



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

June 5, 2017

The Honorable Daniel M. Donovan
U.S. House of Representatives
1541 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Donovan:

Thank you for your letter regarding the Flatbush Jewish Community Coalition's (FJCC) interest in obtaining a license to operate a low power FM station (LPFM) in the New York City area. I understand that FJCC believes that it may have received incorrect advice about applying for an LPFM station. It was told that the Commission has not accepted LPFM applications since October 2013, but recently learned that last fall the Commission licensed Bridgelight, LLC (Bridgelight) to operate a radio station in New York City. I can assure you that FJCC received accurate advice; the Commission has neither accepted nor granted LPFM applications filed after October 2013.

Although the Commission granted Bridgelight permission to begin broadcasting last year, its facility, W236CH, is not an LPFM station but an FM translator station. Bridgelight filed its application for this FM translator station in March 2003 during a filing window only for FM translator stations. Bridgelight's application was then temporarily frozen, along with over 6,500 others, while the Commission considered how to provide opportunities for FM translators and LPFM stations on the same limited spectrum. In November 2013, following several rulemaking proceedings and close of the October 2013 LPFM filing window, the Commission was able to authorize Bridgelight to construct its earlier-proposed FM translator. In October 2016, Bridgelight's station became licensed to begin broadcasting.

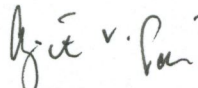
I can understand how FJCC might find this situation confusing—it may help if I explain the difference between LPFM and FM translator stations. Although both LPFM and FM translator stations are low power facilities, FM translator stations are licensed for the limited purpose of retransmitting the signals of either a full power (AM or FM) radio station or another FM translator station. FM translators are not allowed to originate their own programming, except to acknowledge or solicit financial support or to provide emergency warnings of imminent danger. Accordingly, Bridgelight's W236CH in Fort Greene, New York, retransmits Bridgelight's FM translator station W276AQ in Fort Lee, New Jersey, which, in turn, rebroadcasts Bridgelight's full service, noncommercial educational FM station, WJUX in South Fallsburg, New York. In contrast, LPFM stations are designed to be a forum for nonprofits, schools, religious organizations, community centers, and others to provide commercial-free radio service that covers about three to five miles.

In this case, Commission staff correctly advised FJCC that there is not currently a filing window in which to apply for an LPFM frequency. Moreover, New York City is a spectrum-limited market and the ability of an organization to find a frequency in that area on which to propose a new radio station would be difficult if not impossible, even for low power operations. However, there are other options available to FJCC. First, FJCC may purchase an AM or FM station on the secondary market just as they would any other commercial business or real estate. Second, FJCC may purchase a block of time on an existing station. Third, FJCC may arrange to operate on an existing radio station's "sidebands." Although content broadcast over sidebands cannot be heard on ordinary radio receivers, given that FJCC's intended audiences do not permit general radio stations into their homes, the need for listeners to purchase a special radio might not be a drawback. Finally, FJCC could consider operating an Internet

radio station. To pursue this option, FJCC would need to contact its Internet service provider to obtain a service capable of transmitting streaming media; FJCC's audience would listen on computers, smart phones, or other Internet-enabled devices.

I hope this information is helpful. Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai

P.S. Congressman, I don't believe we've had the pleasure of meeting, but I hope that changes soon! Would love to hear your stories from the Morgenthau days.