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1<sup>ST</sup> SESSION

# H. R. 1147

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IN THE SENATE OF THE UNITED STATES

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Read twice and referred to the Committee on Commerce, Science, and  
Transportation

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## AN ACT

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Local Community  
3 Radio Act of 2009”.

4 **SEC. 2. AMENDMENT.**

5 Section 632 of the Departments of Commerce, Jus-  
6 tice, and State, the Judiciary, and Related Agencies Ap-  
7 propriations Act, 2001 (Public Law 106–553; 114 Stat.  
8 2762A–111), is amended to read as follows:

9 “SEC. 632. (a) The Federal Communications Com-  
10 mission shall modify the rules authorizing the operation  
11 of low-power FM radio stations, as proposed in MM Dock-  
12 et No. 99–25, to—

13 “(1) prescribe protection for co-channels and  
14 first- and second-adjacent channels; and

15 “(2) prohibit any applicant from obtaining a  
16 low-power FM license if the applicant has engaged  
17 in any manner in the unlicensed operation of any  
18 station in violation of section 301 of the Commu-  
19 nications Act of 1934 (47 U.S.C. 301).

20 “(b) Any license that was issued by the Federal Com-  
21 munications Commission to a low-power FM station prior  
22 to April 2, 2001, and that does not comply with the modi-  
23 fications adopted by the Commission in MM Docket No.  
24 99–25 on April 2, 2001, shall remain invalid.”.

1 **SEC. 3. MINIMUM DISTANCE SEPARATION REQUIREMENTS.**

2 The Federal Communications Commission shall mod-  
3 ify its rules to eliminate third-adjacent minimum distance  
4 separation requirements between—

5 (1) low-power FM stations; and

6 (2) full-service FM stations, FM translator sta-  
7 tions, and FM booster stations.

8 **SEC. 4. PROTECTION OF RADIO READING SERVICES.**

9 The Federal Communications Commission shall com-  
10 ply with its existing minimum distance separation require-  
11 ments for full-service FM stations, FM translator stations,  
12 and FM booster stations that broadcast radio reading  
13 services via an analog subcarrier frequency to avoid poten-  
14 tial interference by low-power FM stations.

15 **SEC. 5. ENSURING AVAILABILITY OF SPECTRUM FOR LOW-**  
16 **POWER FM STATIONS.**

17 The Federal Communications Commission, when li-  
18 censing new FM translator stations, FM booster stations,  
19 and low-power FM stations, shall ensure—

20 (1) that licenses are available to FM translator  
21 stations, FM booster stations, and low-power FM  
22 stations; and

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

1 **SEC. 6. PROTECTION OF TRANSLATOR INPUT SIGNALS.**

2 The Federal Communications Commission shall mod-  
3 ify its rules to address the potential for predicted inter-  
4 ference to FM translator input signals on third-adjacent  
5 channels set forth in section 2.7 of the technical report  
6 entitled “Experimental Measurements of the Third-Adja-  
7 cent Channel Impacts of Low-Power FM Stations, Volume  
8 One—Final Report (May 2003)”.

9 **SEC. 7. ENSURING EFFECTIVE REMEDIATION OF INTER-**  
10 **FERENCE.**

11 The Federal Communications Commission shall mod-  
12 ify the interference complaint process described in section  
13 73.810 of its rules (47 CFR 73.810) as follows:

14 (1) With respect to those low-power FM sta-  
15 tions licensed at locations that do not satisfy third-  
16 adjacent channel spacing requirements under section  
17 73.807 of the Commission’s rules (47 CFR 73.807),  
18 the Federal Communications Commission shall pro-  
19 vide the same interference protections that FM  
20 translator stations and FM booster stations are re-  
21 quired to provide as set forth in section 74.1203 of  
22 its rules (47 CFR 74.1203) as in effect on the date  
23 of enactment of this Act.

24 (2) For a period of 1 year after a new low-  
25 power FM station is constructed on a third-adjacent  
26 channel, such low-power FM station shall be re-

1       quired to broadcast periodic announcements that  
2       alert listeners that interference that they may be ex-  
3       periencing could be the result of the operation of  
4       such low-power FM station on a third-adjacent  
5       channel and shall instruct affected listeners to con-  
6       tact such low-power FM station to report any inter-  
7       ference. The Federal Communications Commission  
8       shall require all newly constructed low-power FM  
9       stations on third-adjacent channels to—

10               (A) notify the Federal Communications  
11               Commission and all affected stations on third-  
12               adjacent channels of an interference complaint  
13               by electronic communication within 48 hours  
14               after the receipt of such complaint; and

15               (B) cooperate in addressing any such in-  
16               terference.

17       (3) Low-power FM stations on third-adjacent  
18       channels shall be required to address complaints of  
19       interference within the protected contour of an af-  
20       fected station and shall be encouraged to address all  
21       other interference complaints, including complaints  
22       to the Federal Communications Commission based  
23       on interference to a full-service FM station, an FM  
24       translator station, or an FM booster station by the  
25       transmitter site of a low-power FM station on a

1 third-adjacent channel at any distance from the full-  
2 service FM station, FM translator station, or FM  
3 booster station. The Federal Communications Com-  
4 mission shall provide notice to the licensee of a low-  
5 power FM station of the existence of such inter-  
6 ference within 7 calendar days of the receipt of a  
7 complaint from a listener or another station.

8 (4) To the extent possible, the Federal Commu-  
9 nications Commission shall grant low-power FM sta-  
10 tions on third-adjacent channels the technical flexi-  
11 bility to remediate interference through the coloca-  
12 tion of the transmission facilities of the low-power  
13 FM station and any stations on third-adjacent chan-  
14 nels.

15 (5) The Federal Communications Commission  
16 shall—

17 (A) permit the submission of informal evi-  
18 dence of interference, including any engineering  
19 analysis that an affected station may commis-  
20 sion;

21 (B) accept complaints based on inter-  
22 ference to a full-service FM station, FM trans-  
23 lator station, or FM booster station by the  
24 transmitter site of a low-power FM station on  
25 a third-adjacent channel at any distance from

1 the full-service FM station, FM translator sta-  
2 tion, or FM booster station; and

3 (C) accept complaints of interference to  
4 mobile reception.

5 **SEC. 8. FCC STUDY ON IMPACT OF LOW-POWER FM STA-**  
6 **TIONS ON FULL-SERVICE COMMERCIAL FM**  
7 **STATIONS.**

8 (a) IN GENERAL.—The Federal Communications  
9 Commission shall conduct an economic study on the im-  
10 pact that low-power FM stations will have on full-service  
11 commercial FM stations.

12 (b) REPORT.—Not later than 1 year after the date  
13 of enactment of this Act, the Federal Communications  
14 Commission shall submit a report to the Committee on  
15 Commerce, Science, and Transportation of the Senate and  
16 the Committee on Energy and Commerce of the House  
17 of Representatives on the study conducted under sub-  
18 section (a).

