

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6533

To implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2010

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

---

## A BILL

To implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Local Community  
5 Radio Act of 2010”.

6 **SEC. 2. AMENDMENT.**

7 Section 632 of the Departments of Commerce, Jus-  
8 tice, and State, the Judiciary, and Related Agencies Ap-

1 appropriations Act, 2001 (Public Law 106–553; 114 Stat.  
2 2762A–111), is amended to read as follows:

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

7           “(1) prescribe protection for co-channels and  
8 first- and second-adjacent channels; and

9           “(2) prohibit any applicant from obtaining a  
10 low-power FM license if the applicant has engaged  
11 in any manner in the unlicensed operation of any  
12 station in violation of section 301 of the Commu-  
13 nications Act of 1934 (47 U.S.C. 301).

14       “(b) Any license that was issued by the Federal Com-  
15 munications Commission to a low-power FM station prior  
16 to April 2, 2001, and that does not comply with the modi-  
17 fications adopted by the Commission in MM Docket No.  
18 99–25 on April 2, 2001, shall remain invalid.”.

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

20       (a) IN GENERAL.—The Federal Communications  
21 Commission shall modify its rules to eliminate third-adja-  
22 cent minimum distance separation requirements be-  
23 tween—

24           (1) low-power FM stations; and

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

3           (b) RESTRICTION.—

4           (1) IN GENERAL.—The Federal Communica-  
5           tions Commission shall not amend its rules to reduce  
6           the minimum co-channel and first- and second-adj-  
7           cent channel distance separation requirements in ef-  
8           fect on the date of enactment of this Act between—

9                   (A) low-power FM stations; and

10                   (B) full-service FM stations.

11           (2) WAIVER.—

12           (A) IN GENERAL.—Notwithstanding para-  
13           graph (1), the Federal Communications Com-  
14           mission may grant a waiver of the second-adj-  
15           cent channel distance separation requirement to  
16           low-power FM stations that establish, using  
17           methods of predicting interference taking into  
18           account all relevant factors, including terrain-  
19           sensitive propagation models, that their pro-  
20           posed operations will not result in interference  
21           to any authorized radio service.

22           (B) REQUIREMENTS.—

23           (i) SUSPENSION.—Any low-power FM  
24           station that receives a waiver under sub-  
25           paragraph (A) shall be required to suspend

1 operation immediately upon notification by  
2 the Federal Communications Commission  
3 that it is causing interference to the recep-  
4 tion of an existing or modified full-service  
5 FM station without regard to the location  
6 of the station receiving interference.

7 (ii) ELIMINATION OF INTER-  
8 FERENCE.—A low-power FM station de-  
9 scribed in clause (i) shall not resume oper-  
10 ation until such interference has been  
11 eliminated or it can demonstrate to the  
12 Federal Communications Commission that  
13 the interference was not due to emissions  
14 from the low-power FM station, except  
15 that such station may make short test  
16 transmissions during the period of sus-  
17 pended operation to check the efficacy of  
18 remedial measures.

19 (iii) NOTIFICATION.—Upon receipt of  
20 a complaint of interference from a low-  
21 power FM station operating pursuant to a  
22 waiver authorized under subparagraph (A),  
23 the Federal Communications Commission  
24 shall notify the identified low-power FM

1 station by telephone or other electronic  
2 communication within 1 business day.

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

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

10 **SEC. 5. ENSURING AVAILABILITY OF SPECTRUM FOR LOW-**  
11 **POWER FM STATIONS.**

12 The Federal Communications Commission, when li-  
13 censing new FM translator stations, FM booster stations,  
14 and low-power FM stations, shall ensure that—

15 (1) licenses are available to FM translator sta-  
16 tions, FM booster stations, and low-power FM sta-  
17 tions;

18 (2) such decisions are made based on the needs  
19 of the local community; and

20 (3) FM translator stations, FM booster sta-  
21 tions, and low-power FM stations remain equal in  
22 status and secondary to existing and modified full-  
23 service FM stations.

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        required 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 (6) The Federal Communications Commission  
6 shall for full-service FM stations that are licensed in  
7 significantly populated States with more than  
8 3,000,000 population and a population density  
9 greater than 1,000 people per one square mile land  
10 area, require all low-power FM stations licensed  
11 after the date of enactment of this Act and located  
12 on third-adjacent, second-adjacent, first-adjacent, or  
13 co-channels to such full-service FM stations, to pro-  
14 vide the same interference remediation requirements  
15 to complaints of interference, without regard to  
16 whether such complaints of interference occur within  
17 or outside of the protected contour of such stations,  
18 under the same interference complaint and remedi-  
19 ation procedures that FM translator stations and  
20 FM booster stations are required to provide to full-  
21 service stations as set forth in section 74.1203 of its  
22 rules (47 C.F.R. 74.1203) as in effect on the date  
23 of enactment of this Act. Notwithstanding the provi-  
24 sions of section 74.1203, no interference that arises  
25 outside the relevant distance for the full-service sta-

1       tion class specified in the first column titled “re-  
2       quired” for “Co-channel minimum separation (km)”  
3       in the table listed in section 73.807(a)(1) of the  
4       Commission’s rules (47 C.F.R. 73.807(a)(1)) shall  
5       require remediation.

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

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

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

20      (c) LICENSING NOT AFFECTED BY STUDY.—Nothing  
21      in this section shall affect the licensing of new low-power  
22      FM stations as otherwise permitted under this Act.

○