of Americans wake up to the radio every morning, listen to the radio on their drive to and from work, and listen throughout the day -- in offices, in hair salons, factories, and workshops. Every week radio reaches 93 percent of everyone over 12 years-old.<sup>4</sup> Radio listeners comprise more than 200 million people, and they spend an average 19 hours per week listening to the radio. One indicator of the number of people who listen to the radio is the amount of money spent reaching them. In 2006, for example, the radio industry earned more than \$20 billion in advertising revenue.<sup>5</sup>

At the same time, radio listening is in decline. Between 1989 and 2005, radio listenership declined 22 percent in the top 155 markets.<sup>6</sup> And radio listeners are decreasing the time they spend with radio -- in 2008, for example, the average time spent listening to radio, on average, was just under 18 hours per week, roughly 45 minutes less than a year ago.<sup>7</sup>

While the radio industry in general may be declining, noncommercial radio is not. Looking at radio listening levels since 1995, radio as a whole has been steadily sinking, dropping almost 15 percent since 1995, while noncommercial radio is about 15 percent higher in the same

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<sup>4</sup> Radio Advertising Bureau, Radio Marketing Guide and Fact Book (2007).

<sup>5</sup> Radio Advertising Bureau, Radio Marketing Guide and Fact Book (2007).

<sup>6</sup> Peter DiCola, *False Premises, False Promises*, Future of Music Coalition (2006) at 5.

<sup>7</sup> Radio Research Consortium, Public Radio Nationwide Trend, (Nov. 5, 2008) found at [http://www.rroonline.org/reports/reports\\_list.php?ID=28](http://www.rroonline.org/reports/reports_list.php?ID=28)

timeframe.<sup>8</sup> According to Arbitron data, in spring 2008, CPB supported stations reached 28,744,600 persons in an average week.<sup>9</sup> At least one factor in noncommercial radio's success is its role in creating original newscasts.<sup>10</sup>

While hundreds of millions of people listen to the radio, only a handful of companies own and manage radio stations and control the news, information, and music most of us hear. The non-partisan Future of Music Coalition found that in 2005, half of listeners tuned to stations owned by only four companies, and the top ten firms had almost two-thirds of listeners. In 2002, FMC found that only four companies controlled two thirds of the news market. Moreover, FMC found a close correlation between declining wages in the radio industry and consolidation, making it harder for workers and entertainers to make a living and increasing the likelihood that small owners will be forced to sell out to large conglomerates.

Ironically, even the corporate sector has begun to realize that smaller radio companies might be more successful. Several large radio station groups like Clear Channel are currently in the hands of private equity owners where the common wisdom is that they will be divided into smaller corporate entities to improve their performance.

Besides being financially less successful, fewer people owning more stations and making more decisions means less diversity of views, news, and programming. Women and people of color own few stations and hold few positions of power; fewer than 6 percent of radio news directors are people of color.<sup>11</sup> Low power radio is one part of the answer to bringing women and people of color into the civic discussion via the airwaves and to expanding choices for listeners.

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<sup>8</sup> Radio Research Consortium, Two Hopeful Signs, (May 23, 2008) found at [http://www.rrconline.org/reports/reports\\_list.php?ID=25](http://www.rrconline.org/reports/reports_list.php?ID=25).

<sup>9</sup> Radio Research Consortium, Public Radio Nationwide Trend, (Nov. 5, 2008) found at [http://www.rrconline.org/reports/reports\\_list.php?ID=28](http://www.rrconline.org/reports/reports_list.php?ID=28)

<sup>10</sup> For example, Mark Jurkowitz, associate director of the Project for Excellence in Journalism indicated that NPR's success may be a reflection of the overall industry decline in news radio. "Local news stations have slowly but steadily vanished in a lot of cities..." said Jurkowitz. Paul Farhi, "Consider This: NPR Achieves Record Ratings," *Washington Post*, March 24, 2009.

<sup>11</sup> S. Derek Turner, *Off the Dial: Female and Minority Ownership in Broadcast Roles*, Free Press (2007).

The combination of poor representation and consolidation affects content. FMC found that just 15 formats make up over 76 percent of commercial programming and that only smaller station owners provide music programming such as Classical, Jazz, Americana, Bluegrass, New Rock, and Folk, and smaller station owners predominantly offer foreign language, ethnic-community programming, children's programming, and religious programming.<sup>12</sup> Similarly, Free Press found minority owners are more likely to air formats that appeal to minority audiences, even though other formats may be more lucrative. Among the 20 general station format categories, minority-owned stations were significantly more likely to air "Spanish," "religion," "urban," and "ethnic" formats. The Spanish and religion formats alone account for nearly half of all minority-owned stations.<sup>13</sup>

Innovative content is difficult to find on the radio dial. In a startling finding, the Future of Music Coalition studied the composition of playlists across the industry and found that, in almost every format measured, a large share of the music on any given format's annual playlist were comprised of songs more than five years old, and for several formats almost 50 percent of the airplay was of songs released prior to 1999.<sup>14</sup>

At the same time that a vitally important industry is eroding, Congress has within its power the opportunity to adopt legislation that will spur innovation by permitting a wide range of new entrants to take part.

***Near Universal, Bipartisan Support from Conservative and Progressive Organizations Alike,***

No discussion of low power radio would be complete without noting the tremendous breadth of supporters of this service. Last year the companion bill in the Senate drew the support of not only our long-time champion John McCain, but also Barack Obama and Hillary Clinton. In the faith community, the United Church of Christ, the U.S. Conference of Catholic Bishops, the National Association of Evangelicals and the Christian Coalition all agree. Low power radio has

<sup>12</sup> Peter DiCola and Kristin Thomson, *Radio Deregulation: Has it Served Listeners and Citizens?*, Future of Music Coalition (2002).

<sup>13</sup> S. Derek Turner, *Off the Dial: Female and Minority Ownership in Broadcast Roles*, Free Press (2007).

<sup>14</sup> Kristin Thomson, *Same Old Song*, Future of Music Coalition (2009).

the support of the National League of Cities, the U.S. Public Interest Research Group, the Leadership Conference on Civil Rights, Free Press, the National Hispanic Media Coalition, and Rainbow/PUSH. Musicians have mobilized to support the service. The range of artists is quite broad: the Indigo Girls, the Kronos Quartet, Saul Williams, Jon Langford and more have submitted video testimonials which are all available on the web.<sup>15</sup>

### ***Why Not the Internet?***

So I can hear you asking – why do we need new radio stations in this era of new technology. Can't we find all the information we need on the Internet?

The Internet is wonderful and many of us even use it to regularly receive audio programming. But the truth of the matter is, FM broadcast radio is unique in today's environment. It is available virtually everywhere in the United States, it is mobile, most receivers can operate on a 9 volt battery, most Americans can regularly tune in their cars, and you can listen to radio while you are doing something else. Radio is one of the few mediums equally accessible to everyone, no matter their age, their literacy rate, or their income. It isn't dependent on high speed bandwidth, in fact, it even operates when the power goes out. And unlike Internet service, it does not require expensive monthly subscriptions.

Radio builds community based on geography. There is a saying that the Internet is great at connecting people across the globe, but not people across the street. Local radio stations bring people and ideas together in specific location and increase turnout at events ranging from local music performances, community meetings, and local elections.

### ***Interference – the Very Expensive Red Herring***

Now let me address the technical standards that have occupied so much of Congress' attention with respect to this issue. I am not an engineer and I am not going to waste the Subcommittee's

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<sup>15</sup> See Future of Music Coalition's "I Support Community Radio" campaign, viewable at [www.futureofmusic.org](http://www.futureofmusic.org).

time with an extensive technical review. But I do want to remind the Subcommittee of some important facts.

The FCC's proposal was a conservative proposal. Some of the original concepts put forward in 1999 were scaled back to be extremely protective of existing radio services. The FCC took additional time during its comment period to develop a more detailed record, it conducted extensive tests. As Congressman Waxman said back in 2000, "From any objective viewpoint, the FCC bent over backwards to accommodate the concerns broadcasters raised."<sup>16</sup>

The FCC used as a basis for its LPFM licensing its long experience in licensing translators for full power stations. Translators are repeater stations which extend the coverage of a full power station. They are permitted power levels up to 250 watts and are located on third and even second adjacent channels to other radio stations. Please do not forget that the National Association of Broadcasters' members currently use thousands of stations to provide radio to the American public that are no different from low power radio stations—they use the same transmitters, with the same power, and they are same distance apart—the only difference between these stations and low power radio stations, are the owners. And low power radio stations originate their own content, while translators merely retransmit signals from other locations.

Radio engineering is not a complex new technology. It is well understood and widely deployed. This use of the spectrum is not experimental, and as stated above, there are thousands of radio translators around the country and significant numbers of older full power stations that operate with the same equipment and spacing as those proposed by the FCC for low power radio.

Despite this background, Congress heard dramatic warnings about harm to the radio dial that might occur from low power radio. And Congress thus ordered the FCC to conduct a third-party independent study. Five years ago, in 2003, the FCC commissioned the study at the cost of 2.2 million taxpayer dollars. The study confirmed what the FCC's engineers and the record evidence already shows – the possible interference from LPFM stations is miniscule.

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<sup>16</sup> Cong. Rec., H2313 (April 13, 2000).

Beyond this the FCC has extensive rules in place to address any small amount of interference that might occur. In this extremely unlikely instance, the burden has been placed squarely on the low power radio broadcaster to remedy the interference. LPFM advocates have been more than willing to work with the broadcast industry and the FCC to further refine those rules as needed.

The organizations that are claiming significant interference will occur from low power radio do not have a strong track record when it comes to their technical claims about new competitive services. Generally speaking, any incumbent will put up a fight when a new entrant is about to be authorized. Whether it was the original AM broadcasters opposing FM back in the 1930s, to the movie business hoping to eliminate VCRs, to Ma Bell's insistence that independently manufactured telephones would bring down the network, every incumbent protects its territory.<sup>17</sup> The incumbents' concerns are groundless. Just last week, the US Court of Appeals for the D.C. Circuit rejected a whole additional slate of low power radio-related interference concerns raised by the National Association of Broadcasters.<sup>18</sup>

Congress should remember that not all broadcasters oppose low power radio. Among the organizations I represent here today are the National Federation of Community Broadcasters, which represents 200 radio broadcasters around the country. NFCB members care deeply about signal integrity and would not step forward on this issue if these broadcasters didn't care more about improving service to the nation than it did about keeping newcomers out.

The premise of Congress' decision to order the study was that if the study confirmed the FCC's findings, Congress would remove its prohibition on the FCC with respect to LPFM. I am asking Congress to keep its part of the bargain. At the time the original legislation was adopted, several more prescient members predicted that Congress would never revisit the issue, and thus the decision to study LPFM would actually translate into a decision to permanently restrict it. I truly hope that is not the case.

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<sup>17</sup> For an illustration of the historical examples of NAB opposition to new technologies, see Benjamin Lennett, *The Lobby that Cried Wolf*, New America Foundation (October 2008).

<sup>18</sup> *Nat'l Ass'n of Broadcasters v. FCC*, Docket No. 08-1117 (D.C. Circuit, rel. June 5, 2009).

***UCC OC Inc. Supports the Family Telephone Connection Protection Act and the Commercial Loudness Mitigation Act (CALM Act).***

Although this testimony primarily addresses the importance of low power radio, UCC OC Inc. would also like to endorse the other pieces of legislation being addressed by the Subcommittee today.

UCC OC Inc. strongly supports of the Family Telephone Connection Protection Act, H.R. 1133. As advocates who fight for the needs of the public in all areas of communication policy, we are very happy to see Congressman Rush take leadership with this issue of prison-related phone charges – an injustice that touches millions of Americans, living in prison and without.

There are 2.3 million incarcerated men and women in America, a prison population that has grown by 50 percent in the last decade alone. Communication between prisoners and their friends and family on the outside is recognized to be critical to the goals of rehabilitation and eventual re-entry, but the current costs for phone calls out of prison are so prohibitive as to make staying in contact very difficult. Prisoners' families – who are mainly poor and disproportionately people of color – have to shelter burdens of connection fees of \$3.95 and per minute fees of \$0.89, often through monopoly deals cut between the carriers and the prisons.

H.R. 1133 would require the Federal Communications Commission set fair rates for interstate calls and prohibit the non-competitive payments between prisons and telephone companies. This would help mitigate a problem faced by already-burdened prisoner's families, and reclaim the power that communications tools have to heal people by re-connecting them with their families and friends.

UCC OC Inc. also commends Congresswoman Eshoo's CALM Act. H.R. 1084 addresses an issue that affects all of us every day – unreasonably loud advertising during television programming. The FCC has reported that loud commercials are one of the top consumer complaints toward broadcast television, and yet the problem remains. UCC OC Inc. is generally concerned about the content of commercials directed toward children and the pervasiveness of

marketing generally. We support the CALM Act's goal to ensure that advertisements during a program are not any louder than the loudest moment of that program, and that the peak volumes are not sustained throughout the advertisement.

***Conclusion***

In closing, I will share with you one of my favorite parts about working on low power radio. As I have worked on this issue over the years, one of my favorite moments is after I ask someone the question, "what would a radio station sound like if you and your community ran it?" All of a sudden a person's eyes light up as they start to imagine what they could do. It is a wonderful experience to see the wheels start turning in people's heads.

I am bringing with me today a potent illustration of how popular this service is. Since Congressmen Doyle and Terry re-introduced their legislation at the end of February, the public interest community has collected approximately 20,000 signatures in support of the Local Community Radio Act. I am presenting them here today to the Subcommittee.

I am confident that you will see fit to move ahead with H.R. 1147.

**APPENDICES**

**LOW POWER RADIO STATIONS DISMISSED AFTER PASSAGE OF THE RADIO  
BROADCASTING PRESERVATION ACT**

## APPENDIX B

File Number	City	State	Chan.	Applicant Name
20000602AFS	ANCHORAGE	AK	284	ORGANIZATION FOR NORTHERN DEVELOPMENT D/B/A OUT NORTH
20000605AAA	ANCHORAGE	AK	290	ANCHOR CITY RADIO
20000605AEK	ANCHORAGE	AK	284	IMBP OF ALASKA
20000606ABF	ANCHORAGE	AK	284	I.M.B.P. ALASKA(INDEPENDENT MINORITY BROADCAST PROD.)
20000607ABG	ANCHORAGE	AK	290	ANCHORAGE CHRISTIAN LIFE
20000608ADD	ANCHORAGE	AK	290	DONALD CARL NELSON
20000530AAI	OXNARD	CA	267	NATIONAL MULTI-ETHNIC FAMILIES ASSOCIATION
20000530AAL	BAKERSFIELD	CA	278	YOUNG URBAN BROADCASTERS ASSOCIATION
20000530ABD	SAN DIEGO	CA	290	OLD SAN DIEGO COMMUNITY CHURCH
20000530ABN	SAN DIEGO	CA	290	ALL SOULS' EPISCOPAL CHURCH
20000531AAP	CAMBRIA	CA	300	FRIENDS OF THE CAMBRIA LIBRARY
20000531ABK	SAN DIEGO	CA	290	REVIVAL PENTECOSTAL TABERNACLE
20000531ACF	VISALIA	CA	252	UNIVERSAL LIFE CHURCH
20000531ACM	WEAVERVILLE	CA	229	WEAVERVILLE CHURCH OF THE NAZARENE
20000531ACQ	OJAI	CA	257	K'HILAT HA'ALONEEM
20000531ACY	BENICIA	CA	262	TRUTH AND JUSTICE RADIO
20000601ABZ	NIPOMO	CA	300	ASSISTANCE IN MINISTRIES, INC.
20000601ADI	LOS OSOS	CA	300	SPIRIT OF TRUTH MINISTRY
20000601ADR	SAN DIEGO	CA	290	MIRMAR COLLEGE CLASSIFIED SENATE SAN DIEGO MIRMAR COLLEGE
20000602ABR	CLOVIS	CA	253	LIGHT AND LIFE FELLOWSHIP CHURCH
20000602ADS	SACRAMENTO	CA	226	CALIFORNIA BLACK CHAMBER OF COMMERCE
20000602AEA	FRSSNO	CA	253	THE UNIVERSAL CHURCH, INC. FRESNO

20000602AEB	NATIONAL CITY	CA	290	THE UNIVERSAL CHURCH, INC. - NATIONAL CITY
20000602AEC	NATIONAL CITY	CA	290	THE UNIVERSAL CHURCH, INC. - NATIONAL CITY
20000602AED	SACRAMENTO	CA	226	THE UNIVERSAL CHURCH, INC. - SACRAMENTO
20000602AEN	LAGRANGE	CA	263	LAGRANGE HISTORICAL ASSOCIATION INC.
20000602AEO	SACRAMENTO	CA	226	PEOPLE POWER RADIO
20000602AES	YUBA CITY	CA	238	NORTH VALLEY CALVARY CHAPEL
20000602AFA	VISALIA	CA	252	COLLEGE OF THE SEQUOIAS
20000602AFB	SAN DIEGO	CA	290	PASADENA COLLEGE DBA POINT LOMA NAZARENE UNIVERSITY
20000602AFN	POINT ARENA	CA	287	ARENA RENAISSANCE COMPANY
20000602AFU	CHULA VISTA	CA	290	THE UNIVERSAL CHURCH, INC.- CHULA VISTA
20000602AGA	TULARE	CA	222	THE LORAX SOCIETY
20000602AHF	SOUTH LAKE TAHOE	CA	235	CALIFORNIA, STATE OF
20000602AHO	SALINAS	CA	242	THE UNIVERSAL CHURCH, INC. - SALINAS
20000602AID	CORONA	CA	288	MINISTERIO PALABRA VIVA
20000605ABL	SACRAMENTO	CA	226	JOHN M. PAYNE
20000605ACO	LANCASTER	CA	252	ERIC NOBLE
20000605ACP	REEDLEY	CA	284	REEDLEY DISTRICT CHAMBER OF COMMERCE AND VISITORS BUREAU
20000605ACZ	FOLSOM	CA	296	PENTECOSTAL POWERHOUSE, INC.
20000605ADB	SAN DIEGO	CA	290	CITY HEIGHTS COMMUNITY DEVELOPMENT CORPORATION
20000605ADO	SACRAMENTO	CA	226	COMMUNITY RAPPORT
20000605ADR	MERCED	CA	287	BRING UP A CHILD DEVELOPMENT CORPORATION
20000605AED	CLEARLAKE	CA	230	MINDS OF BUSINESS INC.
20000605AEF	SUMMERLAND	CA	281	WESTMONT COLLEGE

20000605AEN	VISALIA	CA	252	SAN JOAQUIN VALLEY LEGAL EDUCATION CORPORATION
20000605AET	SAN DIEGO	CA	290	MISSION VALLEY CHRISTIAN FELLOWSHIP OF SAN DIEGO
20000605AEW	GRASS VALLEY	CA	226	CALVARY CHAPEL GRASS VALLEY
20000605AFA	LANCASTER	CA	252	THE ORGANIZATION FOR THE PRESERVATION & CULTIVATION OF RADIO
20000605AFP	ELK GROVE	CA	289	THE ROCK CHURCH
20000605AFW	VISALIA	CA	222	CALVARY CHAPEL OF VISALIA
20000605AGD	SHASTA LAKE	CA	231	CALVARY CHAPEL OF SHASTA LAKE
20000605AGK	WASCO	CA	240	HECTOR R. DE LA ROSA
20000605AGM	LA JOLLA	CA	290	THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
20000605AGW	VISALIA	CA	252	PROYECTO CAMPELINO
20000605AGZ	CARMEL	CA	235	CARMEL UNIFIED SCHOOL DISTRICT/CENTRAL HIGH SCHOOL
20000605AHI	BAKERSFIELD	CA	228	CHURCH OF CHRIST OF EAST BAKERSFIELD
20000605AHJ	SOUTH LAKE TAHOE	CA	235	VALENCIA FOUNDATION INC.
20000605AHL	BRICELAND	CA	259	NEIGHBORHOOD RADIO PROJECT/BEGINNINGS, INC.
20000605AHY	SACRAMENTO	CA	226	CALVARY CHAPEL OF SACRAMENTO
20000605AID	VENTURA	CA	257	CALVARY CHAPEL OF VENTURA
20000605AIE	SAN DIEGO	CA	290	PROPHET WORLD BEAT PRODUCTIONS
20000605AIF	AUBURN	CA	226	CALVARY CHAPEL OF AUBURN, INC.
20000605AIH	FRESNO	CA	253	LABOR/COMMUNITY ALLIANCE
20000605AIJ	VISALIA	CA	252	ROBERT SHIPMAN MINISTRIES
20000605AIL	ARROYO GRANDE	CA	300	FRIENDS OF THE SOUTH COUNTY LIBRARY
20000605AIN	OCEANSIDE	CA	290	CALVARY CHAPEL LIVING HOPE

20000605AIQ	REDDING	CA	260	EDUCATIONAL BROADCASTING NETWORK
20000605AIR	ESCONDIDO	CA	290	CALVARY CHAPEL OF ESCONDIDO
20000605AIT	CHICO	CA	233	RENAISSANCE CHURCH OF THE OPEN BIBLE
20000605AIW	LODI	CA	238	BETHEL OPEN BIBLE CHURCH
20000605AJK	BASS LAKE	CA	253	CALVARY CHAPEL OF THE SIERRAS
20000605AJN	BAKERSFIELD	CA	265	TRAVELLER'S INFORMATION RADIO INC.
20000605AJW	INDIAN WELLS	CA	269	SOUTHWEST COMMUNITY CHURCH
20000605AKE	PORTERVILLE	CA	222	THE POTOSINA ASSOC. OF CHARROS OF TULARE COUNTY
20000605AKJ	HEMET	CA	245	MARANATHA MINISTRIES OF HEMET
20000605AKO	FRESNO	CA	253	WESTERN EDUCATIONAL ALLIANCE, INC.
20000605AKT	WINTERS	CA	276	JOSEPH C. TRANMONTANA
20000605ALC	UKIAH	CA	280	MENDOCINO ENVIRONMENTAL CENTER
20000605ALD	FRESNO	CA	253	THE INTERFAITH ALLIANCE OF CENTRAL CALIFORNIA
20000605ALJ	VISALIA	CA	252	KIWANIS CLUB OF WEST VISALIA
20000605ALM	SAN LUIS OBISPO	CA	300	SAN LUIS OBISPO COMMUNITY RADIO INC
20000605AMA	OJAI	CA	257	OJAI VALLEY YOUTH FOUNDATION
20000605AMJ	FRESNO	CA	253	EL COMITE DE LOS POBRES
20000605AMN	CALEXICO	CA	238	NEIGHBORHOOD HOUSE OF CALEXICO, INC.
20000605AMS	REDDING	CA	299	NORTHERN VALLEY CATHOLIC SOCIAL SERVICES
20000605AMV	FRESNO	CA	253	THE FRESNO CENTER FOR NONVIOLENCE
20000605AMY	SAN LUIS OBISPO	CA	300	FOUNDATION FOR SAN LUIS OBLISPO COUNTY PUBLIC LIBRARIES
20000605AMZ	RANCHO SANTA FE	CA	290	VILLAGE COMMUNITY PRESBYTERIAN CHURCH

20000605AND	VISALIA	CA	252	FOODLINK FOR TURLARE COUNTY, INC.
20000605AOP	VISALIA	CA	252	PACIFIC FRIENDS OUTREACH SOCIETY
20000605AOV	PORTERVILLE	CA	222	UNITARIAN UNIVERSALIST FELLOWSHIP OF PORTERVILLE
20000606AAH	WOODY	CA	234	BARTON ALBERT BUHTZ
20000606AAI	SANTA MARIA	CA	300	SANTA MARIA FOURSQUARE CHURCH
20000606AAZ	EL DORADO HILLS	CA	248	CELEBRATION COMMUNITY CHURCH
20000607AAY	SACRAMENTO	CA	226	SACRAMENTO COMMUNITY CABLE FOUNDATION DBA ACCESS SACRAMENTO
20000607ABD	SAN JOSE	CA	270	MUSALMAN.ORG, INC.
20000607ABF	YUBA CITY	CA	238	IRSHAD ALI FOUNDATION
20000607ABP	SAN JOSE	CA	270	MUSALMAN.ORG, INC.
20000607ABR	LA JOLLA	CA	290	RADIO RADIO MFA C/O KATY CHANG
20000608AAN	CHICO	CA	233	ASSOCIATED STUDENTS, CALIFORNIA STATE UNIVERSITY, CHICO, INC
20000608AAV	SAN DIEGO	CA	290	SAN DIEGO JOURNEY COMMUNITY CHURCH
20000608AAX	ALPINE	CA	290	EAST COUNTY BROADCASTING, INC.
20000608ABD	SAN MIGUEL	CA	254	SAN MIGUEL COMMUNITY RADIO
20000608ABG	OJAI	CA	257	OJAI VALLEY BIBLE STUDY
20000608ABL	VICTORVILLE	CA	254	ESTUBIAMDO LAS ESCRITURAS
20000608ABX	FRESNO	CA	253	PROPHETIC FACTS MINISTRIES
20000608ACF	FRESNO	CA	253	BESSIE WELDON
20000608ACJ	VICTORVILLE	CA	300	THEOVISION MINISTRIES
20000608ACN	ANGWIN	CA	276	HOWELL MOUNTAIN CHRISTIAN RADIO
20000608ACO	OAKHURST	CA	263	YOSEMITE CHRISTIAN RADIO
20000608ACS	SAN DIEGO	CA	290	SOUTHWEST MUSIC INSTITUTE AND SYMPHONY ORCHESTRA
20000608ADH	SAN DIEGO	CA	290	ABIDING PLACE MINISTRIES
20000608ADK	MORGAN HILL	CA	270	SOUTH BAY ISLAMIC ASOC. (MORGAN HILL CENTER)

20000608ADT	MORGAN HILL	CA	270	SOUTH BAY ISLAMIC ASSOCIATION (MORGAN HILL CENTER)
20000608ADU	MORGAN HILL	CA	270	SOUTH BAY ISLAMIC ASSOCIATION (MORGAN HILL CENTER)
20000608ADW	SACRAMENTO	CA	226	METRO LIFE BROADCASTING
20000608ADX	CITRUS HEIGHTS	CA	296	THREE ANGELS EDUCATIONAL BROADCASTING, INC.
20000608AEB	LAKESIDE	CA	290	CALVARY CHAPEL LAKESIDE
20000608AEL	SAN MARTIN	CA	270	NEWLIFE RADIO, INC.
20000608AEQ	VISALIA	CA	222	WEST VISALIA CHURCH OF CHRIST
20000608AER	SOUTH LAKE TAHOE	CA	235	CALVARY CHAPEL SOUTH LAKE TAHOE
20000608AEX	MORGAN HILL	CA	270	CALVARY CHAPEL OF SAN JOSE
20000608AEZ	FRESNO	CA	253	LESLIE KAREN DAVIS
20000608AFE	MORENO VALLEY	CA	297	ZOE CHRISTIAN FELLOWSHIP OF LOS ANGELES
20000608AFO	LODI	CA	238	LODI CHRISTIAN RADIO
20000608AFQ	MERCED	CA	287	CALVARY CHAPEL OF MERCED
20000608AFU	SPRINGVILLE	CA	252	CHURCH OF CHRIST AT SPRINGVILLE, INC.
20000608AFY	NEEDLES	CA	269	TRI-STATE CHRISTIAN RADIO
20000608AGA	WEIMAR	CA	226	WEIMAR INSTITUTE
20000608AGD	PALM DESERT	CA	269	OASIS CHRISTIAN RADIO CORPORATION
20000828ABO	CHESHIRE	CT	278	THE CORNERSTONE CHURCH
20000828ADZ	WINDSOR	CT	287	REAL MINISTRIES INC.
20000828AEB	WILLIMANTIC	CT	246	CRISTO A LAS PUERTAS, INC.
20000829ACV	MERIDEN	CT	278	ASSOCIATION EVANGELISTA RADIO PADER
20000830ABI	HAMDEN	CT	278	LAKAY BROADCASTING NETWORK INC.
20000830ABJ	HARTFORD	CT	287	RADIO MONTE SINAI
20000830ABP	HARTFORD	CT	287	REAL ART WAYS, INC.
20000830ABX	WALLINGFORD	CT	278	SUPERSTAR RADIO
20000830ACN	WILLIMANTIC	CT	246	ASHFORD PRESS, INC.

20000830ACP	PROSPECT	CT	278	RADIO FE CRISTIANA
20000831ABP	NORTH HAVEN	CT	278	NORTH HAVEN COMMUNITY TELEVISION, INC.
20000831ACM	HARTFORD	CT	287	HARTFORD PUBLIC ACCESS RADIO
20000831ACZ	CHESHIRE	CT	278	CHESHIRE FIRE DEPARTMENT INCORPORATED, THE
20000831ADT	GUILFORD	CT	251	TOWN OF GUILFORD, CONNECTICUT
20000901AAE	NEW HAVEN	CT	278	DAMASCUS CHRISTIAN PENTECOSTAL CHURCH, INC.
20000901AAF	NEW HAVEN	CT	278	NEW HAVEN EDUCATIONAL RADIO CORP.
20000901ABA	DANBURY	CT	246	FRIENDS OF CHURCH RADIO
20000901ABI	N/A	CT	287	FIRST ACADEMY, INC.
20000901ACK	BLOOMFIELD	CT	278	INNERCITY CULTURAL ALLIANCE CORP.
20000901ACM	BRISTOL	CT	287	GRACE BAPTIST CHURCH
20000901ACR	BLOOMFIELD	CT	287	HOPE SEVENTH-DAY ADVENTIST CHURCH
20000901ADV	NEW HAVEN	CT	278	GOD'S CORNER CHURCH, INC.
20000901AEE	SOUTHINGTON	CT	278	BRIARWOOD COLLEGE
20000901AEL	AVON	CT	298	VALLEY COMMUNITY BAPTIST CHURCH
20000901AFC	BLOOMFIELD	CT	287	GOOD NEWS BROADCASTING, LLC
20000901AFU	HIGGANUM	CT	246	CONNECTICUT RIVER EDUCATIONAL RADIO, INC.
20000901AFX	SOUTHBURY	CT	278	CALVARY FELLOWSHIP SOUTHBURY
20000901AGE	NORTH HAVEN	CT	278	BARBARA A. MARCATI
20000901AGF	TORRINGTON	CT	253	TORRINGTON CHRISTIAN BROADCASTERS
20000901AGG	HARTFORD	CT	287	TOTAL HEALTH BROADCASTING
20000901AHA	UNCASVILLE	CT	246	THE NORWICH ROMAN CATHOLIC DIOCESAN CORPORATION
20000530AAT	MONROE	GA	228	JC GRAHAM
20000531AAF	BRUNSWICK	GA	261	BRUNSWICK HIGH PIRATE PRIDE BOOSTER CLUB

20000531AAS	LAWRENCEVILLE	GA	265	UNIVERSAL LIFE CHURCH
20000531ACK	WILDWOOD	GA	261	NORTH DADE RECAND DEVELOPMENT CENTER, INC.
20000531ACX	ATLANTA	GA	228	BILL TULLIS
20000601AAA	SYCAMORE	GA	227	BETHEL BAPTIST CHURCH OF SYCAMORE, GEORGIA, INC.
20000601AAG	DOUGLASVILLE	GA	256	ZION HILL BAPTIST CHURCH & TRUTH CENTER, INC.
20000601ADO	ROSWELL	GA	250	ROSWELL HIGH SCHOOL
20000601ADV	CARTERSVILLE	GA	256	HOUSE OF LIBERTY MINISTRIES, INC.
20000602AEJ	WEST POINT	GA	294	GEORGIA DEPARTMENT OF TRANSPORTATION
20000602AEK	MARIETTA	GA	250	NOONDAY BAPTIST CHURCH, INC.
20000602AEZ	BOYNTON	GA	267	BOYNTON EDUCATIONAL RADIO, INC.
20000602AFD	RINGGOLD	GA	297	RINGGOLD CHURCH OF GOD/CATOOSA CHRISTIAN ACADEMY
20000602AFE	ATLANTA	GA	267	GEORGIA DEPARTMENT OF TRANSPORTATION
20000602AFG	ATLANTA	GA	263	GEORGIA DEPARTMENT OF TRANSPORTATION
20000602AFL	TRENTON	GA	225	FIRST ALERT, INC.
20000602AGK	GAINESVILLE	GA	262	FREE CHAPEL WORSHIP CENTER, INC.
20000602AGM	ATHENS	GA	288	CHRISTLIFE COMMUNITY CHURCH
20000602AGN	SAVANNAH	GA	274	SAVANNAH COLLEGE OF ART AND DESIGN
20000602AHG	SILK HOPE	GA	274	GEORGIA DEPARTMENT OF TRANSPORTATION
20000602AMX	MARTINEZ	GA	279	GEORGIA DEPARTMENT OF TRANSPORTATION
20000605AAH	DUNWOODY	GA	222	DUNWOODY HOMEOWNERS ASSOCIATION, INC.
20000605ACW	ALPHARETTA	GA	250	NORTH POINT MINISTRIES, INC.
20000605AEA	DECATUR	GA	250	GOSPEL RADIO MEDIA, INC

20000605AFC	FORT OGLETHORPE	GA	261	FORT OGLETHORPE LOW POWER BROADCASTING, INC.
20000605AFG	THOMASVILLE	GA	252	CALVARY CHAPEL OF THOMASVILLE
20000605AFL	LILBURN	GA	250	CALVARY CHAPEL STONE MOUNTAIN, INC.
20000605AFY	BOGART	GA	228	CALVARY CHAPEL OF ATHENS
20000605AFZ	DEMOREST	GA	300	PIEDMONT COLLEGE
20000605AGH	SAVANNAH	GA	263	ROMAN CATHOLIC DIOCESE OF SAVANNAH
20000605AGT	ALPHARETTA	GA	228	ALPHARETTA EDUCATIONAL RADIO SERVICE
20000605AGX	CARROLLTON	GA	256	ROCK OF AGES MINISTRY
20000605AHF	ROSWELL	GA	256	NORTHSIDE PUBLIC RADIO, INC.
20000605AHO	SAVANNAH	GA	263	CALVARY CHAPEL OF SAVANNAH
20000605AHV	LILBURN	GA	250	GWINNETT PUBLIC RADIO, INC..
20000605AHX	ATLANTA	GA	262	ALVIN XEX INC., BVD
20000605AIB	VALDOSTA	GA	278	BENNY RAY DANIELS
20000605AIP	DACULA	GA	228	HOG MOUNTAIN INFORMATION FOUNDATION
20000605AIS	WOODSTOCK	GA	250	CHEROKEE PRESBYTERIAN CHURCH, INC
20000605AIU	ALPHARETTA	GA	256	MOUNTAIN PARK EDUCATIONAL RADIO
20000605AJY	NEWTOWN	GA	222	NEWTOWN EDUCATIONAL RADIO
20000605AKG	STONE MOUNTAIN	GA	250	CARIBBEAN COMMUNITY ORGANIZATION
20000605AKV	CONYERS	GA	250	CRUSADE CHRISTIAN FAITH CENTER, INC
20000605ALZ	LAWRENCEVILLE	GA	228	CALVARY CHAPEL GWINNETT, INC.
20000605AMC	OAKWOOD	GA	265	GAINESVILLE COLLEGE
20000605AMG	TUCKER	GA	228	CHURCH IN ATLANTA, INC.
20000605AMH	ROSWELL	GA	250	NEW MILLENNIUM BROADCASTING
20000605AMI	LAWRENCEVILLE	GA	228	JESSE EMMET HANCOCK
20000605AML	NORCROSS	GA	228	ANGELA GREEN'S WOMEN ON TOP AWARENESS SERIES INC.

20000605AMQ	GRAYSVILLE	GA	267	GRAYSVILLE LOW POWER BROADCASTING, INC.
20000606AAO	VALDOSTA	GA	277	MS. CYNDI L. CROSBY
20000606AAX	ST. MOUNTAIN/TRICK EN	GA	228	SOMALIA ISLAMIC SOCIETY OF ATLANTA
20000607AAX	ALBANY	GA	286	ALBANY STATE UNIVERSITY
20000607ABC	ASHBURN	GA	255	TURNER COUNTY COUNCIL FOR COMMUNITY EDUCATION
20000607ABI	CARROLLTON	GA	256	TALK OF YOUR LIFE RADIO
20000607ABJ	VALDOSTA	GA	284	LIFESEARCH RADIO, INC.
20000608AAC	NEW	GA	262	SOUTH WEST THOMAS EDUCATIONAL FOUNDATION
20000608AAK	WATKINSVILLE	GA	262	RADIO FREE OCONEE
20000608ABJ	MONROE	GA	228	PHOENIX FIGHT II
20000608ABK	NORCROSS	GA	228	LITTLE GROUP MEDIA
20000608ACT	CONYERS	GA	265	THE ASSOCIATION OF MISSIONARY EVANGELISTS
20000608ACW	NORCROSS	GA	228	ATLANTA & OMAR MOSQUES
20000608ADF	ATLANTA	GA	262	THE EPISCOPAL MEDIA CENTER, INC.
20000608ADO	STOCKBRIDGE	GA	265	EAGLES LANDING PUBLIC RADIO, INC.Q
20000608AEE	WILDWOOD	GA	261	WILDWOOD SANITARIUM INC.
20000608AFA	DOUGLASVILLE	GA	256	DOUGLASVILLE CHRISTIAN RADIO
20000608AFI	LAGRANGE	GA	294	LAGRANGE CHRISTIAN RADIO
20000608AGB	DULUTH	GA	249	DULUTH CHRISTIAN RADIO
20000828AAJ	QUINCY	IL	262	QUINCY NOT FOR PROFIT JAZZ CORPORATION
20000828ABT	QUINCY	IL	255	CALVARY BAPTIST CHURCH
20000828ACA	ROCK ISLAND	IL	238	QUAD CITIES COMMUNITY BROADCASTING GROUP
20000828ACF	URBANA	IL	259	JOSEPH M. FUTRELLE
20000828AHD	ROCKFORD	IL	262	CATHOLIC DIOCESE OF ROCKFORD
20000829AAA	QUINCY	IL	268	MADISON PARK CHRISTIAN CHURCH

20000829ACF	SHELBYVILLE	IL	289	FIRST UNITED METHODIST CHURCH OF SHELBYVILLE, IL
20000829ACS	ROCKFORD	IL	262	THIRD PRESBYTERIAN CHURCH OF ROCKFORD
20000829ADB	ROCKFORD	IL	262	BOY SCOUTS OF AMERICA TROOP 23
20000829ADI	DECATUR	IL	272	THE COMMITTEE OF CONCERN CITIZENS, INC.
20000829ADJ	URBANA	IL	259	SOCIALIST FORUM
20000829ADK	CARBONDALE	IL	294	BOARD OF TRUSTEES OF SOUTHERN ILLINOIS UNIVERSITY
20000829ADO	WEST FRANKFORT	IL	289	SOUTHERN ILLINOIS EDUCATIONAL LOW POWER RADIO ASSOC., INC.
20000830AAE	COLLINSVILLE,	IL	226	SON-LIFE FELLOWSHIP INCORPORATED
20000830AAT	ROCKFORD	IL	262	THE NORTH END SQUARE NEIGHBORHOOD ASSN.
20000830ACM	URBANA	IL	259	PERFORMERS' WORKSHOP ENSEMBLE
20000831AAI	CHAMPAGN	IL	277	CHAMPAIGN CHINESE MINISTRY ASSOCIATION
20000831AAJ	CARBONDALE	IL	272	CARBONDALE CHINESE MINISTRY ASSOCIATION
20000831AAK	PEORIA	IL	282	PEORIA CHINESE MINISTRY ASSOCIATION
20000831AAV	PEORIA	IL	250	CHILLICOTHE EDUCATIONAL FOUNDATION, INC.
20000831AAX	TRENTON	IL	226	SUGAR CREEK AMBULANCE SERVICE
20000831ABI	COLLINSVILLE	IL	226	ILLINOIS DEPT. OF TRANSPORTATION, DIST 8, WOOD RIVER TEAM
20000831ABL	ALTON	IL	226	LIBERTY CHRISTIAN BROADCASTING
20000831ABO	TROY	IL	225	ILLINOIS DEPT. OF TRANSPORTATION, DIST 8, MARYVILLE TEAM
20000831ACA	EAST SAINT LOUIS	IL	270	M&M COMMUNITY DEVELOPMENT INC., E. ST. LOUIS BRANCH
20000831ACB	SPRINGFIELD	IL	266	FIRST ASSEMBLY OF GOD

20000831ACC	ALTON	IL	296	M&M COMMUNITY DEVELOPMENT INC.,ALTON, IL BRANCH
20000831ACD	SPRINGFIELD	IL	266	M&M COMMUNITY DEVELOPMENT INC., SPRINGFIELD, IL BRANCH
20000831ACH	CHAMPAIGN	IL	259	WOMEN AGAINST RACISM
20000831ACQ	SPRINGFIELD	IL	239	WOMEN'S INT. LEAGUE FOR PEACE & FREEDOM, SPRINGFIELD, IL BR
20000901AAB	SPRINGFIELD	IL	266	FIRST ASSEMBLY OF GOD
20000901AAO	ROCHESTER	IL	241	MICHAEL S. GREER
20000901ABL	EAST PEORIA	IL	292	TODD WALDSCHMIDT/2601 MARINA RADIO
20000901ACO	PEORIA	IL	292	PEORIA CHRISTIAN RADIO CORPORATION
20000901ACU	CARBONDALE	IL	233	CARBONDALE CHRISTIAN RADIO, INC.
20000901ADM	MT. CARMEL	IL	266	MT. CARMEL PUBLIC BROADCASTING, INC.
20000901ADQ	BENTON	IL	244	BENTON CHRISTIAN RADIO, INC.
20000901AEC	SPRINGFIELD	IL	241	THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS
20000901AEI	PEORIA	IL	292	FOREST PARK FOUNDATION
20000901AGH	CHAMPAIGN	IL	259	CALVARY CHAPEL CHAMPAIGN URBANA
20000901AGW	ROCKFORD	IL	226	PELLEY ROAD CHRISTIAN FELLOWSHIP
20000901AHS	SPRINGFIELD	IL	241	INSIGHT MINISTRIES, INC.
20000901AHT	SPRINGFIELD	IL	239	ABUNDANT FAMILY LIFE CENTER
20000530AAV	LIGONIER	IN	230	INDIANA HISTORIC RADIO MUSEUM
20000530ABC	MONROE CITY	IN	297	THE BLUE JEANS COMMUNITY CENTER, INC.
20000531AAE	EVANSVILLE	IN	254	YOUTH INCORPORATED OF SOUTHERN INDIANA
20000531AAG	BLOOMINGTON	IN	254	CHURCH OF THE GOOD SHEPHERD OF BLOOMINGTON, INC.
20000531ABZ	CICERO	IN	292	CICERO BROADCASTING SERVICE, INC.
20000531ACB	MISHAWAKA	IN	287	BETHEL COLLEGE, INCORPORATED

20000531ACO	INDIANAPOLIS	IN	286	SABBATH INCORPORATED
20000531ACZ	INDIANAPOLIS	IN	286	WALLACE STREET PRESBYTERIAN CHURCH, INCORPORATED
20000531ADB	MILAN	IN	294	MILAN COMMUNITY SCHOOL CORPORATION
20000531ADE	DANVILLE	IN	255	HENDRICKS CO. AMATEUR RADIO COMMUNITY
20000601ABE	NOBLESVILLE	IN	297	MARANATHA BROADCASTING, INC.
20000601ABQ	OAKLAND CITY	IN	238	OAKLAND CITY UNIVERSITY
20000601ACY	FORT WAYNE	IN	239	FORT WAYNE ADVENTIST BROADCASTING NETWORK, INC.
20000601ADP	HUNTINGBURG	IN	226	HUNTINGBURG ADVENTIST NETWORK, INC.
20000602AAF	FORT WAYNE	IN	239	VINEYARD CHRISTIAN FELLOWSHIP, INC.
20000602ACF	INDIANAPOLIS	IN	286	INDIANA BIBLE COLLEGE
20000602ACS	BLOOMINGTON	IN	248	MONROE COUNTY PUBLIC LIBRARY
20000602AEF	LAWRENCE	IN	286	LAWRENCE CENTRAL HIGH SCHOOL
20000602AGH	EVANSVILLE	IN	255	BOEKE ROAD BAPTIST CHURCH
20000605AAG	INDIANAPOLIS	IN	261	LIBERTY CREEK HOMEOWNERS ASSOC.
20000605ACK	RICHMOND	IN	296	ENDTIME, INC.
20000605ACM	VEVAY	IN	283	SWITZERLAND COUNTY COMMUNITY CHURCH
20000605AHS	MUNCIE	IN	298	JACKSON PARK BAPTIST CHURCH, INC.
20000605AIZ	LAWRENCE	IN	286	RIGHT TO LIFE OF INDIANAPOLIS EDUCATIONAL TRUST FUND, INC.
20000605AJE	LAFAYETTE	IN	297	HARVEST CHAPEL, INC.
20000605AJQ	FORT WAYNE	IN	239	QUASI, INC.
20000605AKU	WARSAW	IN	287	WARSAW COMMUNITY SCHOOL CORP.
20000605AOQ	GREENWOOD	IN	255	GREENWOOD BIBLE BAPTIST CHURCH
20000606ABH	BLOOMINGTON	IN	254	CENTER FOR SUSTAINABLE LIVING
20000607AAC	CHARLESTOWN	IN	252	LINCOLN HERITAGE COUNCIL B S A
20000607AAE	SOUTH BEND	IN	287	NEAR NORTHWEST NEIGHBORHOOD INC.
20000607ACH	TERRE HAUTE	IN	295	THE SELAH WORD NETWORK INC.

20000608AAE	RICHMOND	IN	296	NEW CREATIONS CHAPEL, INC. DBA NEW CREATIONS BOARDING SCHOOL
20000608AAY	INDIANAPOLIS	IN	286	EAST INDIANAPOLIS COMMUNITY RADIO CORPORATION
20000608ABS	MUNCIE	IN	298	SIEBERT BROADCASTING
20000608ACU	FT WAYNE	IN	239	UNITY WORLD PRODUCTION, INCORPORATED
20000608ACY	MISHAWAKA	IN	252	JEFFREY A. HEWITT
20000608ACZ	INDIANAPOLIS	IN	286	PUBLIC ACCESS OF INDIANAPOLIS, INC.
20000608AEM	SHELBYVILLE	IN	271	SHELBYVILLE S.D.A. BROADCASTING SERVICES, INC.
20000608AFR	PITTSBORO	IN	255	CALVARY CHAPEL FELLOWSHIP OF PITTSBORO, INC.
20000608AFS	LEO	IN	233	HARVEST CHRISTIAN FELLOWSHIP
20000828ACJ	LAWRENCE	KS	268	HERITAGE BAPTIST CHURCH
20000828ADV	OTTAWA	KS	274	CALVARY BAPTIST CHURCH
20000829AAC	EDGERTON	KS	274	SOUTHERN JOHNSON COUNTY COMMUNITY WORKSHOP
20000830AAM	MCPHERSON	KS	294	CENTRAL CHRISTIAN COLLEGE OF KANSAS
20000830ABB	WICHITA	KS	264	REDEEMED COMMUNITY CHURCH, INC.
20000830ABC	WICHITA	KS	239	FAITH MUSIC MINISTRIES, INC.
20000831AAD	LAWRENCE	KS	268	LAWRENCE CHINESE EVANGELICAL CHURCH
20000831AAF	WICHITA	KS	239	WICHITA CHINESE MINISTRY ASSOCIATION
20000831ABE	OLATHE	KS	274	MIDAMERICA NAZARENE UNIVERSITY
20000831ABU	LEAWOOD	KS	248	CHURCH OF THE RESURRECTION - UNITED METHODIST
20000831ACN	PRAIRIE VILLAGE	KS	274	THE VILLAGE PRESBYTERIAN CHURCH
20000831ACU	LAWRENCE	KS	268	PELATHE COMMUNITY RESOURCE CENTER, INC.
20000831ADM	OLATHE	KS	274	CALVARY CHAPEL JOHNSON CO., INC.

20000901ABT	WICHITA	KS	239	NEWMAN UNIVERSITY
20000901ADA	WICHITA	KS	239	SEDGWICK COUNTY EXTENSION COUNCIL
20000901AED	WICHITA	KS	239	THE CHURCH IN WICHITA, INC.
20000901AET	TOPEKA	KS	265	STARDUSTERS CRIME PREVENTION, INC.
20000901AEZ	TOPEKA	KS	265	TOPEKA HOUSING AUTHORITY
20000901AFB	WICHITA	KS	264	H.O.P.E., INC.
20000901AFZ	KIOWA	KS	256	SOUTHCENTRAL KANSAS SKYWARN
20000901AGM	HUTCHINSON	KS	294	FREE RADIO HUTCHINSON
20000901AHG	OVERLAND PARK	KS	274	OVERLAND PARK CHRISTIAN RADIO
20000530ABF	PINEVILLE	LA	292	LOUISIANA COLLEGE
20000531AAN	PONCHATOULA	LA	261	BRIAN KEVIN CALMES
20000531AAU	LAKE CHARLES	LA	255	FIVE POINT RADIO, INC.
20000601AAB	WALKER	LA	248	LIVINGSTON ACTIVITY CENTER
20000601AAY	BAKER	LA	248	BAKER CHAMBER OF COMMERCE
20000601ADK	MORGAN	LA	225	TRI CITY COMMUNITY BROADCASTING
20000602AAC	CHALMETTE	LA	242	FAMILY RADIO BROADCASTING, INC.
20000602AAY	NEW ORLEANS	LA	249	M&M COMMUNITY DEVELOPMENT INC., NEW ORLEANS, LA BRANCH
20000602ABW	BATON ROUGE	LA	248	ELAINE C. ROUGEAU
20000602ACZ	MANDEVILLE	LA	261	MARANATHA CHRISTIAN FELLOWSHIP
20000602AGF	METAIRIE	LA	249	FELLOWSHIP BIBLE CHURCH, INC.
20000605ABZ	HARVEY	LA	249	CRUTTI AUDIO SERVICES, L.L.C.
20000605ACE	BATON ROUGE	LA	248	GSRI PROPERTY OWNERS ASSOC.
20000605ADP	LUCY	LA	230	ST. JOHN PARISH GOVERNMENT
20000605AEM	BATON ROUGE	LA	248	JEFFERSON BAPTIST CHURCH, INC.
20000605AEQ	BATON ROUGE	LA	248	FIRST PENTECOSTAL CHURCH BATON ROUGE
20000605AFJ	ARABI	LA	242	CALVARY OF NEW ORLEANS
20000605AGC	NEW ORLEAN	LA	243	DILLARD UNIVERSITY
20000605AHD	NEW ORLEANS	LA	249	BOARD OF SUPERVISORS OF LA STATE UNIVERSITY & AGRICULTURAL

20000605AHW	BATON ROUGE	LA	290	LOUISIANA COMMUNITY DEVELOPMENT CAPITAL FUND, INC.
20000605AII	NEW ORLEANS	LA	242	NEW ORLEANS ACORN EDUCATION PROJECT, INC.
20000605AJJ	DULAC	LA	230	DULAC COMMUNITY CENTER
20000605AKC	NEW ORLEANS	LA	284	SOUTHERN UNIVERSITY AT NEW ORLEANS
20000605AKF	METAIRIE	LA	242	NEW ORLEANS YOUTH AT RISK
20000605AKH	NEW ORLEANS	LA	243	THE FLY-FM FOUNDATION
20000605ALA	BATON ROUGE	LA	248	BATON ROUGE ACORN EDUCATION PROJECT, INC.
20000605ALG	NEW ORLEANS	LA	242	NEW ORLEANS MEDIA CENTER, INC.
20000605ALO	BREAUX BRIDGE	LA	226	ST. MARTIN PARISH VOTERS LEAGUE
20000605ALS	MONROE	LA	295	MAHOGONY'S INCUBATION SYSTEM, INC
20000605ALU	SHREVEPORT	LA	236	BLACKS UNITED FOR LASTING LEADERSHIP, INC.
20000605AMF	NEW ORLEANS	LA	243	MUSIC BUSINESS INSTITUTE, INC.
20000605AMO	NEW ORLEANS	LA	249	R.E.A.L. (RECREATING ENVIROMENTAL ABILITY TO LIVE)
20000605AMP	MARRERO	LA	242	JEFFERSON PARISH
20000605AOS	SHREVEPORT	LA	262	LA HAYRIDE HIT PARADE, INC.
20000606ABA	ARLETA	LA	284	JAMAL KHOURY
20000606ABE	SHREVEPORT	LA	263	SHREVEPORT CHRISTIAN CHURCH
20000606ABS	SHREVEPORT	LA	291	ESO BROADCASTING CO., INC.
20000606ACK	NEW ORLEANS	LA	242	LSU HEALTH SCIENCE CENTER
20000607AAT	METAIRIE	LA	242	EDUCATION ENHANCEMENT 2000
20000607ACY	NEW ORLEANS	LA	242	BAND, INC.
20000608ABU	BATON ROUGE	LA	290	BATON ROUGE CHRISTIAN EDUCATION FORUM
20000608ACB	SULPHUR	LA	255	FRIENDS OF SULPHUR
20000608ACC	BATON ROUGE	LA	248	STRAIGHTWAY MINISTRIES
20000608ACD	LAFAYETTE	LA	278	LAFAYETTE CHRISTIAN EDUCATION COMMITTEE

20000608ACG	BOSSIER CITY	LA	262	FRIENDS OF BOSSIER
20000608ACK	METAIRIE	LA	249	JEFFERSON CHRISTIAN EDUCATION FORUM
20000608ACL	HOUMA	LA	284	BIBLICAN EDUCATIONAL ASSOCIATION
20000608ADJ	NEW ORLEANS	LA	242	NEW ORLEANS CITY PARK IMPROVEMENT ASSOCIATION
20000608ADS	NEW ORLEANS	LA	249	ESTACION LIBRE
20000608AEC	MONORE	LA	295	IBC MINISTRIES, INC.
20000608AFN	SHREVEPORT	LA	262	WORD OF LIFE MINISTRIES, INC.
20000608AFX	SHREVEPORT	LA	246	SHREVEPORT CHRISTIAN RADIO
20000608AGF	NEW ORLEANS	LA	243	CENTRAL CITY PARTNERSHIP
20000602AFM	HAVRE DE GRACE	MD	296	STEVEN JAMES CLENDENIN
20000605AIG	SALISBURY	MD	263	CALVARY CHAPEL OCEAN GATEWAY
20000605AJZ	BEL AIR	MD	296	CALVARY CHAPEL OF BALTIMORE / BEL AIR, INC.
20000608AES	SALISBURY	MD	263	SALISBURY STATE UNIVERSITY
20000531ACN	ELLSWORTH	ME	236	FAITH COMMUNITY FELLOWSHIP
20000601ACW	BANGOR	ME	243	BANGOR FINE ARTS RADIO
20000602ADU	BANGOR	ME	236	INTER-FAITH STUDIES INSTITUTE, INC.
20000605AMT	BANGOR	ME	242	CALVARY CHAPEL OF BANGOR
20000606ABG	BRUNSWICK	ME	247	GROWSTOWN R. USERS
20000608ADA	AUGUSTA	ME	234	ALL THAT IS CATHOLIC MINISTRIES
20000828AAC	GRAND RAPIDS	MI	226	MONTENAY BROADCASTING
20000828AAH	BATTLE CREEK	MI	226	CHAPEL HILL UNITED METHODIST CHURCH
20000828ADA	BATTLE CREEK	MI	226	KELLOGG COMMUNITY COLLEGE
20000828ADB	LANSING	MI	238	MICHIGAN HOUSE OF REPRESENTATIVES
20000829ACT	GRAND RAPIDS	MI	226	IGLESIA DE CRISTO MISSIONERA / CACIM
20000829ADT	DETROIT	MI	229	PENTECOSTAL CHURCH OF THE ETERNAL ROCK
20000829ADX	GRAND RAPIDS	MI	226	KNAPP STREET REFORMED CHURCH
20000830AAQ	PORTAGE	MI	286	CITY OF PORTAGE, MICHIGAN
20000830AAW	NEW BUFFALO	MI	228	HARBOR COUNTRY FORUM

20000830ABO	NEW BUFFALO	MI	228	NEW BUFFALO TOWNSHIP PUBLIC LIBRARY
20000830ABQ	NEW BUFFALO	MI	228	FIRST UNITED METHODIST CHURCH
20000830ABR	NEW BUFFALO	MI	228	ST. JOHN UNITED CHURCH OF CHRIST
20000830ABS	NEW BUFFALO	MI	228	INTERNATIONAL CHURCH OF THE NEW BUFFALO FOURSQUARE GOSPEL
20000830ABV	CLIO	MI	244	NEW COVENANT FREE METHODIST MINISTRIES
20000830ACK	JACKSON	MI	261	JACKSON COMMUNITY SERVICES
20000830ACO	WYOMING	MI	226	SOUTHKENT CABLE TV COMMISSION
20000831AAQ	HOLLAND	MI	236	MACATAWA AREA COMMUNITY MEDIA CENTER, INC.
20000831AAU	FENWICK	MI	300	MONTCALM PUBLIC RADIO, INC.
20000831AAZ	KALAMAZOO	MI	226	FAITH TEMPLE CHURCH OF GOD
20000831ABB	LANSING	MI	238	FIRST UNITED PENTECOSTAL CHURCH OF LANSING
20000831ABV	GRAND RAPIDS	MI	236	HEARTSIDE MINISTRY, INC.
20000831ACJ	EAST LANSING	MI	238	M&M COMMUNITY DEVELOPMENT INC., EAST LANSING BRANCH
20000831ACP	GRAND RAPIDS	MI	226	CALVIN COLLEGE
20000831ADU	HOLLAND	MI	236	DELTA SIGMA TAU FRATERNITY
20000831AEG	LANSING	MI	238	GREATER LANSING COMMUNITY RADIO
20000901AAT	LOWELL	MI	226	LOWELL AREA SCHOOLS
20000901ABS	16240 QUINCY ST.	MI	236	VENTURA BAPTIST CHURCH
20000901ACC	GRAND RAPIDS	MI	236	SIGHT SEER - WEST MICHIGAN RADIO READING SERVICE
20000901ACI	FLINT	MI	244	KETTERING UNIVERSITY/ PAT DEESE
20000901ACQ	GRAND RAPIDS	MI	226	RADIO TEACHERS, INC.
20000901ACY	GRAND RAPIDS	MI	226	WILLIAM C. ABNEY ACADEMY
20000901ADB	TRAVERSE CITY	MI	267	CHERRYLAND BAPTIST CHURCH
20000901ADJ	BATTLE CREEK	MI	226	FAITH FOR LIFE RADIO BROADCAST CORP.
20000901AEP	HANCOCK	MI	286	GLAD TIDINGS ASSEMBLY OF GOD, INC.

20000901AER	GRAND RAPIDS	MI	226	FRIENDS OF THE CROSS
20000901AFI	MARSHALL	MI	259	MARSHALL CHRISTIAN RADIO
20000901AFQ	BERRIEN SPRINGS	MI	287	LIFE SEARCH RADIO, INC.
20000901AFS	HASTINGS	MI	226	AUTOMATED MICRO, INC.
20000901AGD	KALAMAZOO	MI	286	COMMUNITY ACCESS CENTER
20000901AHC	GRAND RAPIDS	MI	226	CALVARY CHAPEL EAST GRAND RAPIDS
20000901AHD	PAW PAW	MI	246	HEARTHSTONE FAMILY EDUCATION FOUNDATION, INC.
20000901AHL	BIG RAPIDS	MI	228	COMMUNITY SERVICES OF BIG RAPIDS
20000901AHV	GRAND RAPIDS	MI	226	GRAND RAPIDS LOCAL EDUCATIONAL RADIO, INC.
20000901AHW	NILES	MI	228	NILES CHRISTIAN BROADCASTING, INC.
20000901AIE	CEDAR LAKE	MI	262	GREAT LAKES ADVENTIST ACADEMY
20000828AAM	COON RAPIDS	MN	219	BIG RIVER SENIOR RADIO
20000828ABK	EAGAN	MN	250	FORT MCKEEN DETACHMENT OLD SCOUTS SOCIETY EAGAN CHAPTER
20000828ACU	ROUND LAKE	MN	296	THE FIRST PRESBYTERIAN CHURCH OF ROUND LAKE, MINNESOTA
20000828ADJ	MANKATO	MN	247	DIDJICAST FOUNDATION, INC
20000828AEA	ST. PAUL	MN	250	CHRIST LUTHERAN CHURCH ON CAPITAL HILL
20000828AHE	ST. PAUL	MN	250	CENTER FOR HMONG ARTS & TALENT
20000828AHK	ST. PAUL	MN	250	ARCHDIOCESE OF ST. PAUL AND MINNEAPOLIS
20000829ACY	DULUTH	MN	252	EAST HILLSIDE COMMUNITY CLUB
20000829ADR	MONTEVIDEO	MN	252	THUNDERHAWK BROADCASTING INC.
20000829ADZ	ST. PAUL	MN	250	SOUTHEAST ASIAN MINISTRY, INC.
20000830AAV	EAST BETHEL	MN	219	OUR SAVIOUR'S EVANGELICAL LUTHERAN CHURCH ELCA
20000830ABU	MINNEAPOLIS	MN	226	MINNEAPOLIS PROPERTY RIGHTS ACTION COMMITTEE
20000830ACC	ST. PAUL	MN	250	MINNESOTA LITERACY COUNCIL, INC.
20000830ACE	STILLWATER	MN	284	SEVENTH-DAY ADVENTIST CHURCH

## Federal Communications Commission

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20000830ACF	MINNEAPOLIS	MN	249	THE GREEN PARTY OF MINNESOTA
20000830ACG	ST. PAUL	MN	250	WOMEN'S ASSOCIATION OF HMONG AND LAO, INC.
20000830ACH	COLLEGEVILLE	MN	248	ST. JOHN'S UNIVERSITY
20000830ACJ	ST. PAUL	MN	250	UNITED CAMBODIAN ASSOCIATION OF MINNESOTA
20000831ABF	MINNEAPOLIS	MN	226	PROSPECT PARK AND E. RIVER ROAD IMPROVEMENT ASSOCIATION
20000831ABG	BEMIDJI	MN	259	MASS COMMUNICATION/BEMIDJI STATE UNIVERSITY
20000831ABN	MINNEAPOLIS	MN	226	LYNDALE NEIGHBORHOOD ASSOCIATION
20000831ACO	DULUTH	MN	252	CRUZ MEDOZA
20000831ACR	ST. PAUL	MN	250	RIVERCENTRE
20000831ADA	ST. PAUL	MN	250	ERIC THOMAS TOMLINSON FOR MINNESOTA BUSINESS ACADEMY
20000831ADJ	ST. PAUL	MN	226	CALVARY CHAPEL SAINT PAUL
20000831ADL	MINNEAPOLIS	MN	249	CALVARY CHAPEL TWIN CITIES
20000831ADS	MINNEAPOLIS	MN	226	WOMEN AGAINST MILITARY MADNESS
20000831ADY	MINNEAPOLIS	MN	278	MESSAGE OF THE HEART, INC.
20000901AAA	ST. PAUL	MN	249	JEFFREY WILLIAM HOLTE
20000901AAU	WOODBURY	MN	250	WASHINGTON COUNTY PUBLIC RADIO COMPANY
20000901ABU	MINNEAPOLIS	MN	226	GLENN AUSTIN
20000901ABW	MINNEAPOLIS	MN	226	NORTHERN DAWN LOCAL COUNCIL, COVENANT OF THE GODDESS
20000901ACH	MINNEAPOLIS	MN	226	WE WIN INSTITUTE
20000901ACN	MINNEAPOLIS	MN	249	MINNEAPOLIS-ST. PAUL COMMUNITY TEACHING CENTER
20000901ACV	PLYMOUTH	MN	226	PLYMOUTH COMMUNITY RADIO
20000901ACW	SAINT PAUL	MN	278	WEST SIDE CITIZENS ORGANIZATION
20000901ADG	MINNEAPOLIS	MN	226	MINNESOTA FELLOWSHIP OF RECONCILIATION

20000901ADS	ST. PAUL	MN	250	HMONG NATIONAL ORGANIZATION, INC.
20000901ADT	MINNEAPOLIS	MN	249	MINNEAPOLIS AMERICAN INDIAN CENTER
20000901AFA	MINNEAPOLIS	MN	249	MINNEAPOLIS NEIGHBORHOOD COMMUNICATIONS
20000901AFT	ST. PAUL	MN	226	MACALESTER COLLEGE
20000901AGA	MINNEAPOLIS	MN	226	GENERAL COMMITTEE FOR A SHORTER WORKWEEK
20000901AGS	MINNEAPOLIS	MN	226	MINNESOTA ALLIANCE OF PEACEMAKERS
20000901AGT	MINNEAPOLIS	MN	249	FRIENDSHIP COMMUNITY SERVICES, INC.
20000901AHI	OWATONNA	MN	292	CHRISTIAN RADIO BROADCASTING OF OWATONNA, INC.
20000901AHK	MINNEAPOLIS	MN	226	VETERANS FOR PEACE
20000901AHU	ST. PAUL	MN	250	VIETNAMESE MINNESOTANS ASSOCIATION
20000901AHZ	HINCKLEY	MN	248	HINCKLEY ADVENTIST BROADCASTING CORPORATION
20000901AIB	CAMBRIDGE	MN	219	CAMBRIDGE ADVENTIST BROADCASTING CORPORATION
20000901AIC	DULUTH	MN	258	DULUTH ADVENTIST RADIO MINISTRY, INC.
20000901AIF	ST. PAUL	MN	278	TELECOMMUNICATION ACCESS CORPORATION
20000830AAL	RIDGELAND	MS	272	ST. ANDREW'S EPISCOPAL SCHOOL
20000831AAN	JACKSON	MS	251	THE MISSISSIPPI 2020 NETWORK
20000831ACX	JACKSON	MS	251	VICTORY CATHERDRAL OUTREACH MINISTRIES, INC.
20000901ACS	PICAYUNE	MS	263	PICAYUNE CHURCH OF CHRIST
20000901ADD	DALEVILLE	MS	212	BLACKWATER BAPTIST CHURCH OF KEMPER COUNTY
20000901ADH	JACKSON	MS	278	ST. ANDREW'S EPISCOPAL CATHEDRAL

20000829ACX	KEENE	NH	276	KEENE FOURSQUARE CHURCH D/B/A HARVEST CHRISTIAN FELLOWSHIP
20000829ADQ	GOFFSTOWN	NH	236	SCHOOL ADMINISTRATIVE UNIT # 19
20000830AAB	CANDIA	NH	269	CHURCH OF PERFECT LIFE & FREEDOM
20000830ABH	PETERBOROUGH	NH	236	REGION #4 APPLIED TECHNOLOGY CENTER
20000831AAW	LONDONDERRY	NH	286	LONDONDERRY SCHOOL DISTRICT, SCHOOL ADMINISTRATIVE UNIT 12
20000831ABT	HOOKSETT	NH	236	HIGHLAND COMMUNITY BROADCASTING
20000831ACG	LONDONDERRY	NH	236	LONDONDERRY PRESBYTERIAN CHURCH
20000831ADB	MANCHESTER	NH	236	MANCHESTER NEIGHBORHOOD HOUSING SERVICES
20000901AAR	KEENE	NH	276	TRINITY LUTHERAN CHURCH
20000901AAW	DUBLIN	NH	263	DUBLIN SCHOOL
20000901ADW	PETERBOROUGH	NH	236	TRINITY EVANGELICAL SCHOOL & CHURCH
20000901AEA	KEENE	NH	276	CAMP HOLIDAY ASSOCIATION
20000901AEJ	DOVER	NH	278	DOVER COMMUNITY RADIO SERVICE
20000901AEK	PORTSMOUTH	NH	268	SEACOASTS ARTS AND CULTURAL ALLIANCE
20000901AEQ	ETNA	NH	285	NDIMENSION
20000901AFM	NASHUA	NH	236	CALVARY FELLOWSHIP OF NASHUA
20000901AFN	HUDSON	NH	236	TIMOTHY J. GILBERT
20000901AGJ	DOVER	NH	234	GRITTY
20000901AHE	BEDFORD	NH	236	FAITH CHRISTIAN CENTER
20000901AHP	NASHUA	NH	236	GRACE FELLOWSHIP OF NASHUA, INC.
20000828ADY	LAS VEGAS	NV	234	INTERNATIONAL TV FOUNDATION
20000830AAS	FALLON	NV	241	OASIS CHRISTIAN BROADCASTING ASSO
20000830AAY	SILVER SPRINGS	NV	254	SILVER SPRINGS CHRISTIAN RADIO
20000830ABW	LAS VEGAS	NV	234	FRIENDS OF THE HUNTRIDGE THEATRE, INC.
20000831AAP	YERINGTON	NV	254	YERINGTON CHRISTIAN RADIO
20000831ADF	LAS VEGAS	NV	267	CALVARY CHAPEL SPRING VALLEY

20000831ADI	LAS VEGAS	NV	234	AMERICAN CHRISTIAN BROADCAST, INC.
20000831ADK	HENDERSON	NV	234	CALVARY CHAPEL GREENVALLEY
20000831AIN	LAS VEGAS	NV	234	NATIONAL CANCER RADIO, INC.
20000901AAJ	LAS VEGAS	NV	234	ABUNDANT LIFE CHRISTIAN BROADCASTING ASSOCIATION
20000901ADE	LAS VEGAS	NV	234	LAS VEGAS CHRISTIAN RADIO
20000901AEV	LAS VEGAS	NV	234	AFRICAN AMERICAN FOR ENERGY AWARENESS
20000901AHY	LAS VEGAS	NV	267	INTERNATIONAL CHURCH OF LAS VEGAS, INC.
20000530AAA	MUSKOGEE	OK	234	JIMMIE SMITH
20000530AAN	OKLAHOMA CITY	OK	238	QUIZ, INC.
20000530AAY	TULSA	OK	280	TULSA FREE RADIO PROJECT
20000531AAB	OKLAHOMA CITY	OK	266	FOREST HILL CHRISTIAN CHURCH
20000531ABF	SHAWNEE	OK	278	EMMANUEL TEMPLE OF PRAISE AND DELIVERANCE
20000531ABY	OKLAHOMA CITY	OK	231	NORTH MACARTHUR CHURCH OF CHRIST, INC.
20000531ACG	NORMAN	OK	252	NORMAN COMM. RADIO CORP.
20000531ACJ	OKLAHOMA CITY	OK	231	ABUNDANT LIFE CHURCH INC.
20000531ACR	TULSA	OK	234	TULSA OIL CAPITAL RACING PIGEON CLUB, INC.
20000531ACS	MIDWEST CITY	OK	266	ROSE STATE COLLEGE
20000531ADD	NORMAN	OK	277	ELISHA MINISTRIES, INC.
20000531ADI	TULSA	OK	280	TULSA AMATEUR RADIO CLUB, INC.
20000531ADJ	TULSA	OK	234	VICTORY CHRISTIAN CENTER, INC.
20000601ACV	MIDWEST CITY	OK	231	REBEL COMMUNICATION, INC.
20000602AAB	TULSA	OK	234	HILLTOP BAPTIST CHURCH
20000602AAU	POTEAU	OK	253	CARL ALBERT STATE COLLEGE
20000602ADC	OKLAHOMA CITY	OK	266	PROPHECY IN THE NEWS INC.
20000602ADI	NICHOLS HILLS	OK	266	CITY OF NICHOLS HILLS
20000602ADV	TULSA	OK	234	TULSA JAZZ SOCIETY
20000602AEE	FOREST PARK	OK	266	EDWARDS BROADCASTING

20000602AEU	TULSA	OK	280	UNDERGROUND RADIO, INC.
20000602AGE	TULSA	OK	234	UNDERGROUND RADIO, INC.
20000605AAF	TULSA	OK	280	TULSA COMMUNITY RADIO, INC.
20000605AAI	JAY	OK	286	BRUSH CREEK YOUTH RANCH
20000605ABA	TULSA	OK	234	CITIZENSHIP TULSA, INC.
20000605ABP	NORMAN	OK	230	DAY STAR BROADCASTING CORPORATION
20000605ABR	WAGONER	OK	274	NEW LIFE CHRISTIAN CENTER
20000605ACV	NOWATA HIGH SCHOOL	OK	235	NOWATA PUBLIC SCHOOLS
20000605ACX	OKLAHOMA CITY	OK	231	RADAH MINISTRIES INC.
20000605ADA	TULSA	OK	234	SOUTH TULSA COMMUNITY RADIO
20000605ADD	NEWCASTLE	OK	277	OKLAHOMANS FOR THE TRUTH INC.
20000605ADE	STILLWATER	OK	266	SEVER STORMS INTERCEPT TEAM
20000605AEP	OKLAHOMA CITY	OK	266	THE CHURCH IN OKLAHOMA CITY
20000605AEY	STILLWATER	OK	266	OKLAHOMA STATE UNIVERSITY FOUNDATION
20000605AFR	NORMAN	OK	267	THE CHURCH IN NORMAN
20000605AGI	OKLAHOMA CITY	OK	266	TEMPLO DE ALABANZA, A RELIGIOUS ASSOCIATION
20000605AIC	MUSTANG	OK	252	MUSTANG ASSEMBLY OF GOD CHURCH, INC.
20000605AJM	OKLAHOMA CITY	OK	238	FREEDOM WING MINISTRIES, INC.
20000605AKI	TULSA	OK	234	WORDS OF LIFE TEACHING MINISTRY, INC.
20000605AKR	OKLAHOMA CITY	OK	266	LIFE ISSUES INC.(STAN ENGLE)
20000605ALL	LANSTON	OK	278	LANGSTON UNIVERSITY
20000605AMU	SKIATOOK	OK	228	FIRST UNITED METHODIST CHURCH OF SKIATOOK
20000607AAB	TULSA	OK	280	MIDWESTERN THEATER TROUPE, INC.
20000607AAQ	NOWATA	OK	288	NOWATA EDUCATIONAL ENDOWMENT FOUNDATION
20000607ABB	TULSA	OK	234	AMERICAN HERITAGE MUSIC ACADEMY

20000608ABB	OKLAHOMA CITY	OK	238	MAX BAKER
20000608ABH	EDMOND	OK	278	DELIVERANCE MINISTRIES INC.
20000608AGJ	ENID	OK	248	ENID FINE ARTS RADIO ASSOCIATION
20000601ACQ	EAST GREENWICH	RI	235	SEAT OF WISDOM FOUNDATION
20000601ACT	PROVIDENCE	RI	235	EXPANSION EVANGELISTIC MINISTRY
20000602AFX	WARWICK	RI	235	THE LITTLE FLOWER HOME
20000605AAD	EAST GREENWICH	RI	235	IN HIS IMAGE OUTREACH MINISTRIES
20000605AHU	WARWICK	RI	235	CALVARY CHAPEL CHRISTIAN FELLOWSHIP
20000605AKZ	WESTERLY	RI	225	SPIRIT LIFE MINISTRIES
20000607AAI	WEST WARWICK	RI	235	STATE OF THE STATE COMMUNICATIONS INC.
20000607AAN	WARWICK	RI	235	KATHERINE RUSSO
20000608ACA	CRANSTON	RI	235	OLNEY STREET BAPTIST CHURCH
20000608ACM	WESTERLY	RI	296	WASHINGTON COUNTY CHAMBER OF COMMERCE
20000608AFJ	WICKFORD	RI	235	BETTER LIVING RADIO IN WICKFORD
20000605AJR	CHATTANOOGA	TN	267	RIVER OF LIFE CHURCH, INC
20000530ABQ	PROVO	UT	239	NORTH FORK SPECIAL SERVICES DISTRICT
20000531AAJ	HEBER CITY	UT	239	SHINY NICKELS L.C.
20000602AEY	PROVIDENCE	UT	222	PROVIDENCE CITY INCORPORATED
20000602AHC	PROVO	UT	238	CITY OF PROVO INCORPORATED
20000602AHX	PROVO	UT	238	THE CITY OF PROVO UTAH, A MUNICIPAL CORPORATION
20000608ACQ	EAGLE MOUNTAIN	UT	224	TOWN OF EAGLE MOUNTAIN, UTAH
20000605AHT	ST. GEORGE	UT	269	PERRY DAVID HOLMES
20000828ABE	HOLLYWOOD	VA	278	AZALEA GARDEN CHURCH OF GOD / IGLESIA DE DIOS ADONAI
20000828ACS	CHINCOTEAGUE ISLAND	VA	220	BIBLE BROADCASTING ASSOCIATION
20000828ADP	HAMPTON	VA	278	CALVARY REFORMED PRESBYTERIAN CHURCH

20000829ACG	ABINGDON	VA	242	EQUIPOISE--MEDIA FOR BALANCE
20000829ACI	RICHLANDS	VA	227	SOUTHWEST VIRGINIA COMMUNITY COLLEGE
20000829ACW	ROANOKE	VA	253	WEST END PRESBYTERIAN CHURCH
20000829ACZ	BOWLING GREEN	VA	274	SENA FOUNDATION
20000830AAA	DAYTON	VA	250	WEST ROCKINGHAM COMMUNITY RADIO
20000830AAH	VIRGINIA BEACH	VA	251	MOUNT BETHEL BAPTIST CHURCH
20000830AAU	SPOTSYLVANIA	VA	274	SPOTSYLVANIA ASSEMBLY OF GOD
20000831AAO	SALEM	VA	253	THE TRUSTEES OF ROANOKE COLLEGE
20000831ABA	VIRGINIA BEACH	VA	278	STUART SNYDER
20000831ACE	ESTABROOK	VA	244	M&M COMMUNITY DEVELOPMENT INC. NORFOLK, VA BRANCH
20000831ACF	RICHMOND	VA	276	M&M COMMUNITY DEVELOPMENT INC., RICHMOND, VA BRANCH
20000831ACV	MADISON HEIGHTS	VA	253	FELLOWSHIP COMMUNITY CHURCH AND CHRISTIAN SCHOOLS
20000831ADH	VIRGINIA BEACH	VA	251	CALVARY CHAPEL OF HAMPTON ROADS
20000901AAQ	FISHERSVILLE	VA	295	CROSSROADS BAPTIST CHURCH
20000901AAS	VIRGINIA BEACH	VA	251	DAVID CHRISTIAN COMMUNICATIONS, INC
20000901AAZ	BRIDGEWATER	VA	256	BRIDGEWATER COLLEGE
20000901ABF	RICHMOND	VA	276	CRUSADE FOR CHRIST TEMPLE CHURCH OF GOD IN CHRIST
20000901ABN	VIRGINIA BEACH	VA	278	THE ROCK CHURCH, INC.
20000901ABX	HOPEWELL	VA	276	ESSENCE OF LOVE MINISTRIES
20000901ACF	ROANOKE	VA	253	NORTHVALLEY COMMUNICATIONS, INC.
20000901ADU	WOODSTOCK	VA	267	CENTRAL HIGH SCHOOL - SHENANDOAH COUNTY PUBLIC SCHOOLS
20000901ADY	RICHMOND	VA	224	FOOD NOT BOMBS RICHMOND
20000901ADZ	CLINTWOOD	VA	289	SOUTHWEST VIRGINIA EDUCATIONAL CHRISTIAN RADIO, INC.
20000901AEB	WOODSTOCK	VA	226	SHENANDOAH COUNTY (VA) SCHOOL BOARD

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20000901AEF	QUICKSBURG	VA	250	STONEWALL JACKSON HIGH SCHOOL - SHENANDOAH CO. PUBLIC SCHOOL
20000901AES	RICHMOND	VA	224	VIRGINIA CENTER FOR PUBLIC PRESS
20000901AGI	VIRGINIA BEACH	VA	251	CHESAPEAKE CHRISTIAN RADIO BROADCASTING
20000901AGP	MT. JACKSON	VA	261	TRIPLETT BUSINESS AND TECHNICAL INSTITUTE
20000901AGQ	BRISTOW	VA	275	ALL SAINTS CATHOLIC CHURCH
20000901AGY	EVINGTON	VA	253	LAKWOOD CHRISTIAN MEDIA, INC.
20000901AHO	NEWPORT NEWS	VA	278	VIRGINIA DEPARTMENT OF TRANSPORTATION
20000901AHF	RIVERTON	WY	222	WIND RIVER FAMILY RADIO CORPORATION

**LOW POWER RADIO STATION APPLICATIONS, LICENSES AND DISMISSALS IN  
SELECTED STATES**

florida\_LPFMs\_2009

<b>Low Power FM Applicants in Florida, Including Dismissals, June 2009</b>				
<i>Call Sign</i>	<i>Freq</i>	<i>Community</i>	<i>Status</i>	<i>Organization Name</i>
NEW	94.7	ALACHUA	Dismissed	ISKCON OF ALACHUA INC
NEW	104.3	ALAMEDA	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM IN ALAMEDA
NEW	96.1	ALPINE	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM IN ALPINE
NEW	104.5	ALPINE	Dismissed	BETHLEHEM IMMIGRATION MINISTRY IN ALPINE
NEW	95.7	ALTAMONTE SPRINGS	Dismissed	ASSEMBLEIA DE DEUS MINISTERIO DO BELEM DE ALTAMONTE SPRINGS
NEW	98.1	ALVA	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE ALVA
NEW	93.7	ALVA	Dismissed	BETHLEHEM IMMIGRATION MINISTRY IN ALVA
NEW	89.3	ALVA	Dismissed	ALVA
NEW	95.3	ANGLERS PARK	Dismissed	JWBC BIBLE COLLEGE IN ALVA
NEW	104.1	ANGLERS PARK	Dismissed	JWBC BIBLE COLLEGE ANGLERS PARK
NEW	100.3	ANKONA	Dismissed	BETHLEHEM IMMIGRATION MINISTRY DE ANGLERS PARK
NEW	100.1	ANKONA	Dismissed	JWBC BIBLE COLLEGE
DWPZL-LP	96.3	ANTHONY	CP Lapsed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE ANKONA
WSEU-LP	96.1	AUBURNDALE	Granted	NEW HOPE M.B. CHURCH
NEW	107.9	AVON PARK	Dismissed	CP
WWMA-LP	107.9	AVON PARK	Licensed	SOUTHEASTERN UNIVERSITY, INC.
WAPQ-LP	95.9	AVON PARK	Licensed	JWBC BIBLE COLLEGE IN AVON PARK
NEW	106.5	AVON PARK LAKES	Dismissed	HIGHLANDS COUNTY CHAPTER OF ASI, INC.
NEW	107.1	BAHAMA BEACH	Dismissed	HIGHLANDS CHRISTIAN EDUCATION STATION
NEW	106.7	BAHAMA BEACH	Dismissed	BETHLEHEM IMMIGRATION MINISTRY IN AVON PARK LAKES
NEW	104.3	BAHAMA BEACH	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE BAHAMA BEACH
NEW	98.3	BALDWIN	Dismissed	BETHLEHEM IMMIGRATION MINISTRY IN BAHAMA BEACH
NEW	97.9	BALLARD PINES	Dismissed	BAHAMA BEACH
NEW	100.7	BALLARD PINES	Dismissed	JWBC BIBLE COLLEGE
NEW	107.9	BALLARD PINES	Dismissed	JWBC BIBLE COLLEGE IN BALDWIN
NEW	96.1	BARTOW	Granted	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE BALLARD PINES
NEW	104.3	BAY HARBOR	Dismissed	BELEM DE BALLARD PINES
NEW	104.3	BAY HARBOR	Dismissed	JWBC BIBLE COLLEGE IN BALLARD PINES
NEW	104.3	BAY HARBOR	Dismissed	BETHLEHEM IMMIGRATION MINISTRY IN BALLARD PINES
NEW	101.1	BELLE GLADE	Dismissed	BALLARD PINES
WGGP-LP	106.7	BIG PINE KEY	Licensed	CP
NEW	96.5	BLOOMINGDALE	Dismissed	RIDGE AREA RADIO SUPPORT GROUP INC.
NEW	101.1	BLUEWATER BAY	Dismissed	BETHLEHEM IMMIGRATION MINISTRY OF BAY HARBOR
NEW	104.3	BAY HARBOR	Dismissed	JWBC BIBLE COLLEGE IN BAY HARBOR
NEW	101.1	BELLE GLADE	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE BAY HARBOR
WGGP-LP	106.7	BIG PINE KEY	Licensed	JOHN D. PACE JR
NEW	96.5	BLOOMINGDALE	Dismissed	FIRST BAPTIST CHURCH BIG PINE KEY
NEW	101.1	BLUEWATER BAY	Dismissed	BETHLEHEM IMMIGRATION MINISTRY
NEW	101.1	BLUEWATER BAY	Dismissed	M. SCOTT MCADA

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Call Sign	Frequency	City	Status	Organization
DWRGI-LP	93.7	BOCA GRANDE	CP Lapsed	GASPARILLA ISLAND COMMUNITY RADIO COALITION
NEW	107.5	BOKEELIA	CP Lapsed	FIRST BAPTIST CHURCH OF PINE ISLAND
NEW	107.9	BONITA SPRINGS	Dismissed	JWBC BIBLE COLLEGE IN BONITA SPRINGS
NEW	96.7	BRADENTON	Dismissed	ASSEMBLY OF CHRISTIAN CHURCHES INC
NEW	96.7	BRADENTON	Dismissed	WESTBAY NEIGHBORHOOD ASSOCIATION BETHLEHEM IMMIGRATION MINISTRY IN BRADENTON
DWKJO-LP	99.1	BROOKSVILLE	CP Lapsed	BROOKSVILLE PUBLIC RADIO, INC.
WKJO-LP	102.7	BROOKSVILLE BUENA VENTURA	Licensed	LANDMARK BAPTIST CHURCH
WBVL-LP	95.7	LAKES BUENA VENTURA	Licensed	LATINOS BROADCASTING ORGANIZATION
NEW	95.7	LAKES	Dismissed	EDUCATIONAL COMMUNICATION GROUP COMPASSIONATE FRIENDS EDUCATIONAL NETWORK INC.
NEW	95.7	CELEBRATION	Dismissed	TRINITY BAPTIST CHURCH
WSVB-LP	95.1	CHIEFLAND	Licensed	TRINITY BAPTIST CHURCH
NEW	104.3	CHIPLEY	CP Lapsed	CHIPLEY HIGH SCHOOL ORANGE BLOSSOM COMMUNITY MEDIA ASSOCIATION
WLPM-LP	95.7	CHRISTMAS	Licensed	ASSOCIATION
WFJV-LP	103.3	CITRONELLE	Licensed	WFJV COMMUNITY RADIO GROUP
NEW	95.5	COCOA	Dismissed	BISHOP DR. SYLVESTER JONES BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
NEW	94.1	COCOA BEACH	Dismissed	DR. HARTZEL JENNINGS
NEW	93.5	COCOA BEACH COLLIER CO REST	Dismissed	
WFLP-LP	98.7	AREA	Licensed	FLORIDA, STATE OF
WXEI-LP	95.3	CRESTVIEW	Licensed	X-STATIC ENTERPRISES INC.
WCKO-LP	96.7	CROSS CITY	Licensed	CROSS CITY COMMUNICATIONS, INC.
NEW	96.7	CRYSTAL SPRINGS	Dismissed	DR. THAYER PASCO COUNTY EDUCATIONAL CORPORATION
WZPH-LP	96.7	DADE CITY	Licensed	EMBRY-RIDDLE AERONAUTICAL UNIVERSITY
WIKD-LP	99.1	DAYTONA BEACH	Licensed CP	
WRWS-LP	99.1	DAYTONA BEACH DAYTONA BEACH	Granted	BETHUNE-COOKMAN COLLEGE, INC. BETHLEHEM IMMIGRATION MINISTRY OF DAYTONA BEACH
NEW	99.1	SHORES DE FUNIAK	Dismissed	
WWEO-LP	103.9	SPRINGS	Licensed	EMANUEL COMMUNICATIONS CALVARY EMERALD COAST, INCORPORATED
WCQQ-LP	101.1	DESTIN	Licensed	POWER MINISTRIES
WRLE-LP	94.9	DUNNELLON	Licensed CP	IGLESIA CRISTIANA LA NUEVA JERUSALEM, INC.
WVVD-LP	96.5	EAST TAMPA	Granted	INC.
WLGM-LP	95.3	EDGEWATER	Licensed	EDGEWATER ALLIANCE CHURCH
NEW	102.7	EUSTIS	Dismissed	BLUE LAKE ACADEMY, INC. LAKE COUNTY COMMUNITY MEDIA ASSOCIATION
NEW	102.7	EUSTIS	Dismissed	HALIFAX CHRISTIAN COMMUNITY CHURCH INC.
WFBO-LP	93.3	FLAGLER BEACH	Licensed	INC.

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NEW	104.3 FLORIDA CITY	Dismissed	RADIO REGOCIJO, INC. EVERGLADES COMMUNITY ASSOCIATION,
NEW	104.3 FLORIDA CITY	CP Lapsed	INCORPORATED
NEW	104.3 FLORIDA CITY	Dismissed	DARWIN BRETT BROWN
NEW	104.3 FLORIDA CITY FORT	CP Lapsed	THE BARNACLE SOCIETY, INC.
DWRPL-LP	106.9 LAUDERDALE	CP Lapsed	RADIO CLUB CULTUREL FLORIDA GULF COAST UNIVERSITY BOARD OF TRUSTEES
NEW	107.9 FORT MYERS	Dismissed	FAITH BAPTIST CHURCH OF FORT PIERCE, FLORIDA, INC.
WBOF-LP	105.9 FORT PIERCE	Licensed	
NEW	95.9 FROSTPROOF	Dismissed	JWBC BIBLE COLLEGE IN FROSTPROOF BETHLEHEM IMMIGRATION MINISTRY IN FROSTPROOF
NEW	106.3 FROSTPROOF	Dismissed	
WPZM-LP	107.7 GAINESVILLE	Licensed	COMMUNITY PRAISE CENTER
WGOT-LP	94.7 GAINESVILLE	Granted	CIVIC MEDIA CENTER AND LIBRARY, INC
NEW	96.5 GAINESVILLE	Dismissed	COMMUNITY WIRELESS, INC.
NEW	96.5 GAINESVILLE	Dismissed	RADIO GAINESVILLE, INC.
WERF-LP	95.7 GAINESVILLE	CP	FLORIDA EDUCATIONAL BROADCASTING, INC.
NEW	94.7 GAINESVILLE	Granted	FLORIDA MINORITY EDUCATIONAL MEDIA, INC.
NEW	94.7 GAINESVILLE	Dismissed	
WVFP-LP	94.7 GAINESVILLE	CP	FAITH PRESBYTERIAN CHURCH OF GAINESVILLE, INC.
NEW	107.7 GAINESVILLE	Dismissed	NEWLIFE RADIO BROADCAST, INC.
WGLJ-LP	94.7 GAINESVILLE	CP	
NEW	94.7 GAINESVILLE	Granted	CALVARY CHAPEL GAINESVILLE, INC. UNIVERSITY OF FLORIDA STUDENT GOVERNMENT
NEW	96.5 GAINESVILLE	Dismissed	BETHLEHEM IMMIGRATION MINISTRY IN WIMBERLEY ESTATES
NEW	107.7 GAINESVILLE	Dismissed	THE STUDENT BODY OF THE UNIVERSITY OF FLORIDA
NEW	96.5 GIBSONTON	Dismissed	FLORIDA FORCE, INC.
WQRD-LP	96.5 GIBSONTON	Lic Cvr	
WFBB-LP	100.3 GLEN ST MARY	Filed	CALVARY CHAPEL OF BRANDON, INC.
NEW	107.9 GOLDEN GATE	Licensed	FIRST BAPTIST CHURCH ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE GOLDEN GATE
NEW	107.9 GOLDEN GATE	Dismissed	ANA L. GONZALEZ
WFBU-LP	94.7 GRACEVILLE	Dismissed	THE BAPTIST COLLEGE OF FLORIDA, INC.
NEW	95.9 HIGH SPRINGS	Licensed	WARRIORS FOR CHRIST, INC. SUWANNEE VALLEY COMMUNITY MEDIA ASSOCIATION
NEW	106.1 HIGH SPRINGS	Dismissed	
WEKJ-LP	99.9 HOMOSASSA	Licensed	CHRISTIAN RADIO NETWORK, INC. INTERFAITH ACTION OF SOUTHWEST FLORIDA, INC.
WCIW-LP	107.9 IMMOKALEE	Licensed	
WCFQ-LP	104.9 INVERNESS	Lic Cvr	
NEW	96.7 INVERNESS	Filed	STANDING IN THE GAP INC
WJTW-LP	100.3 JUPITER	Dismissed	DOVER PUBLIC RADIO
WORZ-LP	104.3 KEY LARGO	Licensed	JUPITER COMMUNITY RADIO, INC.
WKOF-LP	93.7 KISSIMMEE	Licensed	OCEAN REEF PUBLIC RADIO INC
		CP	
		Granted	CITY OF KISSIMMEE

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NEW	93.7 KISSIMMEE	Dismissed	ST. ROSALIMA EDUCATIONAL RADIO ASSOCIATION
NEW	102.7 LADY LAKE	Dismissed	BEST OF LIFE EDUCATIONAL SERVICES, INC.
WUCR-LP	107.9 LAKE BUTLER	Licensed	SYNEWAVE COMMUNICATIONS, INC
WMJB-LP	107.7 LAKE CITY	Licensed	FLORIDA COMMUNITY RADIO, INC.
NEW	96.9 LAKE PARK	Dismissed	PALM BEACH ATLANTIC COLLEGE
NEW	91.9 LAKE WORTH	Dismissed	CHURCH OF GOD PUERTA DEL CIELO
NEW	107.9 LEHIGH ACRES	Acc for Filing	RADIO RESPLANDECE ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE LEHIGH ACRES
NEW	107.9 LEHIGH ACRES	Dismissed	BELEM DE LEHIGH ACRES
NEW	107.9 LEHIGH ACRES LIGHTHOUSE	Dismissed	FIDEL R. GONZALEZ ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM IN LIGHTHOUSE POINT
NEW	100.3 POINT	Dismissed	MELODY CHRISTIAN RADIO, INC.
WMLO-LP	97.1 LIVE OAK	Licensed	BETHLEHEM IMMIGRATION MINISTRY IN MARCO ISLAND
NEW	107.9 MARCO ISLAND	Dismissed	MARCO ISLAND
NEW	99.7 MARCO ISLAND	Dismissed	JWBC BIBLE COLLEGE IN MARCO ISLAND
DWWLJ-LP	104.5 MARIANNA	CP Lapsed	GRACE UNITED METHODIST CHURCH
WIMR-LP	96.5 MCINTOSH	Licensed	MCINTOSH COMMUNITY RADIO ASSOC
NEW	107.9 MELBOURNE	Dismissed	FLORIDA INSTITUTE OF TECHNOLOGY INC. WINDOVER FARMS OF MELBOURNE
WFHA-LP	94.1 MELBOURNE	Licensed	HOMEOWNERS' ASSOCIATION, INC. PUBLIC RADIO INFORMATION SERVICE OF CENTRAL FLORIDA, INC.
NEW	94.1 MELBOURNE	Dismissed	QUEEN OF DIVINE WILLS RADIO ASSOCIATION
NEW	107.9 MELBOURNE	Dismissed	BREVARD YOUTH EDUCATION BROADCASTING CORPORATION
WGRV-LP	93.1 MELBOURNE	Licensed	FIRST BAPTIST CHURCH OF MERRITT ISLAND
WCPL-LP	95.5 MERRITT ISLAND	Licensed	WORLDWIDE EVANGELICAL GOSPEL OUTREACH, INC.
NEW	95.5 MERRITT ISLAND	Dismissed	HIGHER AIM, INC.
NEW	95.5 MERRITT ISLAND	Dismissed	FIRST SPACE COAST FOUNDATION, INC.
WRDJ-LP	93.5 MERRITT ISLAND	Licensed	CALVARY CHAPEL OF MERRITT ISLAND, INC.
NEW	98.7 MIAMI	Dismissed	COOL BREEZE RECORDS BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
WBFT-LP	105.5 MICCO	Licensed	FLORIDA, STATE OF
WFLU-LP	107.9 MILES CITY	Licensed	FLORIDA, STATE OF
NEW	90.1 MULBERRY	Dismissed	MULBERRY CONCERNED VOTERS INC.
NEW	107.9 NAPLES	MX	SONIDO INTERNACIONAL CRISTIANO, INC
NEW	107.9 NAPLES	Dismissed	FLORIDA, STATE OF
NEW	107.9 NAPLES	MX	IGLESIA DE CRISTO ELIM DE NAPLES
NEW	107.9 NAPLES	Dismissed	GIBRE S GEORGE
NEW	107.9 NAPLES	Dismissed	NEW MISSIONARY BAPTIST CHURCH
NEW	107.9 NAPLES	MX	NAPLES TALK HOPE RADIO, INC.
NEW	NEW SMYRNA	Dismissed	CALVARY CHAPEL CHURCH OF NEW SMYRNA BEACH, INC.
NEW	95.3 BEACH	Dismissed	SALEM HAITIAN EVANGELICAL LUTHERAN CHURCH
NEW	NORTH PALM	Dismissed	SALEM HAITIAN EVANGELICAL LUTHERAN CHURCH
NEW	100.3 BEACH	Dismissed	CHURCH

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WITG-LP	104.7 OCALA	Licensed	GREAT GOD GOSPEL & EDUCATIONAL STATION, INC.
WJND-LP	87.7 OCALA	CP	PRIMERIA INGLESIA BAUTISTA HISPANIC ASSOCIATION
NEW	104.7 OCALA	Dismissed	TRINITY CATHOLIC HIGH SCHOOL
NEW	104.9 OCALA	Dismissed	FIRST BAPTIST CHURCH OF OCALA
NEW	104.7 OCALA	Dismissed	OCALA PUBLIC RADIO, INCORPORATED SOUTHERN EDUCATIONAL MEDIA INSTITUTE, INC.
NEW	104.7 OCALA	Dismissed	OCALA EDUCATIONAL RADIO NETWORK
NEW	100.5 OCALA	Dismissed	DENI CORBETT
NEW	97.9 ORLANDO	Dismissed	STEVEN M. SCIOTTO
NEW	98.9 ORMOND BEACH	Dismissed	ALAN MORLEY/GWEN EDWARDS
NEW	101.1 PAHOKEE	Acc for Filing	MINORITY EDUCATIONAL BROADCASTING, INC.
NEW	101.1 PALAKTA	Dismissed	BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
NEW	107.9 PALM BAY	Dismissed	ATMOSPHERE ENTERTAINMENT GROUP
NEW	105.7 PALM BAY	Lic Cvr Filed	PUBLIC RADIO INFORMATION SERVICES OF CENTRAL FLORIDA, INC.
WAET-LP	107.9 PALM BAY PALM BEACH	Dismissed	PALM BEACH GARDENS HIGH SCHOOL
NEW	96.9 GARDENS	Licensed	L.I.F.E./C.A.N., INC.
WJPP-LP	100.1 PALM CITY	Licensed	COVENANT PRESBYTERIAN CHURCH IN PANAMA CITY, INC.
WPCU-LP	106.9 PANAMA CITY	Dismissed	SMYRNA BAPTIST CHURCH
NEW	93.5 PENSACOLA	Dismissed	WESTBAY NEIGHBORHOOD ASSOCIATION
NEW	96.7 PERICO ISLAND	Dismissed	
NEW	98.1 PORT CHARLOTTE	Dismissed	RADIO FREE NORTH PORT CHARLOTTE
NEW	99.1 PORT ORANGE	Dismissed	CITY OF PORT ORANGE
WDBW-LP	88.5 PORT SAINT JOE	Licensed	GRACE BAPTIST CHURCH OF PORT ST. JOE, FLORIDA, INC
NEW	87.7 PORT SAINT LUCIE	Unknown CP	PORT SAINT LUCIE BIBLE CHURCH, INC.
WEHR-LP	100.1 PORT SAINT LUCIE	Granted	SEVENTH DAY ADVENTIST BROADCASTING CORPORATION
NEW	96.5 PORT ST. LUCIE	Dismissed	BETHLEHEM IMMIGRATION MINISTRY IN ANKONA
NEW	100.1 PORT ST. LUCIE	Dismissed	CALVARY CHAPEL TREASURE COAST, INC.
NEW	96.9 RIVIERA BEACH	Dismissed	JWBC BIBLE COLLEGE IN BOCA RATON
NEW	95.5 ROCKLEDGE	Dismissed	BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
NEW	95.7 SAINT CLOUD	Dismissed	OSCEOLA COMMUNITY BROADCASTERS
NEW	107.9 SAN CARLOS	Dismissed	INC
NEW	97.1 SANIBEL	Dismissed	JWBC BIBLE COLLEGE IN SAN CARLOS
NEW	103.3 SANTOS	Dismissed	BARRIER ISLAND GROUP FOR THE ARTS, INC.
WSLR-LP	96.5 SARASOTA	Licensed	FIRST CHRISTIAN CHURCH REMANENTE
NEW	96.5 SARASOTA	Dismissed	FIEL
NEW	96.5 SARASOTA	Licensed	NEW COLLEGE STUDENT ALLIANCE (NCSA)
NEW	90.7 SARASOTA	Dismissed	GULF COAST SANCTUARY
		Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE SARASOTA
		Dismissed	VICTORY WORD OF FAITH CHURCH

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NEW	94.1 SATELLITE BEACH	Dismissed	SATELLITE BEACH EDUCATIONAL ASSOCIATION
WTHA-LP	107.1 SEASIDE	Licensed	SEASIDE SCHOOL, INC.
WVDV-LP	104.9 SEBRING	Licensed	MINISTERIO RADIAL CRISTIANO DE SEBRING, INC.
NEW	107.5 SEBRING	Dismissed	HIGHLANDS COUNTY LPFM, INC.
NEW	107.5 SEBRING	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE SEBRING
NEW	106.5 SEBRING	Dismissed	JWBC BIBLE COLLEGE IN SEBRING
NEW	104.5 SEBRING	Dismissed	ESPERANZA ADVENTIST EDUCATIONAL RADIO
WGSE-LP	95.7 SEBRING	Licensed	GREATER SEBRING ADVENTIST EDUCATIONAL RADIO
NEW	93.5 SHARPES	Dismissed	BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
DWCTA-LP	107.1 SOUTHPORT	CP Lapsed	VICTORY OF FAITH FELLOWSHIP
NEW	87.7 ST. AUGUSTINE	Unknown	BARTRAM TRAIL HIGH SCHOOL
NEW	101.1 ST. AUGUSTINE	Dismissed	MILL CREEK ELEMENTARY SCHOOL
NEW	96.7 ST. PETERSBURG	Dismissed	CARIBBEAN FESTIVAL ASSOCIATION (CARIFESTA), INC.
NEW	102.1 STARKE	Dismissed	KINGSLEY LAKE PROPERTY OWNER'S ASSOCIATION, INC.
NEW	99.9 STEINHATCHEE	CP Lapsed	FIRST BAPTIST CHURCH OF STEINHATCHEE
WJRN-LP	95.9 SUMMERFIELD	Licensed	HISPANIC-MULTICULTURAL BROADCASTING ASSOCIATION
WZRO-LP	93.1 BAHAMA BEACH	Licensed	SUWANNEE RIVER FISHING ASSOCIATION
NEW	107.9 TALLAHASSEE	Dismissed	TALLAHASSEE CHINESE MINISTRY ASSOCIATION
WFSD-LP	107.9 TALLAHASSEE	Licensed	TALLAHASSEE FIRST SEVENTH-DAY ADVENTIST CHURCH
NEW	107.9 TALLAHASSEE	Dismissed	WILLIAM STANLEY PEACOCK, JR.
NEW	107.9 TALLAHASSEE	Dismissed	CITY OF TALLAHASSEE
NEW	107.9 TALLAHASSEE	Dismissed	BETHEL MISSIONARY BAPTIST CHURCH
NEW	98.1 TAMARAC	Dismissed	IGLESIA CRISTIANA CRECIENDO EN GRACIA
NEW	96.5 TAMPA	Dismissed	THE HAITIAN COMMUNITY MOVING TOGETHER, INC.
NEW	96.5 TAMPA	Dismissed	PROJET LA METROPOLE/THE METROPOLE PROJECT
WVLG-LP	103.3 THE VILLAGES	Licensed	THE VILLAGES CHAMBER OF COMMERCE, INC.
WUFR-LP	102.7 UMATILLA	CP	
NEW	95.7 UNION PARK	Granted	COMMUNICATION ARTS CENTER, INC.
NEW	98.1 VENICE	Dismissed	JWBC BIBLE COLLEGE IN UNION PARK
NEW	98.5 VENICE	Dismissed	ALLIED COMMUNICATIONS NERTWORK
NEW	98.5 VENICE	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE VENICE
NEW	98.1 VENICE	Dismissed	BETHLEHEM IMMIGRATION MINISTRY IN VENICE
NEW	97.7 VENICE	Dismissed	JWBC BIBLE COLLEGE IN VENICE
NEW	87.7 VERNON	Unknown	VERNON HIGH SCHOOL
NEW	95.7 VERO BEACH	Dismissed	FRIENDS OF ST SEBASTIAN EDUCATIONAL ASSOCIATION

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WHTR-LP	96.9 WAKULLA COUNTY	Licensed	ST. MARKS TRAIL ASSOCIATION
WWWP-LP	99.9 WAUCHULA	CP Granted	WAUCHULA EDUCATIONAL BROADCASTING CORPORATION
WHZL-LP	104.5 WEIRSDALE WEST	Licensed	WEIRSDALE WOMEN IN BROADCASTING ASSOCIATION
NEW	107.9 MELBOURNE WEST PALM	Dismissed	BETHLEHEM IMMIGRATION MINISTRY IN WEST MELBOURNE
NEW	96.9 BEACH	Dismissed	BETHEL EVANGELICAL BAPTIST CHURCH
NEW	97.9 WEST TAMPA	Dismissed	JWBC BIBLE COLLEGE IN WEST TAMPA
NEW	93.5 WILLIAMS POINT	Dismissed	JWBC BIBLE COLLEGE IN WILLIAMS
NEW	96.5 WIMAUMA	Dismissed	JWBC BIBLE COLLEGE IN WIMAUMA
NEW	98.1 WINTER BEACH	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE WINTER BEACH
NEW	105.7 WINTER BEACH	Dismissed	JWBC BIBLE COLLEGE IN WINTER BEACH
NEW	105.9 WINTER BEACH	Dismissed	BETHLEHEM IMMIGRATION MINISTRY IN WINTER BEACH
NEW	95.7 WINTER GARDEN	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE WINTER GARDEN
NEW	96.1 WINTER HAVEN	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE WINTER HAVEN
NEW	95.7 WINTER PARK	Dismissed	JWBC BIBLE COLLEGE IN WINTER PARK
NEW	92.7 WINTER PARK	Dismissed	MINISTERIO CRECIENDO EN GRACIA
NEW	92.3 WOODVILLE	Dismissed	CENTRO EDUCATIVO DE ORLANDO
NEW	92.5 WOODVILLE	Dismissed	JWBC BIBLE COLLEGE IN WOODVILLE
NEW	96.9 WOODVILLE	Dismissed	BETHLEHEM IMMIGRATION MINISTRY IN WOODVILLE
NEW	96.5 YBOR CITY	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE WOODVILLE
NEW	96.5 YBOR CITY	Dismissed	ASSEMBLEIA DE DEUS - MINISTERIO DO BELEM DE YBOR CITY

**63 stations on air, out of 229 applicants – less than 27% of applicants were able to build LPFM stations.**

Texas\_LPFM\_2009

<i>Low Power FM Radio Applicants in Texas – Including Dismissed Applicants, June 2009</i>				
<i>Call Sign</i>	<i>Freq</i>	<i>Community</i>	<i>Status</i>	<i>Organization Name</i>
NEW	101.7	ABILENE	Dismissed	ABILENE EDUCATIONAL ASSOCIATION
KVVO-LP	94.1	ABILENE	Licensed	NEW LIFE TEMPLE
KDLP-LP	104.7	ACE	Licensed	ACE RADIO INC
NEW	103.9	ALICE	Dismissed	ALICE INDEPENDENT SCHOOL DISTRICT
NEW	102.1	ALICE	Dismissed	ST ELIZABETH CATHOLIC PARISH
NEW	87.7	ALTON	Unknown	HIDALGO COUNTY TEXAS
NEW	95.5	ARLINGTON	Dismissed	LANCE SORRELS
NEW	97.3	ATLANTA, TEXAS	Dismissed	FIRST BAPTIST CHURCH OF ATLANTA
NEW	102.9	AUSTIN	Dismissed	OUR LADYS MARONITE CATHOLIC CHURCH
NEW	87.7	BASTROP	Unknown	BASTROP COUNTY ENVIRONMENTAL NETWORK
NEW	103.7	BAYTOWN	Dismissed	ISMAEL MARTINEZ
NEW	107.1	BEAUXART GARDENS	Dismissed	IGLESIA CRISTO VIENE
NEW	97.1	BEEVILLE	CP Lapsed	OUR LADY OF VICTORY EDUCATIONAL ASSOCIATION
NEW	96.3	BELTON	Dismissed	CHRIST THE KING EDUCATIONAL ASSOCIATION
NEW	99.9	BONHAM	Dismissed	BONHAM EDUCATIONAL ASSOCIATION
NEW	105.1	BORGER	Dismissed	ST. JOHN EDUCATIONAL ASSOCIATION
NEW	107.5	BORGER	Dismissed	RIOS DE AGUA VIVA
KDSH-LP	105.1	BORGER	Licensed	LIVING RIVER MINISTRIES, INC.
KYRE-LP	92.7	BRECKENRIDGE	Licensed	SACRED HEART CATHOLIC CHURCH
NEW	107.7	BRENHAM	Dismissed	BRENHAM EDUCATIONAL ASSOCIATION
NEW	103.5	BRENHAM	Dismissed	FIRST BAPTIST CHURCH OF BRENHAM
KQLC-LP	107.9	BROOKSHIRE	Licensed	L.C. ORRICK OUTREACH, INC.
NEW	87.7	BROWNSVILLE	Unknown	ST ANTHONY EDUCATIONAL ASSOCIATION
NEW	87.7	BROWNSVILLE	Unknown	CHRISTIAN FELLOWSHIP CHURCH - BROWNSVILLE INC.
NEW	105.1	BROWNSVILLE	Dismissed	THE UNIVERSITY OF TEXAS AT BROWNSVILLE/ TX SOUTHMOST COLLEGE
NEW	87.7	BROWNSVILLE	Unknown	CAMERON COUNTY TEXAS
NEW	104.9	BROWNSVILLE	CP Lapsed	HISTORIC BROWNSVILLE MUSEUM
KHIA-LP	97.7	BRUNDAGE	Licensed	HE'S ALIVE
NEW	96.9	BRYAN	Dismissed	ST JOSEPH EDUCATIONAL ASSOCIATION
NEW	97.1	BRYAN	CP Lapsed	ASSEMBLAGE OF PRAISE CHURCH
NEW	97.9	CEDAR HILL	Dismissed	GEORGE MALMOS
DKJEM-LP	98.1	CENTERVILLE	CP Lapsed	JAMES ELLISON MINISTRIES
KZQX-LP	104.7	CHALK HILL COMMUNITY	Licensed	CHALK HILL EDUCATIONAL MEDIA, INC.
DKCER-LP	105.9	CISCO	CP Lapsed	ALIYAT COMMUNICATIONS
KORG-LP	105.3	CLEVELAND	Licensed	OPERATION REFUGE, INC.
KACB-LP	96.9	COLLEGE STATION	Licensed	SAINT MARY'S CATHOLIC CHURCH
NEW	100.1	COMMERCE	Dismissed	COMMERCE EDUCATIONAL PRAYER ASSOCIATION
NEW	100.1	COMMERCE	Dismissed	SCATTER BRANCH COMMUNITY CHURCH
NEW	92.7	COMMERCE	Dismissed	ST. JOSEPH CATHOLIC CHURCH
KXVR-LP	107.9	CORPUS CHRISTI	Licensed	COMUNIDAD CRISTIANA OF CORPUS CHRISTI
NEW	101.3	COTULLA	CP Lapsed	CITY OF COTULLA
NEW	100.1	CROCKETT	Dismissed	ST FRANCIS OF THE TEJAS RADIO ASSOCIATION
KWSK-LP	92.7	DAINGERFIELD	Licensed	KWS BROADCASTING EDUCATIONAL FOUNDATION, INC.
NEW	102.5	DECATUR	Dismissed	IGLESIA DEL CUERPO DE CRISTO
NEW	99.9	DENISON	Dismissed	SACRED HEART EDUCATIONAL ASSOCIATION
NEW	92.3	DENTON	Dismissed	MINISTERIO EVANGELISTICO HOSANNA
DKROT-LP	94.3	DONNA	CP Lapsed	I.F.O.C.P.C. MINISTRIES & MISSIONARIES, INC.
KDRP-LP	99.9	DRIPPING SPRINGS	Licensed	PRINCIPLE BROADCASTING FOUNDATION, INC.
NEW	106.5	DUMAS	Dismissed	ST PETER CATHOLIC PARISH
NEW	98.3	EAGLE PASS	CP Lapsed	MAVERICK COUNTY TEXAS
NEW	106.9	EDINBURG	Dismissed	EDINBURG ECONOMIC DEVELOPMENT CORPORATION

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NEW	106.9 EDINBURG	Dismissed	ST JOSEPH CATHOLIC PARISH
NEW	97.9 EL DORADO	Dismissed	ST PHILIP OF JESUS CATHOLIC CHURCH
NEW	95.3 FAYSVILLE	Dismissed	HIDALGO COUNTY TEXAS
NEW	103.9 FREDERICKSBURG	Dismissed	GOLDEN HUB COMMUNITY SERVICES, INC.
NEW	92.1 FRISCO	Dismissed	FRISCO INDEPENDENT SCHOOL DISTRICT
NEW	98.1 GAINESVILLE	Dismissed	ST MARY'S CATHOLIC PARISH
NEW	102.7 GEORGETOWN	Dismissed	SUN CITY GEORGETOWN COMMUNITY ASSOCIATION, INC.
KXPW-LP	106.7 GEORGETOWN	Lic Cvr Filed	POWER RADIO CORPORATION
NEW	106.7 GEORGETOWN	Dismissed	ST HELEN EDUCATIONAL ASSOCIATION
NEW	102.1 GOLIAD	CP Lapsed	GRACE TEMPLE INTERNATIONAL MINISTRIES INC
NEW	105.5 GRAHAM	Dismissed	ST. MARY CATHOLIC CHURCH
NEW	105.3 GRAHAM	CP Lapsed	GRAHAM EDUCATIONAL ASSOCIATION
KYLP-LP	101.5 GREENVILLE	Licensed	IGLESIA CRISTIANA EBENEZER OF GREENVILLE, TX
NEW	107.1 GROVES	Dismissed	GROVES EDUCATIONAL ASSOCIATION
KQAT-LP	104.9 HALLSVILLE	Licensed	HALLSVILLE INDEPENDENT SCHOOL DISTRICT
NEW	103.3 HARLINGEN	MX	OUR LADY OF GUADALUPE COMMUNICATIONS
NEW	103.3 HARLINGEN	MX	HARLINGEN ROSARY CENACLE
NEW	103.3 HARLINGEN, TX	Dismissed	HARLINGEN LIFE RADIO
NEW	105.3 HEREFORD	Dismissed	ST ANTHONY'S PARISH EDUCATIONAL ASSOCIATION
NEW	93.5 HONDO	CP Lapsed	ST. JOHN'S EDUCATIONAL ASSOCIATION
NEW	94.9 HOUSTON	Dismissed	MBAISE CULTURAL UNION, INC
KPIA-LP	102.5 HUNTSVILLE	Licensed	ST. THOMAS EDUCATIONAL ASSOCIATION
NEW	95.1 JACKSONVILLE	Dismissed	LADY OF SORROWS EDUCATIONAL ASSOCIATION
KVOJ-LP	95.1 JACKSONVILLE	CP Granted	BETHEL CHURCH OF JACKSONVILLE, INC.
KXZX-LP	106.5 JUILLIARD	Licensed	COMUNIDAD CRISTIANA OF AMARILLO
KERC-LP	93.7 KERMIT	Licensed	KERMIT RADIO ACADEMY, INC.
KCYR-LP	101.5 KERRVILLE	Licensed	TRINITY BAPTIST CHURCH
KZOE-LP	107.1 KERRVILLE	CP Granted	THE SOUL CAFE, INC.
NEW	93.1 KERRVILLE	CP Lapsed	CONQUEST CHRISTIAN CHURCH
NEW	107.1 KERRVILLE	Dismissed	NOTRE DAME EDUCATIONAL ASSOCIATION
NEW	93.1 KERRVILLE	Dismissed	CALVARY FELLOWSHIP KERRVILLE
KWSP-LP	104.9 KERRVILLE	Licensed	HOME TOWN COMMUNICATION, INC.
DKVCC-LP	93.5 KERRVILLE	CP Lapsed	KERRVILLE CHURCH OF CHRIST
NEW	104.7 KILLEEN	Dismissed	KILLEEN EDUCATIONAL ASSOCIATION
KJHW-LP	96.3 KILLEEN	Licensed	FISH NET MEDIA INC.
NEW	96.3 KILLEEN	Dismissed	JOYFUL NOISE UNLIMITED INC.
KHSP-LP	104.5 KILLEEN	Licensed	METROPLEX ADVENTIST HOSPITAL, INC.
KHTL-LP	104.7 KILLEEN	Licensed	KILLEEN SEVENTH ADVENTIST CHURCH SCHOOL
KLGM-LP	97.7 LA JOYA	CP Granted	LA JOYA INDEPENDENT SCHOOL DISTRICT
DKGRX-LP	103.3 LAMB COUNTY	CP Lapsed	LUBBOCK PUBLIC ACCESS TELEVISION
NEW	96.3 LAREDO	Dismissed	IGLESIA DE CRISTO MIEL DE LAREDO
NEW	107.3 LEVELLAND	Dismissed	ST. MICHAELS EDUCATIONAL ASSOCIATION
NEW	95.9 LEXINGTON	Dismissed	LEXINGTON UNITED METHODIST CHURCH
NEW	107.1 LINN	CP Lapsed	HIDALGO COUNTY TEXAS
KDOL-LP	96.1 LIVINGSTON	Lic Cvr Filed	LAKE LIVINGSTON BROADCASTING INC.
NEW	104.9 LONGVIEW	Dismissed	ST ANTHONY EDUCATIONAL ASSOCIATION
NEW	104.9 LONGVIEW	Dismissed	CASA DE ORACION SPANIS A/G
DKLFK-LP	104.1 LUFKIN	CP Lapsed	LUFKIN EDUCATIONAL ASSOCIATION
KEOE-LP	98.5 LUFKIN	Licensed	V. E. LEACH MINISTRIES
DKWVB-LP	100.9 LUFKIN	CP Lapsed	LUFKIN FAMILY EDUCATION RADIO
NEW	88.1 MANSFIELD	Dismissed	FIRST UNITED METHODIST CHURCH
NEW	99.7 MARBLE FALLS	Dismissed	GOLDEN RULE BROADCASTING, INC.
KFGG-LP	101.9 MARBLE FALLS	Licensed	BURNET BIBLE CHURCH
KCLK-LP	98.9 MARFA	Licensed	CASA VIDA CORPORATION
NEW	104.9 MARSHALL	Dismissed	ST. JOSEPH EDUCATIONAL ASSOCIATION
NEW	94.1 MIDLAND	Dismissed	BLESSINGS FOR OBEDIENCE

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NEW	94.1 MIDLAND	Dismissed	MIDLAND MISSIONS MINISTRIES
NEW	94.1 MIDLAND	Dismissed	COUNTRY CHAPEL OF MIDLAND-ODESSA
KACD-LP	94.1 MIDLAND	Licensed	MIDLAND CHRISTIAN FELLOWSHIP, INC.
KNOB-LP	99.9 MINERAL WELLS	Licensed	COMMUNITY BROADCASTING, INC.
NEW	94.5 MINERAL WELLS	Dismissed	LADY OF LOURDES CATHOLIC CHURCH
KCYP-LP	97.7 MISSION	CP Granted	INTERCITY CHRISTIAN YOUTH PROGRAM
KXDX-LP	95.7 MOUNT PLEASANT	Licensed	INTER COUNTY AMATEUR RADIO ENTHUSIASTS, INC.
KKXI-LP	92.3 MOUNT PLEASANT	Licensed	KMZD RADIO INC
NEW	95.7 MOUNT PLEASANT	Dismissed	ST. MICHAEL'S EDUCATIONAL ASSOCIATION
NEW	104.1 NACOGDOCHES	CP Lapsed	ST. ANN'S EDUCATIONAL ASSOCIATION
NEW	107.1 ORANGE	CP Lapsed	ST. MARY'S EDUCATIONAL ASSOCIATION
DKPIB-LP	107.9 PADRE ISLAND	CP Lapsed	PADRE ISLAND - FLOUR BLUFF EDUCATIONAL BROADCASTING
DKETN-LP	100.1 PALESTINE	CP Lapsed	ST. LUKE EDUCATIONAL ASSOCIATION
NEW	101.3 PAMPA	Dismissed	ST. VINCENT EDUCATIONAL ASSOCIATION
NEW	101.3 PAMPA	Dismissed	PAUL HINTON
NEW	105.5 PARIS	CP Lapsed	VICTORY EDUCATIONAL ASSOCIATION
NEW	101.5 PEARSALL	CP Lapsed	PEARSALL EDUCATIONAL PRAYER ASSOCIATION
KLNA-LP	100.5 PITTSBURG	Licensed	MINISTERIOS TOCANDO CORAZONES
KOLF-LP	100.7 PLAINVIEW	Licensed	SACRED HEART EDUCATIONAL ASSOCIATION
NEW	95.7 PLANO	Dismissed	GEBHARDT BROADCASTING, LLC D/B/A PLANO COMMUNITY RADIO
NEW	95.7 PLANO	Dismissed	JAMES H JOYNT
KSAP-LP	107.1 PORT ARTHUR	Licensed	TRUTH AND EDUCATION
NEW	107.1 PORT ARTHUR	Dismissed	ST. CATHERINE EDUCATIONAL ASSOCIATION
NEW	105.9 PORT LAVACA	CP Lapsed	OUR LADY OF THE GULF EDUCATIONAL ASSOCIATION
DKYFF-LP	87.7 PREMONT	Unknown	SAINT THERESA OF THE INFANT JESUS CATHOLIC CHURCH
NEW	99.9 PROSPER	Dismissed	MANANTIALES DE VIDA
NEW	106.7 RAYMONDVILLE	Dismissed	WILLACY COUNTY
NEW	103.3 RAYMONDVILLE	Dismissed	RAYMONDVILLE LIFE RADIO
NEW	99.9 RIO GRANDE CITY	Acc for Filing	BENEDICTINE SISTERS OF THE GOOD SHEPHERD
NEW	99.9 RIO GRANDE CITY	Dismissed	SOUTH TEXAS COMMUNITY COLLEGE
NEW	102.9 RIO HONDO	Dismissed	RIO HONDO INDEPENDENT SCHOOL DISTRICT
NEW	107.9 ROBSTOWN	Dismissed	SOCIETY OF OUR LADY OF THE MOST HOLY TRINITY
NEW	105.3 ROMA	Dismissed	OUR LADY OF REFUGE CATHOLIC PARISH
NEW	95.7 SACHSE	Dismissed	MARANATHA FULL GOSPEL CHURCH
NEW	106.3 SAN ANGELO	Dismissed	ANGELO ST. UNIVERSITY
NEW	106.3 SAN ANGELO	Dismissed	COMM./DRAMA/JOURNALISM DEPARTMENT
NEW	104.1 SAN ANGELO	Dismissed	ANGELO STATE UNIVERSITY
KCSA-LP	95.7 SAN ANGELO	Licensed	COMMS./DRAMA/JOURNALISM DEPT
KAGA-LP	104.3 SAN ANGELO	CP Granted	TEMPLO JERUSALEM
NEW	103.9 SAN ANGELO	CP Lapsed	CONCHO CHRISTMAS CELEBRATION, INC.
NEW	92.5 SAN MARCOS	Dismissed	CALVARY CHAPEL SAN ANGELO
NEW	92.5 SAN MARCOS	MX	SAN ANGELO EDUCATIONAL ASSOCIATION
NEW	92.5 SAN MARCOS	Dismissed	MICRO KIND RADIO SAN MARCOS/ HAYS COUNTY GUARDIAN
NEW	92.5 SAN MARCOS	Dismissed	CITY OF SAN MARCOS
NEW	92.5 SAN MARCOS	MX	CALVARY CHAPEL OF THE SPRINGS, INC.
NEW	92.5 SAN MARCOS	Dismissed	NOSOTROS LA GENTE
NEW	92.5 SAN MARCOS	Dismissed	EARTH FIRST! SWT FEDERATION
NEW	92.5 SAN MARCOS	Dismissed	DAVID MICHAEL NEWMAN
NEW	103.3 SEBASTIAN	Dismissed	LYFORD CONSOLIDATED INSPENDENT SCHOOL DISTRICT
NEW	96.1 SHEPHERD	CP Lapsed	SHEPHERD ISD
NEW	99.9 SHERMAN	Dismissed	ST. MARY'S EDUCATIONAL ASSOCIATION
KCCP-LP	102.3 SOUTH PADRE ISLAND	Licensed	CAMERON COUNTY TEXAS

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NEW	103.1	SOUTH PADRE ISLAND	Dismissed	CAMERON COUNTY TEXAS
NEW	105.5	SOUTH PADRE ISLAND	Dismissed	ISLAND BAPTIST CHURCH
NEW	101.9	STEPHENVILLE	Dismissed	ST BRENDAN CATHOLIC PARISH
KTRL-LP	100.7	STEPHENVILLE	Licensed	TARLETON STATE UNIVERSITY
NEW	92.9	SULPHUR SPRINGS	Dismissed	ST. JAMES EDUCATIONAL ASSOCIATION
KVVT-LP	94.9	SULPHUR SPRINGS	Licensed	CENTRO DE ADORACION
KXVX-LP	99.1	SULPHUR SPRINGS	Licensed	NEW LIFE MEDIA MINISTRIES, INC.
NEW	102.3	SULPHUR SPRINGS	Dismissed	FILIAL GRACES GROUP
NEW	93.5	SWEETWATER	Dismissed	IMMACULATE HEART OF MARY
KRYH-LP	104.7	TEMPLE	Licensed	POWER-UP RADIO, INC.
KGOD-LP	94.1	TENAHA	Licensed	INTERNATIONAL MISSIONARY FELLOWSHIP INC. (IMF)
NEW	93.9	TYLER	Dismissed	GORMAN SCHOOL ASSOCIATION
NEW	94.1	TYLER	Dismissed	PRIMERA ASAMBLEA DE DIOS
NEW	94.7	TYLER	Dismissed	TYLER FREE MEDIA COMPANY
NEW	97.7	UVALDE	Dismissed	UVALDE EDUCATIONAL PRAYER ASSOCIATION
KABC-LP	95.5	UVALDE	CP Granted	COMMUNITY COUNCIL OF SOUTHWEST TEXAS, INC.
NEW	99.3	VERNON	Dismissed	HOLY FAMILY OF NAZARETH
NEW	105.5	VICTORIA	Dismissed	HOLY FAMILY EDUCATIONAL ASSOCIATION
KETI-LP	99.5	VICTORIA	Licensed	VICTORIA RADIO MINISTRIES
NEW	105.5	VICTORIA	Dismissed	CROSSROADS CATHOLIC RADIO
NEW	99.1	WACO	CP Lapsed	ST. JOSEPH EDUCATIONAL ASSOCIATION
KXZY-LP	100.7	WACO	Licensed	PRIMERA ASAMBLEA DE DIOS
KWRA-LP	96.7	WACO	Licensed	AMISTAD BAPTIST CHURCH
NEW	91.9	WESLACO	Dismissed	TEMPLO DE ADORACION EL SHADAI
NEW	99.9	WHITESBORO	Dismissed	FIRST BAPTIST CHURCH OF WHITESBORO, TEXAS
NEW	107.9	WICHITA FALLS	Dismissed	ELIM ASAMBLEA DE DIOS
NEW	98.5	WICHITA FALLS	Dismissed	MIDWESTERN STATE UNIVERSITY
KXWF-LP	107.9	WICHITA FALLS	Licensed	OUR LADY OF GUADALUPE CATHOLIC PARISH
NEW	95.5	WILLS POINT	CP Lapsed	ST LUKE CATHOLIC PARISH
NEW	92.5	WIMBERLEY	Dismissed	NOLAN N. JAMES J.R
KXVI-LP	94.3	WINFIELD	Licensed	JB BALTAZAR MINISTRIES, INC.
KZLH-LP	95.7	ZAPATA	CP Granted	ZAPATA LIFE AND HEALTH RADIO

52 stations on-air (28%)  
188 applications received at the FCC

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<i>LPFM applicants in Virginia, including dismissed applications.</i>				
<i>Call Sign</i>	<i>Freq</i>	<i>Community</i>	<i>Status</i>	<i>Organization Name</i>
NEW	96.3	ABINGDON	Dismissed	EQUIPOISE--MEDIA FOR BALANCE
NEW	92.3	AUGUSTA COUNTY	Dismissed	STEVEN WAYNE RUDOLPH
NEW	102.7	BOWLING GREEN	Dismissed	SENA FOUNDATION
NEW	99.1	BRIDGEWATER	Dismissed	BRIDGEWATER COLLEGE
WKJV-LP	100.5	BRISTOL	Licensed	BELLE MEADOWS BAPTIST CHURCH
NEW	102.9	BRISTOW	Dismissed	ALL SAINTS CATHOLIC CHURCH
NEW	91.9	CHINCOTEAGUE ISLAND	Dismissed	BIBLE BROADCASTING ASSOCIATION
NEW	105.7	CLINTWOOD	Dismissed	SOUTHWEST VIRGINIA EDUCATIONAL CHRISTIAN RADIO, INC.
WXRE-LP	97.9	DANVILLE	Licensed	INTERNATIONAL RELIGIOUS SOCIETY, INC.
NEW	97.9	DAYTON	Dismissed	WEST ROCKINGHAM COMMUNITY RADIO
NEW	107.7	EMPORIA	Dismissed	VANOCA FOUNDATION
NEW	103.7	ESTABROOK	Dismissed	M&M COMMUNITY DEVELOPMENT INC. NORFOLK, VA BRANCH
NEW	98.5	EVINGTON	Dismissed	LAKEWOOD CHRISTIAN MEDIA, INC.
NEW	94.1	FARMVILLE	CP Lapsed	HERITAGE BAPTIST CHURCH
NEW	106.9	FISHERSVILLE	Dismissed	CROSSROADS BAPTIST CHURCH
WLMP-LP	99.9	FREDERICKSBURG	Licensed	CALVARY CHAPEL OF FREDERICKSBURG
NEW	102.7	GALAX	Dismissed	LSNET EDUCATIONAL FOUNDATION
NEW	93.7	GLEN ALLEN	Dismissed	GLEN ALLEN COMMUNITY CHURCH
NEW	102.9	GROVETON	Dismissed	SKYRADIO, LLC
WRPC-LP	103.7	HAMPTON	Licensed	PENINSULA FAMILY RADIO
WWZE-LP	101.1	HILLSVILLE	Licensed	COMMUNITY BROADCASTING OF HILLSVILLE
NEW	103.7	HOLLYWOOD	Dismissed	AZALEA GARDEN CHURCH OF GOD/IGLESIA DE DIOS ADONAI
WHCK-LP	107.7	HOPEWELL	Licensed	ESSENCE OF LOVE MINISTRIES
WRMV-LP	94.5	MADISON HEIGHTS	Licensed	FELLOWSHIP COMMUNITY CHURCH AND CHRISTIAN SCHOOLS
NEW	94.9	MT. JACKSON	Dismissed	TRIPLETT BUSINESS AND TECHNICAL INSTITUTE
NEW	103.5	NEWPORT NEWS	Dismissed	VIRGINIA DEPARTMENT OF TRANSPORTATION
DWBRP-LP	102.9	PULASKI	CP Lapsed	PULASKI BIBLE RADIO, INC.
DWVSBJ-LP	94.5	QUICKSBURG	CP Lapsed	SHENANDOAH COUNTY (VA) PUBLIC SCHOOLS
NEW	93.3	RICHLANDS	Dismissed	SOUTHWEST VIRGINIA COMMUNITY COLLEGE
WRIR-LP	97.3	RICHMOND	Licensed	VIRGINIA CENTER FOR PUBLIC PRESS
DWFMCLP	87.7	RICHMOND	Unknown	FOUR MILE CREEK BAPTIST CHURCH
NEW	93.7	RICHMOND	Dismissed	M&M COMMUNITY DEVELOPMENT INC., RICHMOND, VA BRANCH
NEW	92.7	RICHMOND	Dismissed	FOOD NOT BOMBS RICHMOND
NEW	104.3	RICHMOND	Dismissed	ALLIED COMMUNICATIONS NETWORK CORP.
WCFC-LP	93.7	RICHMOND	CP Granted	CRUSADE FOR CHRIST TEMPLE CHURCH OF GOD IN CHRIST
NEW	98.5	ROANOKE	Dismissed	NORTHVALLEY COMMUNICATIONS, INC.
NEW	98.5	ROANOKE	Dismissed	WEST END PRESBYTERIAN CHURCH
NEW	95.9	ROCKY MOUNT	Dismissed	COUNTY SEAT PRIMITIVE BAPTIST CHURCH
WRKE-LP	100.3	SALEM	Licensed	THE TRUSTEES OF ROANOKE COLLEGE
WCCA-LP	93.5	SCOTTSVILLE	Licensed	CALVARY BAPTIST CHURCH
NEW	93.5	SCOTTSVILLE	Dismissed	SCOTTSVILLE COUNCIL FOR THE ARTS
NEW	102.7	SPOTSYLVANIA	Dismissed	SPOTSYLVANIA ASSEMBLY OF GOD
NEW	103.1	STAUNTON	Dismissed	VICTORY WORSHIP CENTER
NEW	106.5	STRASBURG	Dismissed	STRASBURG HIGH SCHOOL - SHENANDOAH COUNTY PUBLIC SCHOOLS
WSUV-LP	102.3	SUSAN	Licensed	ANTIOCH BAPTIST CHURCH
NEW	98.1	VIRGINIA BEACH	Dismissed	MOUNT BETHEL BAPTIST CHURCH
NEW	103.7	VIRGINIA BEACH	Dismissed	DAVID CHRISTIAN COMMUNICATIONS, INC
NEW	98.1	VIRGINIA BEACH	Dismissed	CALVARY CHAPEL OF HAMPTON ROADS
NEW	103.5	VIRGINIA BEACH	Dismissed	THE ROCK CHURCH, INC.
NEW	98.1	VIRGINIA BEACH	Dismissed	CHESAPEAKE CHRISTIAN RADIO BROADCASTING
NEW	103.7	VIRGINIA BEACH	Dismissed	GONOW RADIO CORP.
WYQZ-LP	96.7	WARRENTON	CP Granted	CLARK COMMUNICATIONS

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NEW	97.9 WASHINGTON	CP Lapsed	RAPPAHANNOCK ASSOCIATION FOR THE ARTS AND THE COMMUNITY
NEW	101.9 WASHINGTON	Dismissed	THE EARTHEN VESSEL, INC.
NEW	101.9 WILLIAMSBURG	Dismissed	COLONIAL WILLIAMSBURG FOUNDATION
WRRW-LP	100.9 WILLIAMSBURG	Licensed	NEW HORIZONS 3000
WJRX-LP	102.5 WILLIAMSBURG	Licensed	CHRISTIAN LIFE CENTER
NEW	94.5 WOODSTOCK	Dismissed	SHENANDOAH COUNTY (VA) SCHOOL BOARD
WSCE-LP	95.7 WOODSTOCK	CP Granted	SHENANDOAH COUNTY (VA) PUBLIC SCHOOLS

Of 59 applications, only 16 (27%) were granted.

Mr. BOUCHER. Thank you, Ms. Leanza. Thanks to each of the witnesses for your testimony here today.

I have two letters that are addressed to me which I am going to ask unanimous consent to be placed in the record. They are commentary on various items of legislation pending before us this morning. Without objection, those will be placed in the record.

[The information appears at the conclusion of the hearing.]

Mr. BOUCHER. And, Mr. Doyle, let me begin my questions with you with respect to low-power FM.

One of the letters that I just placed in the record is from the public radio station that serves the western part of the State of Virginia. It serves my congressional district as well as two neighboring congressional districts and I think Mr. Walden had raised similar kinds of concerns to those raised in this letter during the course of his opening statement.

This is a public radio station that has a main signal and that main signal then is picked up by a whole group of translators that are located in our very mountainous region and we have two mountain ranges in my congressional district alone. And for communities that are down in the valleys that are well away from the main signal, these translators are the way that public radio service gets propagated out across a very large area. And this is the principal public radio station for the entire western half of the State of Virginia. It probably covers something close to 30 counties. That coverage is largely through the translator facilities.

The concern that has been expressed to me comes from that public radio station. So in this instance, it is a public station that is a bit concerned about opening the panorama of a potential for more public radio broadcasting, in this case truly local broadcasting. Not because they oppose it but because they are worried about interference. You made brief reference in your statement to which I listened very carefully, about the studies that you have done relative to translator facilities and I want to ask you to amplify on that a bit.

The concern expressed to me is that the translator facility receiving a signal from the main broadcast tower is getting what is in effect a fairly weak signal because it is a long way away, and around that translator facility, having to pick up a very weak signal, if there is any local interference that interference can materially degrade that main signal coming into the translator and effectively impair the receipt of this public radio programming through most of the serviced territory. And that strikes me as a legitimate question if not a legitimate concern so what I am asking you is how legitimate is the concern and what have your studies shown about the ability of these translators to pick up very weak signals if there is any kind of interference in the area.

Mr. DOYLE. Thank you, Mr. Chairman.

Yes, that is a legitimate concern. We do have a rule that protects what we call the input signal of a FM translator station and it is protected in the same way that stations signals are protected.

Mr. BOUCHER. So this is a protection that would be specific to the translator itself and the area around the translator?

Mr. DOYLE. Right, right, correct.

Mr. BOUCHER. No, I understand.

Mr. DOYLE. I could look up the rule section number for but we do have that in place.

Mr. BOUCHER. What do you conclude about the potential for third adjacency low-power FM within the immediate area of that translator?

Mr. DOYLE. Well, that is exactly the qualification, within the immediate area of the translator there would be the potential for interference.

Mr. BOUCHER. Right and so how do we guard against that?

Mr. DOYLE. Well, we the commission has developed a rule to protect stations in that situation.

Mr. BOUCHER. If Mr. Doyle's bill passes, can your rule still stand?

Mr. DOYLE. It is complementary, yes, it would still stand.

Mr. BOUCHER. It is complementary.

Mr. DOYLE. Yes.

Mr. BOUCHER. I would like for you to submit for our record if you would, a more detailed explanation of how that rule works and answer directly the question of how that rule can coexist with Mr. Doyle's bill in the event that it is enacted.

Mr. DOYLE. We would be happy to do that.

Mr. BOUCHER. OK, thank you.

Mr. Donovan and Mr. Starzynski, you refer in your testimony with respect to volume controls on commercials on television programs to a forthcoming recommended practice. I believe you said that will be forthcoming in September and that your practice will address squarely the need to make sure that the volume on commercials is not excessive as compared to the regular broadcast programming for volumes?

Mr. STARZYNSKI. That is right, Mr. Chairman, yes.

Mr. BOUCHER. To what extent do you anticipate that this practice will be adopted by television broadcasters once it is published and I would ask you to make that projection based on whatever past experience you have with similar kinds of standards that have been recommended to the broadcast industry, Mr. Starzynski.

Mr. STARZYNSKI. Oh OK.

Mr. BOUCHER. Or Mr. Donovan, do you want, whoever.

Mr. DONOVAN. I think it is a general matter when you have a recommended practice that has gone through the industry standard-setting body which is what ATSC is and in fact in many instances there is more technical detail in that standard than in others that we will refer to such as England and other countries.

Mr. BOUCHER. I understand that it will be technically detailed but the question is to what extent will it be put into practice and adopted by the local broadcasters?

Mr. DONOVAN. I think it will be. I think it clearly becomes the norm for the industry and the industry.

Mr. BOUCHER. Is that based on past experience?

Mr. DONOVAN. It is based on past experience as working through the ATSC and industry standards.

Mr. BOUCHER. Is there any enforcement to make sure that that happens?

Mr. DONOVAN. The enforcement becomes self-enforcing, in other words you have.

Mr. BOUCHER. Is there any monitoring that takes place to make sure that it is being complied with by those who at least in principle adopt it?

Mr. STARZYNSKI. Absolutely there is monitoring that happens.

Mr. BOUCHER. Who does the monitoring?

Mr. STARZYNSKI. We do it internally. I can speak for NBC and it happens at the point at which the content comes into the building so it gets monitored extensively and the thing that it also does is it applies a contemporary monitoring device. One, you may remember the FCC said we can't go farther with this a whole bunch of years ago because we don't have the technology to do it. We have it now so that technology is an international standard. It works very well and it can't be gamed so there is no issue where you may have someone trying to game the system. It really reads it and it works the way our ears work this time. It is not dealing with just the electronics. It is dealing with perceptual levels and we have every reason to apply this and to move forward with it because we agree with you, the problem is out there. We need to fix it.

Mr. BOUCHER. All right. Well, you have confidence that your standard will be followed, that it will be monitored, that it can be effective.

Mr. STARZYNSKI. Yes, I do. Yes, sir.

Mr. BOUCHER. Thank you for those answers.

Let me take just a moment to address the question of payphone rates that are imposed in correctional institutions. I am exceeding my time. The chair will be very generous with other members in terms of their time to ask questions, also.

Mr. Hopfinger, let me pose a question to you. You have heard Mr. Krogh testify that sometimes the successful bidder in contracts to provide these telecommunication services to inmates will be the bidder who offers the highest commission to the correctional authority, not the bidder who offers the lowest priced service. Is that correct and if it is correct how is that justified?

Mr. HOPFINGER. Well, Chairman Boucher, I would say that today that is not necessarily the case. As the sheriffs' associations and the other associations have put forth mandates or recommendations that rates for inmates be just and reasonable for the inmates and for the people that are paying for these calls. I will tell you in the bidding systems today the majority of our bids, one of the criteria is for low rates but low rates in anticipation with all the other safety and security requirements that the system is needed. And, Mr. Krogh mentioned a few States where the rates are lower. I will say that in addition to the States that Mr. Krogh mentioned, there are additional States where rates are in fact coming down and that is as a result of the way system is working today.

Mr. BOUCHER. All right. Mr. Krogh, let me ask you to respond if you like to the answer Mr. Hopfinger just provided and additionally if you would, Sheriff Goad in his testimony talked about the fact that the commissions that are received by correctional authorities are often applied toward services for inmates just as rehabilitative services. What is your view about whether those services should be financed by the commissions on telephone calls as compared perhaps to government simply providing through direct appropriations the money necessary for those essential services?

Mr. KROGH. Yes, Mr. Chairman, it is true just turning to Mr. Hopfinger's comments first. It is true that in some States the rates have come down as a result of decisions made by either the State legislature or correctional authorities but the point is that the majority of States, you still have and other jails and prison systems, you still have exorbitant rates where the bidding system has not been reformed and so you have violations of in all these other States, violations of the Communications Act because they are charging unreasonable rates.

Mr. BOUCHER. OK. Come to the second part if you would.

Mr. KROGH. And in terms of the prison welfare programs, I really do think that there is no justification for imposing a regressive tax on the users of those programs which is what the commission rates are. If there is a necessary program, it really ought to be funded out of the budget.

Mr. BOUCHER. Out of the government's budget.

Mr. KROGH. Yes.

Mr. BOUCHER. Under which the facility is operating.

Mr. KROGH. Yes and I think things that are more voluntary that are more discretionary really the problem as I said is that you are taking the choice away from the prisoners and their families as to whether they would rather have reasonable rates.

Mr. BOUCHER. That's fine. Thank you very much, Mr. Krogh.

Mr. KROGH. Yes.

Mr. BOUCHER. My time is expired. The gentleman from Florida, Mr. Stearns.

Mr. STEARNS. Thank you, Mr. Chairman.

Mr. Kelsey, in your opening statement you had mentioned that Australia, Brazil, France, Israel, Russia and the United Kingdom have already adopted legislation to control this burst of sound that comes from advertisements. How has it worked, do you know? And first of all, how long ago did they adopt this legislation? How long ago did they adopt it?

Mr. KELSEY. I believe most of the countries in the last few years and I highlight in particular in Australia, the trade group that represents the broadcasters there went a step further and offered technical assistance to broadcasters and many in Australia and UK's law in particular are very similar to the measure that Representative Eshoo has put forth.

Mr. STEARNS. OK. And have they been successful?

Mr. KELSEY. I don't know that. I can get back to you, yeah.

Mr. STEARNS. Mr. Starzynski, so the argument is okay we have adopted legislation, we don't know if it will solve the problem. It is similar to what the gentlelady from California has authored. So the question is when would you think that you would have the solution here, you said September?

Mr. STARZYNSKI. Well, we have the recommended practice that will be voted on by the membership this summer and released in September. We think that will go well and that is through the ATSC and we have got a lot of technology happening as we speak. I cited some new technology we are putting on the air at WNBC. Hopefully, fingers crossed, within the next couple of days that will apply a technical solution to the problem without having the creative folks who are very concerned about the quality of the sound

get back to us with kind of a backlash and us altering their sound. So technology has gotten us to a point where we can apply good loudness practices but not alter the creativity of our suppliers.

Mr. STEARNS. Well, the gentlelady's legislation has urged you on here and given a little bit more incentive to do it.

Mr. STARZYNSKI. There is no question that it has. The awareness level in the industry right now is tremendous.

Mr. STEARNS. And with that in mind, perhaps the way to solve this problem is because Mr. Kelsey is saying these countries adopt it but they couldn't do anything without the technical advice of people like yourself, so the legislation might pass but nothing is going to happen without you folks. So you folks are on the issue right now so it looks like you are ready with a solution and then that would be sometime this year you would have a solution and then we could assume that would be promulgated throughout the broadcast industry?

Mr. STARZYNSKI. That is right as I have said before.

Mr. STEARNS. And what assurance would we have that after you have the solution that everybody would adopt it

Mr. STARZYNSKI. With the level of awareness that we have right now and we are all—we are not disputing the fact that there is a problem out there. We all know it. We want to fix it.

Mr. STEARNS. No, no, but the question is after you have a solution, how soon would everybody adopt your solution and what assurance would we have that they would without legislation?

Mr. STARZYNSKI. The assurance is they definitely want to solve the problem and to answer your timeframe on this.

Mr. STEARNS. Yes.

Mr. STARZYNSKI. It is going to vary based on the sophistication of the broadcast group or the operator that you are speaking about. In terms of NBC Universal with all of our resources, we have been able to attack this for the past couple of years directly but it is taking us a little while to get there because we require technology to let us do it. And you also need to understand the proper ways to apply the standard. I think that the rollout will be a little bit different across the board as it pertains to different levels of sophistication in the industry only because of budgets and that kind of thing but the key to all of it now is we have a roadmap that will be in place to help everyone out with this and there is no more ambiguity.

Mr. STEARNS. OK. So if you were writing this legislation, you say okay give us a little hiatus here. How long before we can say okay you haven't done anything. We are going to pass this legislation.

Mr. STARZYNSKI. Oh, I hope that it never comes to that. I hope that what happens you find that we self-regulate this and, you know, somebody said this before and I think it is really true, engineers want to solve problems and I think the experts are on it and they want to solve this issue for you guys for all of America.

Mr. STEARNS. OK. Mr. Doyle and Ms. Beasley, the question is that the FCC went out and hired an independent contractor, the Mitre Corporation, to determine if there was harmful interference. If low-power FM stations don't cause harmful interference is what basically this independent report said, then the question is why do we need section five of the bill which requires the FCC to retain

third adjacent channel protection for full-power, noncommercial FM stations that broadcasting services via a sub-carrier frequency. So I mean if you have an independent report that says it is no big problem, why would we need section five? I mean you dispute the independent Mitre disputed?

Ms. BEASLEY. We believe that there are flaws within the Mitre report?

Mr. STEARNS. Do you have an independent report of your own.

Ms. BEASLEY. The industry has provided a report that outlines the flaws in the Mitre report.

Mr. STEARNS. OK.

Ms. BEASLEY. That being said if I may go on.

Mr. STEARNS. Oh sure.

Ms. BEASLEY. My report, I am not an engineer but based on my understanding the Mitre report reviewed seven sites and we can just take away two of the sites if you will because one site was related to a reading service and one task related to translators so there were five other sites and there was significant interference found at these five sites relative to Walkmans and boom boxes. Now, Ms. Leanza, referred to south Florida stations, people, you know, going through, riding through hurricanes if you will. I am from south Florida. I was there.

Mr. STEARNS. I understand.

Ms. BEASLEY. I was there when Hurricane Wilma was and as well as Hurricane Charley and it is important to note that people do not go out and they don't listen to their car radios.

Mr. STEARNS. No, I understand the case. I understand. We are just trying to understand if the FCC has an independent contractor that says there is no big problem why suddenly you are disputing it.

Ms. BEASLEY. Well we do and it is on record that we have and there is a report.

Mr. STEARNS. OK. Let me just go then.

Mr. DOYLE. Excuse me, could I provide some FCC input into this?

Mr. STEARNS. Sure, Mr. Doyle.

Mr. DOYLE. Radio reading services are delivered on sub-carrier frequencies. These tend to be more fragile than the main transmission and in fact the Mitre report did find limited amount of interference to the sub-carriers that a radio reading service would be carried on. And the commission, on its own in developing these rules imposed this requirement on low-power stations to ensure that this vital service would not be degraded by low-power stations.

Mr. STEARNS. Thank you. Mr. Krogh, I guess a standard question in this issue is it a constitutional right for an inmate to have access to a phone? Is that yes or no? I don't know. Does an inmate have to have access to a phone, just yes or no, do you know?

Mr. KROGH. I—that really hasn't played a role in the FCC proceedings and so I don't really don't have an answer on that.

Mr. STEARN. OK. And is it the right that they have to have rates that are low? I mean I think we would all like them have rates but it is, you know, generally when I go out to buy something it is what the market will bear and so what we are doing as the government is dictating that the rates have to be low to give inmates this right

to have access to the phone. The families don't have to accept these collect calls. They can come in and see them or perhaps if they are geographically a long ways away perhaps they could restrict their calls because if you make it a lot cheaper they are going to call more and perhaps it might even be the same rate. So this \$400, this \$395 a month you talk about, if the rates a lot cheaper, perhaps they are going to make more calls and they will still rack up to \$395 so at some point somebody is going to have to make a consumer decision we don't want to pay this.

Sheriff Goad, your argument is basically that you use these excessive funds for rehabilitation and services to help the inmates. In your opinion, I think the chairman touched on it, do you believe that the government should provide these or do you think that it should be done the way you are doing it?

Sheriff GOAD. Well, I think it should be done the way we are doing it. I think in these hard economic times we are constantly being cut on budgets. We find that these funds allow us to provide many of these indigent inmates with the services they need along with undergarments, socks, Bibles.

Mr. STEARNS. Your biggest argument I thought was the security.

Sheriff GOAD. Yes.

Mr. STEARNS. When you talked about that you are saying if these somehow the government stepped in and prevented you from having the rates that you feel are appropriate then you would not be able to provide the survey, the recording, the watch on terrorists lists and things like that.

Sheriff GOAD. Correct, criminal investigations.

Mr. STEARNS. Criminal investigations which is part of our national security.

Sheriff GOAD. Absolutely.

Mr. STEARNS. And depending upon the inmate, whether he is there for the severity of the crime would impact how much attention you have to do for that inmate and his telephone call.

Sheriff GOAD. Yes, sir, they even circumvent some of our phone systems where they actually do three-way calling. They will call someone outside the facility, get several people on lines, a party call and proceed to conduct business as usual.

Mr. STEARNS. Yeah, a lot of these calls are not shall we say, felicitous calls. These are calls with intent to perhaps commit more crime or to do witness tampering and things like that, is what you are saying.

Sheriff GOAD. Correct, we have had intimidation of witnesses. We have also had other crimes.

Mr. STEARNS. You have got to have the funds to do that security survey in effect or we are really putting our citizens at danger.

Sheriff GOAD. Yes, sir, that is correct.

Mr. STEARNS. OK. All right. Thank you, Mr. Chairman.

Mr. WEINER [presiding]. Just to yield myself a brief moment or two just to clarify a couple of things on the record.

This notion of a free market, I don't know who can answer this. A free market, will that dictate that if someone has a calling charge, collect call charge 630 percent higher than the market, tell me a little bit about what the family can do to shop around for a lower rate when someone is making a collect call to them from a

prison. Perhaps, Mr. Krogh, maybe you can explain how the free market works in this instance.

Mr. KROGH. Well, there is no free market in prison calling. There is the exclusive service provider who provides all the call and you have no choice and so because of that if we are going to continue with exclusive service contracts, the rates have to be regulated. The FCC has broad authority to regulate interstate telecommunications including and there are no exceptions for prisoners. Section 201(b) of the Act requires that rates be just and reasonable with no exceptions and the families who are paying for these collect calls should have the benefit of that Federal Law as much as anyone else.

Mr. WEINER. Right. I think that most members of this committee and apparently the gentleman from Florida would agree that we should have the free market. Let's let market forces be brought to bear. Let's let more than one operator. Let's let 800 numbers function and I think that that is the point.

Mr. Doyle, you are recognized for five minutes.

Mr. TERRY. Parliamentary inquiry. Don't we go back and forth?

Mr. WEINER. Certainly, we do.

Mr. TERRY. Well, you just spoke.

Mr. WEINER. Was that a line of questioning? I thought it was just a point of clarification.

Mr. TERRY. I think he asked his question.

Mr. WEINER. If the gentleman insists, the gentleman from Nebraska is recognized for five minutes.

Mr. TERRY. Thank you. Let me start with the three on this side and just work down the table. Let me just give an editorial comment more than a question and certainly I think the least sympathetic characters are the ones that are in prison but there is something distasteful about taking advantage of them, too, which I think is the underlying premise for this act. Mr. Hopfinger, you made a good point and that sheriff, that there are security concerns and technologies that have to be woven in here that add to the expense. I think that is extremely fair and a good point. I guess the issue is then how much of a gap is there when you add in the cost of this additional technologies where it is just becoming the in essence, I guess, the slush fund for the jails or the prisons. Mr. Krogh, I will give you about 15 seconds because I got a couple of other things.

Mr. KROGH. Yes, I think Mr. Hopfinger has been unduly modest. I would like to put in a plug for Securus. Securus, for example, in Florida is able to provide collect calling, interstate collect calling for 4 cents a minute plus a connection charge of \$1.20 which is equivalent to 14 cents a minute for a 12-minute call and they do that elsewhere so they can do it. They can cover all of the these expensive security functions and all the other monitoring and everything else that they have been talking about at those very reasonable rates. Plus, in Florida, they are paying out of that low rate, a 35 percent commission. So in Florida you can have it all.

Mr. TERRY. All right. Well, I will take my time back and I will just say I think this does a raise a concern and my message back to Sheriff Goad is perhaps to communicate that you have been on

a conservative, pro-justice side, there is concerns about the telephone rates.

The next group on audio sound, it is a real concern. You guys know that. Mr. Starzynski, close enough. I will follow up on Cliff's notes, the public demands this. They want action from us so the message back, Mr. Donovan, is and to you, is and NAB and everyone else that is involved in here, the sooner the better. If this doesn't get cleared up, if you guys will vote and address this issue in September. If we come back here this same time next year and most of the TV stations haven't resolved this, this is going to pass. That is my message to you. In our household it is so annoying that the habit that we have is when the commercials come on we just hit mute, not because we don't want to hear the commercial but the decibel level goes up significantly.

Mr. STARZYNSKI. Right and that is not a good place for us to be.

Mr. TERRY. And that is not a good place. It is self-defeating.

Mr. STARZYNSKI. Right.

Mr. TERRY. Last, let us go to my major issue with Mr. Doyle and, Mr. Doyle, who is no relation to the author of this bill, just that I would.

Mr. DOYLE. That is correct. My side is not really good at breeding that much so we.

Mr. TERRY. Too much information but there was a suggestion that in the Mitre study not only was it the reading but five of seven of the other sites had interference? That is not my understanding. Is that accurate?

Mr. DOYLE. The Mitre study showed that if we threw out one outlier case that there was no interference at distance for LP hundred stations, your basic low-power station at distances greater than 333 meters. That interference became common under 250 meters and severe within 100 meters of the LPFM transmitter site. It has never been the commission's position that there would be no interference but as I tried to explain in my testimony, we have ample experience with translators to figure out how to make this work.

Mr. TERRY. All right.

Ms. LEANZA. Mr. Terry, would you mind if I just?

Mr. TERRY. You have 21 seconds.

Ms. LEANZA. The area of interference we are talking on the ground of a low-power radio station, we are talking .0013 of the geographic area of a full-power radio station so tiny area. If you are next door to a low-power radio station in the same building as a low-power radio station, you might not be able to hear one of the radio stations. Other than that, there is not an issue.

Mr. WEINER. The gentleman from Pennsylvania, Mr. Doyle, is recognized for five minutes.

Mr. DOYLE OF PENNSYLVANIA. Thank you. Mr. Doyle, and we are not related for the record. So 10 years ago the committee heard the fears from broadcasters that if the FCC license these low-power FM stations on third adjacent that the dial was going to be drenched in oceans of interference. So when we passed the Radio Broadcasting Preservation Act on an appropriations rider, Mr. Doyle, I take it to mean that all low-power FM broadcasting has stopped on those third adjacent frequencies?

Mr. DOYLE. Well, yes and no. We certainly have carefully followed the directions from Congress and not licensed so-called low-power FM stations. On the other hand, what I have tried to explain is that FM translators are technically indistinguishable from low-power FM stations and that for example, in the chairman's own district, the station he was concerned about, eight translator stations operate without effective breach.

Mr. DOYLE OF PENNSYLVANIA. Right and I am looking at page five of your testimony where the FCC says there is 1,800 of these translators already broadcasting right now on the same frequencies that there noncommercial groups want to broadcast on, is that correct?

Mr. DOYLE. Well, most of these translators are actually in the non-reserved band, the 92 to 108 as opposed to the 88 to 92 part where noncommercial stations simply broadcast. Most low-power licensing has occurred in the part of the band where there are not noncommercial stations. There are some but by and large, that is not the problem.

Mr. DOYLE OF PENNSYLVANIA. But we have translators on third adjacent?

Mr. DOYLE. Absolutely.

Mr. DOYLE OF PENNSYLVANIA. OK. So, Ms. Beasley, does your organization or are you personally, are you advocating for the elimination of these translators?

Ms. BEASLEY. We do not have or use translators within our company so it is the NAB's position that it is my understanding that full-power FM stations use translators for fill-in to cover the mass.

Mr. DOYLE OF PENNSYLVANIA. But NAB is not advocating that we eliminate translators and do you think these translators cause oceans of interference?

Ms. BEASLEY. I can't speak to that because I personally do not, we do not have translators.

Mr. DOYLE OF PENNSYLVANIA. I don't think that is the NAB's position. I guess, Ms. Leanza, who owns and operates the translators?

Ms. LEANZA. By and large, most full-power broadcasters have some sort of translators. It depends on what type of service they are providing.

Ms. BEASLEY. We do not.

Ms. LEANZA. Right, not no, certainly you don't but many, many do. It is a widespread use. It is not an atypical, unusual use.

Mr. DOYLE OF PENNSYLVANIA. So if they don't cause interference and they are technically identical and these translators don't have some special magical power to work then surely these translators must be less powerful than an LPM broadcast.

Mr. Doyle, full-power FM stations sometimes run up to 100,000 watts, while a noncommercial FM station can run up to 100 watts so I am assuming these translators must be less powerful than that. How powerful are these translators that don't cause interference when they are at third adjacent from another station?

Mr. DOYLE. Our rules permit a translator up to 250 watts.

Mr. DOYLE OF PENNSYLVANIA. 250 watts so two and a half times more powerful than any LPFM station so what you are telling me is and I hope my colleagues will listen to this, is that what we call a rose by any other name would smell as sweet but when it comes

to FCC and the big broadcasters this name is critical. Translators that serve the interest of big broadcasters work just fine on these third adjacent channels and there is no complaints and no issues about interference but when a low-power station run by community groups, schools, churches, local governments cause interference, somehow in the same adjacent channel these somehow cause interference. I just hope once and for all we can sort of eliminate this doubletalk that has been taking place for years.

I want to talk about interference, too. Now, Ms. Beasley, in your statement you referenced the Mitre report and you said that there was interference caused by low power FM stations. I read that study and in the most extreme circumstance it was found that the interference was .13 percent of the population inside the protected zone of a full-power station. Just for my note now, you find that to be an unacceptable level of interference?

Ms. BEASLEY. What I read last night was there was significant degradation at these five sites when you are testing with boom boxes and Walkmans.

Mr. DOYLE OF PENNSYLVANIA. .13 percent but you found that, you think that is unacceptable?

Ms. BEASLEY. It is significant such that well if you can't get a signal, if you can't hear the programming, if there is static and if you are operating when there is a hurricane going through your area and we are providing information to the masses and we, yes.

Mr. DOYLE OF PENNSYLVANIA. So I take that as a yes, okay. I am curious I see that the NAB has pushed for allowing broadcasters to put HD radio stations next to and along with their analog broadcast but the engineers found that an average of .6 percent of the population inside the protected zone could have their listening effective. Now, that is not a worse case scenario like low-power's .13 percent. That is an average finding .6 percent, so that is a lot more interference than the low-power stations would cause even in a worse case scenario.

So, Mr. Doyle, let me make sure I understand this correctly. The NAB has endorsed this .6 level of interference as acceptable for HD radio?

Mr. DOYLE. I don't really understand.

Mr. DOYLE OF PENNSYLVANIA. Has the NAB filed a request to multiply the power of these digital signals by 1,000 percent?

Mr. DOYLE. No, they asked to increase it by tenfold from 1 percent to 10 percent of the analog power level. The issue there, Mr. Doyle, I think is different. That is a question of digital into analog and I am not sure that it correlates to the analog into analog technical dispute that is your bill is focused on.

Mr. DOYLE OF PENNSYLVANIA. So let me ask you one final question, Mr. Doyle. You are the expert at the FCC. You have studied this issue backwards and forwards. Twice the FCC and bipartisan votes have recommended that Congress lift this prohibition of third adjacent channel. Do you think that passing this bill will in anyway hurt public radio stations like my friend, Mr. Walden, is concerned about or this will cause any interference of a major proportion outside that 100-foot zone that you thought? I mean what basically happens so that finally communities like mine who can't get LPFM, can't get an LPFM station in the City of Pittsburgh. There

are a lot of places in this country, 140 million people don't have access to this valuable service because of this rule which apparently doesn't seem to cause—do you see any harmful effects by allowing us to use third adjacent for LPFM?

Mr. DOYLE. The commission's judgment was not that there would be no interference. It was that the interference would be tightly limited to the immediate environment of the LPFM transmitter site and looking at the significant benefits of an expanded LPFM service, decided that the benefits far outweighed the very, very limited interference that would occur typically within 100 or 200 meters of the LPFM transmitters.

Mr. WEINER. Thank you, Mr. Doyle

Mr. DOYLE OF PENNSYLVANIA. Thank you very much.

Mr. WEINER. Mr. Walden is recognized for five minutes.

Mr. WALDEN. Thank you very much, Mr. Chairman.

Mr. Doyle, I had a question for you. Do LPFM applicants have priority on frequency over existing translators?

Mr. DOYLE. LPFM has priority over no one right now. The priority relationship between translators and LPFM stations is a first-come, first-served rule so they are coequal so that today.

Mr. WALDEN. So one can't bump the other?

Mr. DOYLE. That is correct.

Mr. WALDEN. OK. Talk to me about the requirements on LPFM. Do they have to have a main—do they fall under the main studio rule?

Mr. DOYLE. They do not have a main studio rule. They must be local. We don't have staffing requirements for them. We don't have public inspection files.

Mr. WALDEN. So they are—I want to go back to that. So low-power FM, do they have a requirement to serve their community like commercial broadcasters do and how do they identify their compliance with that if they don't have a public file or a main studio? What does the FCC require?

Mr. DOYLE. Well, every station must be licensed; must be held by a local community organization.

Mr. WALDEN. Understood.

Mr. DOYLE. It must be operated on a noncommercial basis.

Mr. WALDEN. And how do you monitor that point because I have heard from people that they are out basically selling advertising. Are they allowed to do that?

Mr. DOYLE. No, they are not.

Mr. WALDEN. And do you take enforcement actions?

Mr. DOYLE. Not my division directly.

Mr. WALDEN. Could you provide me with enforcement actions you have taken and complaints you have received, for the record?

Mr. DOYLE. We would be very happy to do so and there have been some related to violations of our underwriting rule so you are correct on that.

Mr. WALDEN. I thought so. I want to go back though as a citizen I have the right to go into any commercial radio station. I assume public broadcast, as well, and look at their public file to see how they are addressing the issues that are important to their community. What is the requirement for an LPFM? What is my right as a citizen to go in and see what they have identified as their com-

munity issues and how they are addressing them? Do I have right to a public file?

Mr. DOYLE. When the commission created this service they decided that it would work best with very limited reporting and filing responsibilities and they do not have.

Mr. WALDEN. Do they have to do community ascertainment? Do they have to decide what is important to their community?

Mr. DOYLE. No, but certainly.

Mr. WALDEN. OK.

Mr. DOYLE. Like every other station, every eight years their license comes up for renewal and the public is welcome to comment on whether the station is operating in the public interest.

Mr. WALDEN. And that public interest though for other broadcasters, that is pretty well spelled out. They have to serve their community, right? So you are telling me these LPFMs don't have to serve their community? How do I know? I mean they don't have to identify?

Ms. LEANZA. They have the same obligations.

Mr. WALDEN. Oh, they do. So they do have a public file requirement?

Ms. LEANZA. There is not a public file.

Mr. WALDEN. And they have a main studio requirement where I can go in and look?

Ms. LEANZA. But they are licensed also under the Communications Act. They have an obligation to serve the public.

Mr. WALDEN. I don't think your mike is on, by the way as an old radio guy, or just get real close to it. So but I am trying to get to this point of they can come into—the public can go into any radio, commercial or public broadcast station and look in the public file. My question is do LPFMs have to have a public file?

Ms. LEANZA. Currently, under the rules, they do not.

Mr. WALDEN. And do they have to identify what the issues of concern are in their community and address those issues?

Ms. LEANZA. They do generally speaking because they are subject to the same public interest standard that all broadcasts are subject to.

Mr. WALDEN. So, Mr. Doyle, is that correct? They have to identify community interests on a quarterly basis and speak to how they address them or not?

Mr. DOYLE. The quarterly issues program requirement does not apply to low-power stations.

Mr. WALDEN. So how do you ever measure them when it comes up to license renewal whether they have served their community? What is the standard you apply?

Mr. DOYLE. Well, while listeners would not have the ability to review a station's issues programs list, they have the same opportunities as listeners of any station to come to the commission with their concerns about the programming that they have heard on the station during the prior license term.

Mr. WALDEN. Are the LPFMs required to have the Emergency Alert System capabilities too to notify their listeners in the event of an emergency?

Mr. DOYLE. They do have an EAS requirement.

Mr. WALDEN. OK. And they are not a priority station, though I assume?

Mr. DOYLE. I don't think any.

Mr. WALDEN. None are primaries. OK. All right.

Ms. LEANZA. But they do most of them are setup automated so they can transmit through that signal automatically at any time.

Mr. WALDEN. Yeah, they are allowed to do unattended operation as well, right? Is there any requirement of local programming on those LPFMs or could they just download satellite programming and rebroadcast it?

Mr. DOYLE. Our licensing criteria favor those stations that pledge to do at least eight hours of locally originated programming but there is no local program origination requirement.

Mr. WALDEN. All right. Thank you.

Ms. LEANZA. That there is on any other station. There is not such obligation.

Mr. WALDEN. Thank you, Mr. Chairman.

Mr. WEINER. Thank you. Mr. Rush, there is less than a minute left on the clock on the floor. Would you like to try to squeeze in now or do you just want to be the first when we come back? We are going to recess until about 12:25. I appreciate your patience when we do promptly. There is nine of you. Maybe you can go play baseball or something. The committee is in recess until approximately 12:30.

[Recess.]

Mr. WEINER. The committee has returned from recess. The gentlewoman from California is recognized for five minutes.

Ms. ESHOO. I thank the chairman. It is nice to see you in the chair and I apologize both to committee members and to the witnesses that are here today, especially those that have an interest in the CALM Act which I am the author of. I have three places that I needed to be at the exact same time today and all of them important, so I apologize for being late. I would like to submit my opening statement for the record.

Mr. WEINER. We have got to get you one of those translator devices they were talking about. You can be everywhere at once.

Ms. ESHOO. Yeah, I would like to submit my statement for the record and I would like to take this opportunity to thank not only members of the committee that are cosponsors of the CALM Act but also point to Chairman Boucher because he has had a commitment to the bill and we wouldn't be a part of this hearing, this bill would not be part of the hearing today.

I think unless someone has said this, this is the bill. It is essentially a one-page bill. This is not complicated and while I don't think I need to reemphasize why the change is needed, it is worth saying that I think consumers have waited too long for this change to be made.

I am thrilled that there is technology and the confidence that there is technology that will address this. I come from the technology capital of the United States of America, Silicon Valley. I have no doubt that technology can take care of this and the technologists need to work hand-in-hand with the FCC. You are ready to go. This bill passes and is signed into Law, then you will have a key role in that. I don't find the bill menacing, most frankly, be-

cause all it does is instruct the FCC within a year of enactment to come up with a solution.

There were hearings in the '60s. There were hearings in the '70s. There were hearings in the '80s. It is now the 21st century. There is no reason for people to have to hit their mute buttons. There just isn't. I think it is a disadvantage to advertisers who pay a lot of money and how the broadcasters really keep themselves going, the programming and the networks.

So I have to say in 16 and a half years in Congress, I have never had a bill that was so embraced by so many. I don't even get to finish my sentence about what the bill would accomplish but people say absolutely. Good luck. We need to do this. It is a great source of irritation to me. So while this is a profoundly sobering time in the history of our nation, I by no means see the CALM Act as being something that is going to resolve, you know, huge, daunting, national problems. It, frankly, is way down the list when we examine the great challenges that America has but I do think that it is something that we should and that we can take care of.

I think consumers have had it. Newspapers have editorialized in different parts of the country. Consumers know what this is. You mention it. It is bipartisan. It is a bipartisan irritant. Let me put it that way. So to the technologists, I am very pleased that you are taking this seriously and than you think that the answer is around the corner. You can take that great message to the FCC and I look forward to this bill passing with huge support in both the House and in the other body and I want to thank everyone that has been involved in this and those that have supported it and as well as those that have questions. I think that you should take a deep breath, stay very calm, if you don't mind my using the title of the bill and that this one-page bill will bring some relief, a lot of relief to a lot of people across the country.

With that, I will yield back the balance of my time. Mr. Chairman, thank you and I am going to return to my other committee and look forward to great vote on this. Thank you very, very much.

[The prepared statement of Ms. Eshoo follows:]

Mr. WEINER. The chair yields himself five minutes.

If we could return a moment to the Family Telephone Connection Protection Act, in the conversation between Mr. Stearns and I think the sheriff and maybe Mr. Hopfinger. There was the position posited that perhaps telephone contact with the outside world is problematic. There is plans to sharing of information that might be deleterious. That is contrary to what other findings that we have seen that say that frankly keeping connection not just inside the jail but having a connection outside with the world is actually salutary to their rehabilitation.

Mr. Krogh, do you want to weigh in on that discussion and then, Mr. Hopfinger, I will give you another chance to expound on what you were saying.

Mr. KROGH. Yes, the studies have uniformly demonstrated that maintaining these communications is very important for rehabilitation and especially in situations where you have got inmates who are very far away from their families, sometimes in other States. And it is crucial to have reasonable rates so that they can maintain these ties with the community and their families. And you can also

have good security. Securus, as I mentioned, provides all of these security functions in a number of States and apparently they are able to do this and still make a profit at very reasonable rates. Florida and New Mexico are two examples. So there is no inconsistency between having reasonable rates so you have plenty of ties between maintaining these ties between the prisoners and their families.

Mr. WEINER. Is there any evidence that the Federal Government, the Federal Penal System which has an 800 number for which families pay I think 7 cents a minute? Is there any sign that those are less safe, any signs that there is any more sharing of information, any more witness tampering? Is there any evidence at all to support the thesis that maybe having barriers to people making phone calls like a 600 percent additional cost compared to what the Federal Government charges? Is there any evidence at all to support the theory that that somehow reduces recidivism or it reduces witness tampering or anything like that? Is there any evidence that you have seen in your experience that shows that?

Mr. KROGH. I haven't seen anything that shows that there are problems in the Federal system which has debit calling and at a fairly reasonable rate and again, if you have got—you can have all of the security functions so you can keep control over that call and still have a reasonable rate.

Mr. WEINER. Mr. Hopfinger, do you want to take the contrary position?

Mr. HOPFINGER. Let me say, we concur that contact with the outside world by inmates is certainly appropriate. We wouldn't be in business if that contact didn't occur but every system that we install must be customized and looked at on an individual basis. Mr. Krogh has discussed large Department of Correction facilities where there are low rates. The Federal facilities that have a large number of inmates where there are low rates. Those things don't necessarily fit especially in the city and small county jails because just simply the volume of calls is not there in which to recover the cost.

We absolutely want to provide as much service and complete as many calls as we can but it must be done so on a secure basis. Our concern with the bill is it would mandate something that would not fit in many of the facilities. Plus, the fact the bill goes well beyond talking about just rates. It mandates other issues that would in fact actually increased the cost to both our services and to the correctional facilities. So that is our concern.

Mr. WEINER. Thank you. Let me just move on briefly to the CALM Act. I am curious why this is such a difficult technological fix. Certainly, that if someone wants to advertise on a local TV station that they are told that they have to provide the advertisement in a certain format. It has got to be on a certain size disc or a certain size tape. I am sure they are told that it has to be of a certain length, a certain duration and it has to be of a certain quality in order. Why can't you just say it has got to be no louder than X? Why don't you say as a standard for what you are going to accept for advertising, you have got to be in this category? They play the tape, if it is not you say you have got to go back to your shop and

fix it. Tell me why that intuitive reaction to this problem is technologically difficult. Mr. Donovan, fire away?

Mr. DONOVAN. I think essentially you are correct and which is why you are seeing policies that have been established by the major networks, for example, that have precisely that in which they would like their advertising and their programming to be sent to them in a certain way. You do have a variety of program suppliers and advertisers and what have you bringing in the inputs. You have local advertising. You have national spot advertising, syndicated programming, network programming but that is all, candidly, it is all being worked out. The networks have established a policy to do that so conceptually, you are right. This is something that needs to be done and is being done. Where it got a little bit tricky here, and I will let Jim go into detail on this but where it got tricky is that you want to make sure that while you are controlling the advertising aspects in terms of loudness and what have you. You don't want to squelch the benefits of the digital system, i.e., the Dolby 5.1 which has tremendous dynamic range for consumers that bought surround sound, theater sets and what have you because if you just put a level right across the board, not only would you hit the advertising but you would also hit the program. So that is what has made it a little bit tricky as we move forward with digital which is why, I mean we have been working on this since 2007 and I think that Jim will tell you we are there. I mean you are literally several months away from actually working out an ATSC standard that will resolve it. But the concern we have now, sir, is that as I said, engineers are problem solvers and we are there. Once you create a—and there are winners and losers whenever you have these engineering battles. Once you create a new venue, which is okay now we are going to kick it over to the FCC for a rule, what you sometimes do and it is true in any standard setting issue that gets kicked over to the commission, you create a jump ball.

Mr. WEINER. I understand that and I heard that in the testimony but if you look at our punch list of the reasons people comment opposed legislation like one of the general reasons is we agree, we are on it, got you covered, no need to pass any legislation and it doesn't—it strikes some of us who obviously are not technology people like you are.

Mr. DONOVAN. Right.

Mr. WEINER. That it seems like a relatively easy fix was coming and it never arrived.

Mr. DONOVAN. And so it is here.

Mr. WEINER. I know, I hear you. Mr. Starzynski, maybe you can just answer why you can't just say look, here is your checklist of things, the requirements you need to have and being excessively loud when you are selling.

Mr. STARZYNSKI. You have hit the critical part of the issue. So we publish a content specification, a delivery spec that goes out to all of our suppliers. It doesn't matter if they are program suppliers or if they are commercial suppliers. We ask them to hit a target level like I said in my testimony. The issue has been that with the digital transition and moving off of analog and going to digital with all this great range that we have been speaking about, there is the

opportunity there to have problems with controlling your loudness if you don't understand the new techniques that are involved or if you don't own the equipment that is necessary that I spoke about before, which kind of changes the game in the way all of this is done through the ITU standard and which the gentleman from Consumer Reports spoke about.

So the ATSC recommended practice goes right to the heart of that and it says you will use this standard to measure your sound and you will take those readings and you will deliver your content as asked in the program spec. And we all put this in there but I think what you are getting at is the issue is that, you remember I spoke a little bit before about the culture change. We have had a lot of folks mixing sound with old analog techniques for a very long time using meters that protected the electronics, not meters, contemporary meters like the ones that work like your ears do. So we get this out in the industry. We have got a roadmap on where we need to go with this. Technology is catching up on this. Things are becoming cheaper and the bill that is out in front of us today really has raised such a level of awareness across the industry that it is like a no-brainer that this is got to happen. We are not disputing that there is a problem here. We got to fix the problem and again and this just rains true, the engineers that are kind of working on this whose living is based on this, want to go out there and fix this and make it right for the public. Is that helpful?

Mr. WEINER. It was. Thank you.

Mr. KELSEY. Can I just quickly add, I think one of the things that we saw with the DTV transition is that many broadcasters are different and I think that the broadcasters that step up and adopt the standard should definitely be commended for changing this but, you know, a standard is one of the key way to make sure that listeners in Dallas experience the same type of viewing as listeners in New York. And so, you know, I would urge the committee and also the FCC.

Mr. WEINER. We are used to a higher volume in New York but what can I do about that? Do you have one final you want to?

Mr. DONOVAN. One final point on that is because when the ATSC standard was adopted it includes a number of voluntary components to that standard, and to Chairman Boucher's initial comment, question, even though they are voluntary, they are adopted throughout the industry. So it is not a question that you have to have this or something won't get done. This will get adopted and disseminate throughout the entire industry.

Mr. WEINER. Thank you. And before I yield to Mr. Rush, just would request unanimous consent that two editorials about the high cost of phone service being charged to inmates by Errol Louis of The Daily News be included in the record. Without objection, so ordered not.

[The information appears at the conclusion of the hearing.]

Mr. WEINER. Mr. Rush, you are recognized for such time as you may need.

Mr. RUSH. Thank you, Mr. Chairman. Boy oh boy oh boy, I think I have heard it all. Mr. Chairman, let me just start by first of all I want to thank you for obtaining support 20 media justice organi-

zations around the country in support of this bill. Would you please express my thanks and gratitude to all of them, please?

I want to also, Mr. Chairman, and members of the subcommittee, announce that my bill H.R. 1133 has been urged to be adopted by the American Correctional Association in support of the goals in this legislation ensuring access and reasonable rates for telecommunication services.

Now, I want to, Mr. Hopfinger, you have really kind of stretched the issue so thin, I don't really know how to express how preposterous I think it is. Are you trying to tell me that this grandmamma who got a grandson that she been trying to raise in the poor community. She is on a fixed income. Are you trying to tell me that your company has a right to snatch her hard, her dollars first of all, she is on a fixed income, to pay for you gouging her grandson who is the inmate and somehow you justify it by saying that you are on the lookout for Al-Qaeda or Al-Qaeda operatives? Are you trying to tell this subcommittee that that is a part of your rationale?

Mr. HOPFINGER. Congressman, we are not trying to gouge anyone. Our rates try to be compensatory in offering the services we do and we offer those services in a manner that we hope protects the public and the safety of the inmates. The rates are higher in most correctional institutions because of those requirements.

Mr. RUSH. All right. All right. Sheriff Goad.

Sheriff GOAD. Yes, sir.

Mr. RUSH. You have indicated that you have some services that are paid for, a lot of programs that are paid for by these exorbitant rates, these excessive rates that inmates are being charged.

Sheriff GOAD. Yes, sir.

Mr. RUSH. Can you give us an idea of some of those services?

Sheriff GOAD. Yes, sir. The inmate, a lot of it is inmate welfare funds.

Mr. RUSH. What do you mean by that?

Sheriff GOAD. Underwear, socks, toothbrushes, toothpaste.

Mr. RUSH. In the absence of these funds, in the absence of this business arrangement between this company or whatever company they are.

Sheriff GOAD. Yes, sir.

Mr. RUSH. Are you saying that your inmates would be forced to run around naked? Is that what you are saying?

Sheriff GOAD. No, sir, I would not.

Mr. RUSH. All right. Well then what alternatives are there?

Sheriff GOAD. In the past prior to some of the things that are in place now with the resources that we have, a lot of your community people provided these issues to such as underwear and socks and some other things to our inmates.

Mr. RUSH. And are you saying that there is no responsibility first and foremost by the government of Maryland to provide these kinds of items for the inmates?

Sheriff GOAD. No, sir, I would not say that.

Mr. RUSH. OK. And so then the little old grandmamas or these single mothers who have small children and one or two who might be incarcerated, are you saying then that they should be taking food off their table to pay for underwear that really is the responsi-

bility of the State of Maryland? Is that what you are telling this committee?

Sheriff GOAD. No, on that note I would not say that. I would say that we are providing a service to the inmates and of course that service is not.

Mr. RUSH. What other laudable program besides making sure that the inmates, you know, have Michael Jordan underwear, what other laudable programs you got?

Sheriff GOAD. We do anti-recidivism programs. We have age education, basic adult education which is GED, substance abuse programs along with child.

Mr. RUSH. And what percentage are these commissions go toward those programs?

Sheriff GOAD. Most all of the commissions that we receive is generated back into our facility.

Mr. RUSH. OK. For your exemplary employees that you might have, do you have exemplary employees in your?

Sheriff GOAD. Yes, sir.

Mr. RUSH. And do you give them a bonus?

Sheriff GOAD. No, sir, I do not.

Mr. RUSH. Are you aware of any State prison, board or prison system that gives its employees bonuses?

Sheriff GOAD. Currently, sir, I do not have that information.

Mr. RUSH. You don't have that information so you are saying then that most of the—that there are no—none of these commissions go toward bonuses for your employees?

Sheriff GOAD. Can I say that specifically, no sir, but I don't have that information in front of me currently.

Mr. RUSH. OK. Let me make sure you understand? All right. You are the sheriff of what county?

Sheriff GOAD. Allegany County.

Mr. RUSH. Allegany County. Is there any employees in Allegany County that receive a bonus?

Sheriff GOAD. No, sir.

Mr. RUSH. That is no, okay.

Sheriff GOAD. No, sir.

Mr. RUSH. OK. How does the bidding process, how did you select and what company do you have to give?

Sheriff GOAD. What company do we have?

Mr. RUSH. Yeah, do you use?

Sheriff GOAD. We use a company with Securus.

Mr. RUSH. Securus, okay, how did you select them, Securus?

Sheriff GOAD. We actually put out a RFB.

Mr. RUSH. And what did you make that decision based on? What did you make the decision based on?

Sheriff GOAD. Based on the software, their security equipment.

Mr. RUSH. OK. How much influence did the cost of that or your remuneration or your commission, what percentage had an influence on your—let me ask the question correctly. How much bearing did the cost that or the commission that you were going to receive, how much bearing did that have on your decision to hire Securus?

Sheriff GOAD. Not a large bearing?

Mr. RUSH. But some bearing, is that correct, some bearing?

Sheriff GOAD. Based some bearing, yes, sir.

Mr. RUSH. OK. And if in fact you did not have this organization or have this kind of arrangement then you would be—where would you get the money to make up the hole in your budget? Where would you get that money from?

Sheriff GOAD. If we failed, if the resources were terminated we would have to go back to the county and look at the burden on the taxpayers.

Mr. RUSH. OK. Explain to me how you think that your program creating and charging these families, not necessarily the inmates how does that have an effect on the recidivism issue in your county?

Sheriff GOAD. Well, our recidivism for some is higher than others. Some of our recidivism is very low. I think again as I mentioned in my testimony, I think communication is very essential.

Mr. RUSH. Are you elected to office?

Sheriff GOAD. Yes, sir.

Mr. RUSH. OK. And so in your past campaign for office have you ever ran on—had a part of your—how long have you been a sheriff first of all?

Sheriff GOAD. I am on my 15th year, my fourth term.

Mr. RUSH. So you ran three times or four times?

Sheriff GOAD. Four times.

Mr. RUSH. OK. And have you ever included in your campaign material for reelection that you are able to justify to your voters or highlight to your voters that because you have high cost telephone service that you have these and this arrangements with this company that you are able to have a detrimental effect on recidivism rate?

Sheriff GOAD. Have I ever? No, sir, I have not.

Mr. RUSH. OK. And so that is not a claim that you might, that you would promote?

Sheriff GOAD. No.

Mr. RUSH. Do your voters know that they are being gouged or being overly charged on these rates that that is a policy?

Sheriff GOAD. Well, I can't speculate on that but I do know that the majority of the public isn't familiar with our rates.

Mr. RUSH. All right. Mr. Krogh, you mentioned in your testimony that a few States have taken action to require that the cost be the dominant factor in determining which bidder wins an exclusive contract with the State correctional facility and the price includes permitted charges and connection charges. Do you have any other information on the effects such decisions have had on these services?

Mr. KROGH. Well, generally just simply that the higher the rate, the less calling there is and the less communication that there is by the prisoners and the families often have to refuse calls.

Mr. RUSH. Right. Can you respond if you will to Mr. Hopfinger and Mr. Goad that maximum security is dependent on Mr. Hopfinger's company charging excessively for phone service for inmates and Sheriff Goad's agency organization receiving high commissions from the actions of Mr. Hopfinger's organization? Can you comment on that fact?

Mr. KROGH. Yes, as I have mentioned, Securus and other service providers are able to provide these services with all of the required security functions.

Mr. RUSH. No, I am not talking about the security functions in that regard in terms of instrumentality. I am talking about the maximum security?

Mr. KROGH. Well, I mean to the extent that the telephone service has any impact on national security one way or the other, they can meet whatever Securus security requirements are imposed on them by the correctional department or the authorities, they can meet those all those requirements at very reasonable rates and so they shouldn't be charging higher than that.

Mr. RUSH. Yes, so am I to believe or the members of the subcommittee to believe that those State and those counties that don't have exorbitant rates that they are somehow less concerned about national security than the ones who charge exorbitant rates?

Mr. KROGH. No, I don't think that we can draw that conclusion. The Federal Bureau of Prisons has reasonable debit rates for prisoners. I am sure they are the state of the art in terms of the security, all the security functions that you need and these States have the reasonable rates there is a variety of States, Florida, New Mexico, Nebraska, New York, all of these States I am sure are just as they are focusing on these security functions especially New York as much as any other correctional authorities in other State and they have come to the conclusion they don't need to charge these exorbitant rates to maintain all the security functions they need.

Mr. RUSH. Mr. Chairman, well let me just ask one additional question here. Sheriff Goad, what equipment do you use for monitoring and tracking inmate calls?

Sheriff GOAD. The equipment is provided through Evercom with Securus Communication.

Mr. RUSH. OK. And where is it located at?

Sheriff GOAD. In my facility.

Mr. RUSH. In your facility. Okay. Does that equipment provide you additional security measures?

Sheriff GOAD. It provides me the ability to monitor those inmates that I have in my facility, yes, sir.

Mr. RUSH. OK. It provides—so lacking that equipment you couldn't monitor your inmates?

Sheriff GOAD. No, sir.

Mr. RUSH. OK. Is there any other equipment available to you off the shelf?

Sheriff GOAD. I have, no, not off the shelf but I also have video cameras is the only other use of security equipment that we use but they are not audio. They are just video.

Mr. RUSH. OK. If you had multiple carriers and the inmates had a choice, would your ability to monitor your inmates, would that be hindered at all?

Sheriff GOAD. I am not a technical person but I don't know how that would work.

Mr. RUSH. You don't know how that would work.

Sheriff GOAD. I am not sure how multiple carriers would actually work if you had numerous providers.

Mr. RUSH. OK. But you don't—so you are not sure whether or not it would be a hindrance?

Sheriff GOAD. Right.

Mr. RUSH. Right, now is that what your answer indicates?

Sheriff GOAD. To me and again I am not a technical person.

Mr. RUSH. Right.

Sheriff GOAD. It seems to me if the more providers I had it would be a hindrance to us trying to provide each inmate with each particular provider that they so chose.

Mr. RUSH. OK.

Mr. WEINER. Would the gentleman yield for a moment? Is there any reason you can't just have a series of different 800 numbers that people can dial and then the surveillance equipment is all just on the hardware? I mean why couldn't you have a choice of five or six different 800 numbers you can dial?

Sheriff GOAD. Can I defer to Mr. Hopfinger?

Mr. WEINER. Certainly.

Sheriff GOAD. Technically, I do not know.

Mr. WEINER. I hear you now. Go ahead, Mr. Hopfinger.

Mr. HOPFINGER. Yes, what happens is when an 800 number is called the system loses all track of where the call actually terminates. All we know is an 800 number was called and then there is a series of numbers dialed after that. The system wouldn't know where that call actually terminated, who received that call, whether it was a call next door or across the nation.

Mr. WEINER. And that failure of knowing who the inmate is calling provides a security risk you say?

Mr. HOPFINGER. Absolutely.

Mr. WEINER. Got you. Thank you, Mr. Rush.

Mr. RUSH. Yeah, and my final question, how much—so your, Mr. Hopfinger, your business activities is centered on exclusively incarcerating individuals in a jail system. That is your market? That is your niche in the market, is that right?

Mr. HOPFINGER. Yes, Congressman Rush. We are exclusively an inmate telecommunication service provider.

Mr. RUSH. OK. So you actually have a captive audience. That is what you, I mean, you are saying you have a captive audience, right?

Mr. HOPFINGER. Well, I wouldn't consider it a captive audience because I have a lot of other competitors out there that want so business so I don't get all that business.

Mr. RUSH. It is very lucrative, right?

Mr. HOPFINGER. No, sir, it is not. If you will look at our SEC filings, we actually operated at a loss in 2008 and most of the inmate telephone service providers, I met with two presidents last week and they are hoping for a low single digit return on their investment this year.

Mr. RUSH. OK. Well, thank you. I yield back the balance of my time.

Mr. WEINER. I thank you, Mr. Rush, the author of the bill. Hopefully, we will have quieter TV commercials, we will have community broadcasters be able to tell everyone that information without interference and then I guess prisoners will be able to call home and brag about it less expensively.

I ask unanimous consent to keep the record open for an appropriate period of time for members to submit opening statements and questions for the record. I thank—without objection, so ordered and I thank all of the witnesses for their patience and their excellent testimony. The committee is adjourned.

[Whereupon, at 1:07 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

**Statement of Rep. Anna G. Eshoo**

House Energy & Commerce Subcommittee on Communications, Technology, and the Internet  
Hearing on H.R. 1084, the *Commercial Advertisement Loudness Mitigation Act*  
June 11, 2009

Mr. Chairman, I'm very pleased and excited about the Subcommittee considering my legislation, H.R. 1084, the *Commercial Advertisement Loudness Mitigation (CALM) Act*. I'm also grateful for your strong support and cosponsorship of the bill, which has 28 cosponsors in total.

The premise of the legislation is very simple – viewers should not be blasted off their couches by screaming TV pitchmen, blaring music, or earsplitting special effects in television advertisements. My bill simply directs the FCC to take care of this problem which we've all experienced first-hand.

Most Americans are not overjoyed to watch television commercials, but they are willing to tolerate them to sustain free, over-the-air television and lower cable and satellite fees. What annoys all of us is the sudden increase of volume or loudness of many commercials when they interrupt scheduled programming.

While the FCC does not specifically regulate the volume of TV programs or TV commercials, broadcasters are required to have equipment that limits the peak power they can use to send out their audio and video signals. This means the loudest TV commercial should never be louder than the loudest part of any TV program.

A TV broadcast has a mix of audio levels. There are loud parts and soft parts. Nuance is used to build the dramatic effect.

Most advertisers don't want nuance. They want to grab our attention, and to do this, they often record every part of it as loud as possible. In some cases, the peak levels of commercials may be no higher than the peak levels of program content, but those peaks are sustained for longer periods in commercials and employed for maximum impact on the viewer.

The *Commercial Advertisement Loudness Mitigation Act* (or CALM Act) simply directs the FCC within one year to enact rules requiring that advertisements not be excessively noisy and that the average maximum loudness of commercials must not be substantially higher than the average maximum loudness of the program content.

Some argue that this legislation is not necessary – that the FCC already has this authority and that industry is working to resolve this problem.

It's good to hear that industry is working to address this matter, but I'm not convinced that without legislation it will get done. The FCC has heard consumer complaints about loud commercials since at least 1954, and has had at least two separate rulemakings on the issue ... the last one concluding in 1984.

We certainly don't need an expert witness to tell us that loud television commercials persist and that the problem doesn't seem to be going away. Loud commercials continue to be one of the top

complaints to the FCC, and digital television -- with wider sound ranges and more sophisticated sound delivery -- will only exacerbate the problem.

Mr. Chairman, thank you again for scheduling this hearing. I look forward to hearing the witnesses' testimony.

Statement of  
U.S. Representative Edward J. Markey (D-MA)  
Telecommunications Subcommittee Hearing  
June 11, 2009

I want to commend Subcommittee Chairman Boucher for holding this hearing this morning on several bills, namely H.R.1133, the Family Telephone Connection Protection Act of 2009, H.R.1084, the Commercial Advertisement Loudness Mitigation Act (CALM), and H.R.1147, the Local Community Radio Act of 2009. These are all measures worthy of attention by this panel and I look forward to working with the bills' authors and Chairman Boucher, Ranking Member Stearns and our other colleagues as they proceed through the process.

I also want to note that tomorrow we have an historic event: the shut-off of full-power television broadcasting of the analog signal and the beginning in earnest of the digital broadcasting era.

When I held the first Congressional hearing on then-High Definition TV (HDTV) in the early Fall of 1987 as Chairman of the House Telecommunications Subcommittee, I never imagined that it would take almost 22 years to reach this moment.

I want to commend Acting FCC Chairman Michael Copps for quarterbacking an excellent, late-in-the-game DTV drive on behalf of the viewing public. Undoubtedly there

will be some confusion and dislocation, especially among the consumers most reliant upon free over-the-air television. Yet the situation would have been far worse without the efforts of acting Chairman Copps, FCC Commissioners Adelstein and McDowell, and the larger efforts of the Obama Administration – in particular NTIA - - to secure the additional time and funding needed to educate consumers and convert more households to digital capability.

My hope is that tomorrow goes as smoothly as possible for viewers across the country. And my hope for the broadcast television industry is that now that licensees have fully entered the digital era, that they maximize the opportunity in their possession to secure broadcasting's future and serve the viewing public with the versatility digital technology provides.

I also want to salute the efforts of Chairman Boucher, Chairman Waxman, Ranking Member Joe Barton, Ranking Member Stearns and the many other colleagues on this Committee who helped shape this digital television policy over the years.

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## INNOCENT VICTIMS THE STATE IS GOUGING INMATES' FAMILIES

BY ERROL LOUIS

Tuesday, November 16th 2004, 7:02AM

On the southwest corner of 125th St. and Lenox Ave., cater-corner from a Starbuck's in the heart of a newly revitalized Harlem, a billboard recently went up that sounds a jarring note amid the prosperity. "Greed, Corruption & High A--Rates," it says. "A joint venture of MCI and the New York State Department of Correctional Services. Robbing your communities of \$25 million a year."

Poetry, it's not. But the sign points to a grinding injustice inflicted on thousands of families across the state.

MCI, the phone service giant, has an exclusive, sweetheart contract with the state correction department that forces anyone trying to communicate with prison inmates to pay punitively high phone rates.

Every collect call from a prisoner costs \$3 plus 16 cents a minute - more than six times the cost of a regular phone call. A typical call from prison lasts 19 minutes and costs the recipient \$6.

It's not unheard of for families to pay \$300 to \$700 a month to talk with someone in prison, according to the Center for Constitutional Rights. Cheaper alternatives, like phone cards or commissary accounts, are prohibited by the state. Why? More than 57% of the money from the MCI calls goes straight to the correction department.

In fiscal year 2002, for instance, prisoners made 7 million calls lasting more than 124 million minutes. That generated \$39 million in fees, more than \$22 million of which got kicked back to the state.

Since 1996, the department has raked in \$175 million from these calls in what amounts to a forced tax on the mothers, children and spouses of inmates, people who have not committed any crime and are largely ill-equipped to handle such bills.

The prison systems of 44 other states have similar monopoly deals with phone companies. It's a billion-dollar-a-year business, and New York and MCI charge the highest rates in the country.

A more humane alternative would be for New York to imitate the federal prison system, where inmates can use an 800 number for which their families pay 7 cents a minute.

Gouging inmates' families is not only unfair, it's bad for public safety. Experts say a key to rehabilitating offenders is to have them maintain positive contacts with the outside world before they return. High rates cause many families to limit calls drastically.

The great irony, of course, is that MCI is the new incarnation of WorldCom, which in 2002 acknowledged shady accounting that amounted to the largest case of corporate fraud in American history, causing \$11 billion in losses.

The company later reconstituted itself as MCI, but former WorldCom executives still face the possibility of jail sentences for the ripoff. And the prison phone deals continue.

The Center for Constitutional Rights has sued the state over the MCI deal and plans to hold a rally in front of the Harlem billboard on Saturday. Protesters will be phoning Gov. Pataki's office - (516) 474-8390 - to demand a complete, immediate rollback of the punitive rates.

Here's hoping they call collect.

Elouis@nydailynews.com

## DIAL R FOR RIPOFF GOV MUST END PRISON PHONE MONOPOLY THAT BILKS INMATES' KIN

BY ERROL LOUIS

Tuesday, November 15th 2005, 7:07AM

Protesters will rally in Bryant Park tomorrow at noon, then head over to Gov. Pataki's office to protest, once again, New York State's shabby, unethical practice of forcing the families, lawyers and religious counselors of prison inmates to pay outrageously jacked-up prices to receive collect calls from those behind bars. At the same time, family members of hundreds of inmates around the state will mount an organized boycott by refusing to accept phone calls for a day.

Good for them. Those who want an immediate halt to the prison phone ripoff should support the demonstration by contacting Gov. Pataki at (212) 681-4580.

The boycott and demonstrations will put a dent, albeit small, in New York's policy of shamefully squeezing people who have done nothing wrong. Thanks to an exclusive contract that gives monopoly control over prison phones to MCI, the price of talking to New York inmates is 630% higher than the cost of regular collect calls - a higher rate than what it costs to speak with federal prisoners or those locked up in any other state.

New York's Correctional Services Department takes about 60% of the money from the overpriced calls, a sum estimated at more than \$20 million a year. The rest goes to MCI - yes, the same MCI whose ex-CEO, Bernie Ebbers, got sentenced to 25 years in federal prison this year for orchestrating an \$11 billion accounting fraud, the largest such theft in American history.

Ironically, as a federal inmate, Ebbers can talk with his family and lawyers for a reasonable 7 cents a minute - far less than the \$3 per call and 16 cents a minute MCI charges to talk with a New York prisoner.

This isn't the first time MCI has been criticized for how it operates its prison phone business. In Florida, the company was fined \$10,000 in 1997 and ordered to pay more than \$189,000 into a prisoners' rights fund when authorities caught the company overcharging inmate families.

Around the same time, complaints from inmate families in Virginia led to a renegotiation of the state's contract with MCI to lower its surcharge. Here in New York, Pataki could end the misery by dropping or renegotiating the contract with MCI.

But so far, he has remained steadfastly deaf to the pleas of people like Mary Byrd, a 79-year-old woman with chronic lung disease who is unable to visit two incarcerated sons and must rely on MCI's fantastically overpriced service.

Byrd is the lead plaintiff in a federal lawsuit against the Pataki administration that recently got a boost when Judge Gerald Daniels found, among other things, that "prisoners are entitled to reasonable telephone access," and that the state's 60% commission on each call "has no obvious penological interest."

That's putting it mildly. Making it harder for inmates to talk with family members serves no positive purpose at all: in fact, experts agree inmates are humanized by contact with the outside world.

So Pataki's shameful overcharging of those who happen to have sons, daughters, spouses or clients behind bars is not only constitutionally dubious, but unsound as a matter of public safety.

If the governor is serious about running for President, he should end this morally indefensible system immediately.

The alternative, he should realize, could be busloads of protesters who end up traveling to Iowa and New Hampshire, interrupting the governor's carefully cheerful campaign appearances and photo ops with tales of how Pataki put the profits of an ethically challenged corporation above the needs of his citizens on a question of simple decency.

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*of Omaha, Inc.*

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June 10, 2009

The Honorable Rick Boucher, Chairman  
Subcommittee on Telecommunications and the Internet  
Committee on Energy and Commerce  
2187 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Boucher:

On behalf of the 100 Black Men of Omaha Nebraska Chapter, as well as other Nebraska community base organizations; Urban League of Nebraska, Empowerment Network, and Omaha Chapter of the National Coalition of 100 Black Women we would like to thank you for your interest in Low Power FM and in particular for holding a legislative hearing on H.R. 1147, The Local Community Radio Act of 2009 introduced by Representatives Mike Doyle (D-PA) and Lee Terry (R-NE.)

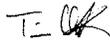
The mission of the 100 Black Men of Omaha, Inc. is to improve the quality of life within our communities and enhance educational and economic opportunities for all African Americans. We are committed to the intellectual development of youth and the economic empowerment of the African American community based on the respect for family, spirituality, justice, and integrity.

We write to express our support for the Local Community Radio Act of 2009 and expanding low power FM radio stations across the country. Allowing LPFM stations on the air empowers local broadcasters to serve their communities and allows them to address the interests of specific groups and communities like the 100 Black Men of Omaha, Inc.

We welcome the opportunity to provide a forum for debate about important local issues in Omaha and believe an LPFM license could afford us this opportunity. LPFM stations strengthen the community identity in urban neighborhoods, rural towns and other communities that are currently too small to win much attention from the more mainstream, ratings-driven media and without these stations, many small towns and rural areas would not be able to hear local voices on the airwaves at all, nor would they be able to receive vital public safety warnings when crises strike.

Again, we applaud the bipartisan work of your Committee and truly believe that expanding LPFM Radio will better help us meet our mission to improve the quality of life within our community.

Sincerely,



Tim Clark, President

2221 North 24<sup>th</sup> St. Omaha, NE 68110  
[www.100blackmenomaha.org](http://www.100blackmenomaha.org)



June 4, 2009

The Honorable Greg Walden  
2352 Rayburn House Office Building  
Washington, DC 20515

JEFFERSON  
PUBLIC  
RADIO

**Re: Public Radio Concerns about Low Power FM Radio (LPFM)**

Dear Congressman Walden,

SOUTHERN OREGON  
UNIVERSITY  
1250 STEADY BLVD  
ASHLAND, OREGON  
0750-9125  
541-554-0301  
www.jprnet.org

I am writing to you to express my concern about the Local Community Radio Act of 2009 (H.R. 1147). As a system of locally licensed, locally owned and governed, locally staffed and locally programmed stations, Jefferson Public Radio and the public radio community understand and support diverse, locally-oriented, noncommercial radio services. Most of us in public radio support both the concept and practice of LPFM service and are eager to see it flourish. However, no matter how well-intentioned the promise of LPFM, initiation of new services should not occur at the expense of existing public radio services. It is my understanding that H.R. 1147 contains FCC rule changes that will allow interference to some of JPR's signals as well as to many other public radio stations across the country.

The technical integrity of our broadcasts is vital in supplying listeners our high quality news, information, and cultural programs. Any interference to our listener's reception of JPR will lessen the impact and importance of our service to thousands of area residents. JPR offers citizens in the 2<sup>nd</sup> District a wealth of substantive programs that inform, explore, and broaden their horizons. For example:

- "Jefferson Exchange": JPR's daily talk/public affairs program, on which you have been a frequent guest over the years, discusses issues and concerns of the communities throughout our region. Topics specific to the 2<sup>nd</sup> District are often discussed, i.e. water policies, the declining timber economy, environmental concerns, public health and safety including drug addiction and related problems, and the region's changing agricultural economy, just to name a few.
- News Reports and Special Coverage produced by the JPR news department: In addition to being the 2<sup>nd</sup> District's only source of national public radio programming like "Morning Edition" and "All Things Considered," JPR provides special coverage of important topics of interest to the 2<sup>nd</sup> District. Election coverage, commentaries on public issues and special series about topics of special interest, such as the region's minority populations, are all part of JPR's ongoing efforts to inform citizens.

- **Other Content for the 2<sup>nd</sup> District and beyond:** JPR airs public service announcements; traffic reports for I-5 and other roads when required; and school closings during inclement weather.
- **Classical, Jazz, Bluegrass and Americana music:** For most 2<sup>nd</sup> District residents, JPR is the sole provider of cultural and quality music programming including music of these genres.

I know you fully are aware of the unique and critical role JPR plays in informing residents of the 2<sup>nd</sup> District. As currently written, there are several provisions in H.R. 1147 which require changes in order to preserve the integrity of JPR's signals. These changes include:

*Interference Safeguards.* Though newer radios may be less susceptible to 3<sup>rd</sup> adjacent channel interference, many legacy receivers remain vulnerable including unprotected translator inputs that provide service in many remote communities. That is why we and the LPFM advocates developed consensus language that would improve upon the FCC's existing interference remediation process and requirements. Unfortunately, this language was not included in the current legislation. I urge you to ensure that this consensus language is added to the legislation.

*2nd Adjacent Channel Distance Separations.* JPR has grave concerns about Section 3 of H.R. 1147, which repeals the Radio Broadcast Preservation Act of 2000 ("RBPA"). Repealing the RBPA would give authority to the FCC to go even further than the 3<sup>rd</sup> adjacent channel relaxation -- to eliminate or relax critical 2<sup>nd</sup> adjacent channel distance spacings as well, which are essential to the signal integrity of stations like JPR, especially in the newly authorized digital radio IBOC system. Thousands of stations are operating with IBOC transmissions and any relaxation of the RBPA should avoid disrupting either the existing analog or digital signals in our local communities. Repeal of the RBPA would also eliminate the prohibition on the awarding of LPFM licenses to pirate broadcasters. If the purpose of the legislation is to eliminate the 3<sup>rd</sup> adjacent channel distance separations to enable more LPFM stations, the legislation should amend rather than repeal the RBPA.

*Public Radio Translators.* JPR is concerned about the displacement of public radio translator stations by new LPFM stations. This is a significant matter. In your District alone, JPR operates twelve (12) translators, serving a population of over 250,000 persons in Jackson, Josephine, Klamath and Lake counties. Without these important translators, public radio service to this sparsely populated region of Oregon would not be possible. Low power translators like our entire network of thirty-three (33), the largest public radio translator network in the nation, in the rural timber and ranching communities of Oregon and northern California, have been created and maintained as an important public service. This area supports JPR with contributions that are essential to our ongoing service and is still a vital part of our mission to make sure that as many residents as possible have access to our important news, information, and cultural presentations, regardless of size, economic conditions, or other factors. The

notion that an informed citizenry is fundamental to our democracy is supported every day by this rural translator network. But JPR is not alone in this dedication to public service. Nationwide, approximately 650 to 700 translators are in use by public radio stations to provide signal service to approximately 18,300,000 Americans living in rural, remote and other regions often underserved by other media outlets.

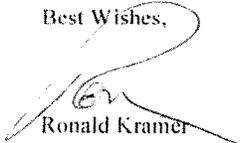
*Elimination of Anti-Piracy Protection.* Over the years JPR's listeners have suffered from numerous instances of broadcast "pirates" operating unlicensed facilities that have interfered with reception of JPR signals. The Radio Broadcast Preservation Act of 2000 wisely required that all applicants for LPFM facilities attest that they had not previously engaged in the operation of "pirate" broadcast facilities out of recognition that parties which had flouted established broadcast regulations in the past could not be relied upon to responsibly operate FCC-licensed facilities. H.R. 1147 abandons that provision and, therefore, exposes our listeners to the possibility of interference conditions that go being responsibly predicted conditions. We believe it is unwise to reward individuals who have previously ignored federal regulations with new frequencies and believe the anti-piracy standard should be retained in any new legislation.

These services typically are implemented in response to local requests to receive the service, often with financial support from Federal and state governments and the local community. Public radio stations often localize their services by ascertaining and addressing issues of particular interest to communities served by their translator stations, and the translators often provide the only public radio signal in the community.

We believe H.R. 1147, as introduced this year, must be revised to require the FCC to protect the input signals of translator stations. Significantly, the Mitre Study, which provides the technical basis for H.R. 1147, recommended the adoption of a minimum distance separation between new LPFM stations and the input signals of 3rd adjacent translator stations. In addition, Section 6 of H.R. 1147 appears to promote new LPFM stations at the expense of FM translator service by requiring the FCC to license LPFM stations when the FCC would otherwise license new FM translator stations. Without adequate protection for translator service, the programming provided to millions of Americans, including many public radio listeners and supporters, may be jeopardized.

With your support, I believe that LPFM and public radio may peacefully co-exist, while maintaining existing public radio services for the thousands of constituents in your District who rely on JPR and its affiliates for important news, information, cultural and other high quality programming that is unique to the American public radio service.

Best Wishes,



Ronald Kramer  
Executive Director



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ROANOKE, VIRGINIA 24014-1348  
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June 3, 2009

The Honorable Rick Boucher  
Chairman  
Subcommittee on Communications, Technology, and the Internet  
2187 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Boucher:

It was a pleasure to see you last week at your office in Abingdon. Thank you for your time and interest in hearing WVTF's views about the Local Community Radio Act of 2009 (H.R. 1147) and for your excellent questions about our concerns. I am enclosing the technical study you requested, but I would also like to take this opportunity to reiterate some key points regarding H.R. 1147.

First, WVTF and public radio respectfully request that H.R. 1147 include the consensus interference safeguards developed by the LPFM advocates and the public radio community. I have included this language below:

**SEC. XX. ENSURING EFFECTIVE REMEDIATION OF INTERFERENCE.**

The Federal Communications Commission shall replace the interference complaint process described in Section 73.810 of its rules with a process that conforms to the following requirements:

- (1) For a period of 12 months after a new third adjacent LPFM station is constructed, the station shall be required to broadcast periodic announcements that alert listeners that interference they may be experiencing may be the result of the new third adjacent channel LPFM and instruct affected listeners to contact the affected station to report the matter. The Commission shall obligate all newly constructed third adjacent LPFM stations to notify all affected third adjacent channel stations and the Commission of interference complaints of which they become aware and cooperate in addressing the interference.
- (2) Third adjacent LPFM stations shall be obligated to address all bona fide complaints of interference within the affected station's protected contour and shall be encouraged to address all other interference complaints.

The Honorable Rick Boucher  
June 3, 2009  
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(3) Where possible, the Commission shall grant third adjacent LPFM stations technical flexibility to remediate interference through co-location of the LPFM and third adjacent channel station transmission facilities.

(4) The Commission shall permit informal evidence of interference, including engineering analysis that an affected station may commission at its expense; accept complaints based on interference to a full-service or FM translator station from a third adjacent LPFM station transmitter site at any distance from the full-service or FM translator station; and accept complaints of interference to mobile reception.

Second, WVTF cautions that full repeal of the Radio Broadcast Preservation Act of 2000 ("RBPA") is broader than necessary to accomplish the stated goal of permitting low power stations to operate on 3<sup>rd</sup> adjacent channels. WVTF believes that eliminating the 3<sup>rd</sup> adjacency protection should be accomplished by modifying Section 3 of H.R. 1147 as follows:

**SEC. 3. AMENDMENT OF PRIOR LAW.**

Section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (Public Law 106-553; 114 Stat. 2762A-111), is amended

(1) in Subsection (a)(1)(A), by striking "third-adjacent channels (as well as for co-channels and first- and second-adjacent channels)" and inserting in lieu thereof "co-channels and first- and second-adjacent channels";

(2) by striking Subsection (a)(2); and

(3) by renumbering Subsection (a)(3) as (a)(2).

Third, Subsections 73.807(a)(2) and (b)(2) of the FCC's rules currently require LPFM stations to protect only those Radio Reading Services for the print impaired that were carried on 3<sup>rd</sup> adjacent full-power non-commercial FM stations on or before September 20, 2000. Because Radio Reading Services are critical life line services for many print-impaired public radio listeners, including many served by WVTF, protection should be afforded (on a going forward basis) to Radio Reading Services offered on full-power stations since September 20, 2000 as well as on FM translator stations. WVTF proposes the following modification:

The Honorable Rick Boucher  
June 3, 2009  
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**SEC. 5. PROTECTION OF RADIO READING SERVICES.**

The Federal Communications Commission shall provide third-adjacent channel protection for full-power non-commercial FM stations and non-commercial FM translator stations that broadcast radio reading services via a subcarrier frequency from potential low-power FM station interference.

Fourth, and as you know, the Mitre Study was mandated by the Radio Broadcast Preservation Act and provides the technical justification for eliminating the 3rd adjacent channel distance separations. While the Mitre Study recommended the elimination of 3<sup>rd</sup> adjacent channel distance separations, it also recommended implementing modest distance separations to protect FM translator station input signals. WVTF asks that H.R. 1147 require the FCC to implement the Mitre recommendation of establishing modest distance separations. Section 5 of Volume One of the Mitre Study Final Report contains the Study's Conclusions and Recommendations, and I have attached that volume for your review and consideration.

**SECTION XX. IMPLEMENTATION OF MITRE RECOMMENDATIONS FOR TRANSLATOR INPUT SIGNALS.**

The Commission shall modify its rules to implement the recommendation for the protection of FM translator receivers on third adjacent channels set forth in Section 5.2.1 of the technical report entitled Experimental Measurements of the Third-Adjacent Channel Impacts of Low-Power FM Stations, Volume One: Final Report (May 2003).

Finally, because digital audio broadcasting uses transmitting powers and bandwidths that differ from the analog FM system studied by Mitre, WVTF recommends that Congress commission a new study of the protection requirements of digital audio broadcasting. Congress has provided substantial financial support for the digital conversion of public radio stations, such as WVTF, and effective interference protection is essential to a successful digital future for full power, translator, and low power stations alike.

Thank you for your work on behalf of public radio and for your consideration of WVTF's requests to ensure that H.R. 1147 meets the needs of the public radio and LPFM communities.

Sincerely,

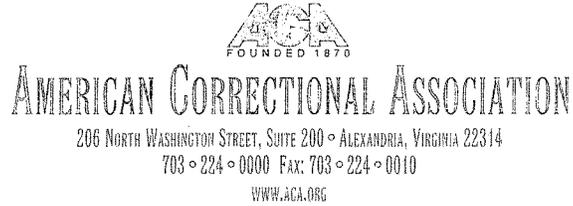


Glenn Gleixner  
General Manager

The Honorable Rick Boucher  
June 3, 2009  
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WVTF-FM (Roanoke)  
WFFC-FM (Ferrum)  
WISE-FM (Wise)  
WVTR-FM (Marion)  
WVTU-FM (Charlottesville)  
WVTW-FM (Charlottesville)  
WWVT-AM (Christiansburg)  
WRIQ-FM under construction (Lexington)

Attachments: Mitre Study, Volume One  
47 C.F.R. Section 73.807



June 9, 2009

The Honorable Rick Boucher, Chairman  
Subcommittee on Communications, Technology and the Internet  
2125 Rayburn HOB  
Washington, DC 20515

Dear Mr. Chairman:

I write on behalf of the American Correctional Association and our members to respectfully submit the attached Public Correctional Policy on Adult/Juvenile Offender Access to Telephones for review and consideration by the Committee members. The policy, which was initially adopted in 2001 then amended and renewed by our association members in 2009, pertains to HR1133 - the *Family Telephone Connection Protection Act of 2009* currently being considered by the Committee.

We would like to request that it be read into the official record during the hearing scheduled for Thursday morning June 11, 2009. This policy is consistent with our Association's Declaration of Principles and representative of the views of corrections professionals. It was initiated by a member of our association, reviewed and recommended by committee and approved for consideration by our leadership. Upon approval, the proposed policy was broadly published for member comments, debated and amended in committee and then ratified by our Board of Governors and our Delegate Assembly.

If you should require anything further, please contact Eric Schultz at (703) 224-0110.

Sincerely,

A handwritten signature in black ink, appearing to read 'James A. Gondles, Jr.' with a stylized flourish at the end.

James A. Gondles, Jr.,  
Executive Director



## AMERICAN CORRECTIONAL ASSOCIATION

206 NORTH WASHINGTON STREET, SUITE 200 • ALEXANDRIA, VIRGINIA 22314  
703 • 224 • 0000 FAX: 703 • 224 • 0010  
WWW.ACA.ORG

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***Public Correctional Policy  
on  
Adult/Juvenile Offender Access to Telephones***

Recognizing that there is no constitutional right for adult/juvenile offenders to have access to telephones, nonetheless consistent with the requirements of sound correctional management, adult/juvenile offenders should have access to a range of reasonably priced telecommunications services. Correctional agencies should ensure that:

- A. Contracts involving telecommunications services for adult/juvenile offenders comply with all applicable state and federal regulations;
- B. Contracts are based on rates and surcharges that are commensurate with those charged to the general public for like services. Any deviation from ordinary consumer rates should reflect actual costs associated with the provision of services in a correctional setting; and
- C. Contracts for adult/juvenile offender telecommunications services provide the broadest range of calling options determined to be consistent with the requirements of sound correctional management.

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*This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Nashville, Tenn., Jan. 24, 2001. It was reviewed and amended at the Winter Conference in Nashville, Tenn., Feb. 1, 2006.*