



LOW-POWER FM RADIO

**FILING WINDOW OPENS WEDNESDAY, NOVEMBER 1, 2023
(12:01 AM EDT)**

CLOSES WEDNESDAY, NOVEMBER 8, 2023 (6:00 PM EST)

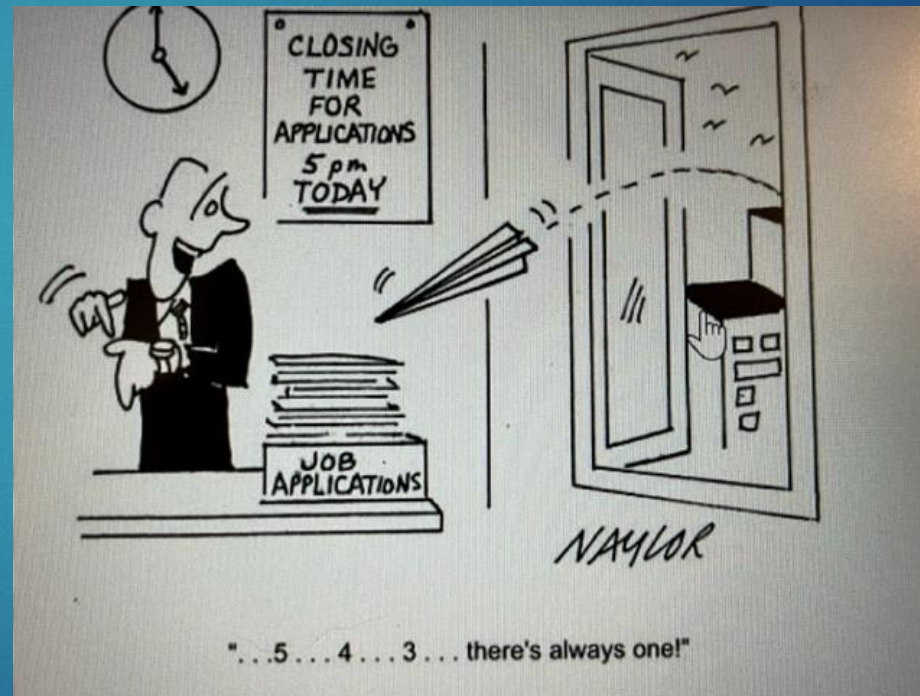
WHAT IS LOW POWER FM (LPFM)?



- ▶ LPFM service established by the FCC in 2000
- ▶ 1,989 LPFM stations licensed from the initial 2000-2001 windows and 2013 window
- ▶ Maximum power 100 watts
- ▶ Service radius of about 3.5 miles
- ▶ Must be noncommercial educational

WHAT APPLICATION TO FILE?

- ▶ **FCC Form 2100, Schedule 318**, Low Power FM Construction Permit Application in the Media Bureau's Licensing and Management System(LMS)
 - ▶ Form will display in LMS as "New Low Power FM Construction Permit Application"
 - ▶ No filing fee
 - ▶ File electronically; no paper filings
 - ▶ Complete ALL sections
 - ▶ NO late filings!!



INSTRUCTIONS/HELP WITH ELECTRONIC FILING

- ▶ LMS HELP CENTER
 - ▶ <https://www.fcc.gov/media/radio/lms-help-center> for instructions on using the LMS electronic filing system
- ▶ SCHEDULE 318 INSTRUCTIONS
 - ▶ <https://www.fcc.gov/sites/default/files/Form318-instructions.pdf>, or <https://www.fcc.gov/media/radio/lms-help-center>, for instructions on completing each section of the LPFM construction permit application

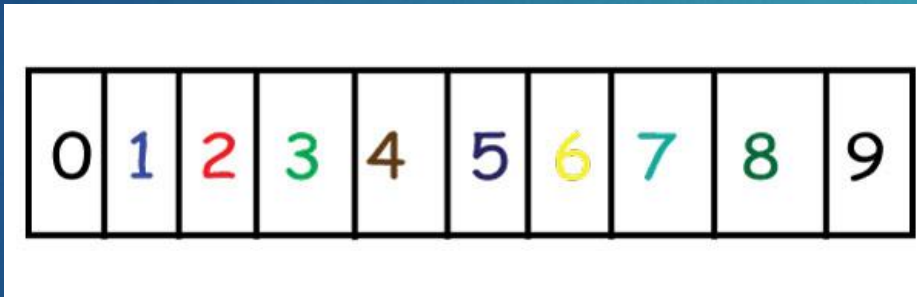


HELP PREPARING/FILING THE LPFM APPLICATION

- ▶ The following consultants may help in applying for an LPFM station:
 - ▶ **Broadcast Engineer** – can help prepare the technical portions of the application, and can find the best frequency and transmitting antenna site for your needs
 - ▶ **Broadcast Attorney** – can help prepare the legal portions of the application, including point claims and supporting documentation
- ▶ Best to begin preparing the application **early** – many professionals get last-minute applicants and cannot complete all the applications, plus LMS can slow down when everyone waits until the last minute to file their applications



FCC REGISTRATION NUMBER (FRN)



- ▶ Must first have, or obtain, an FRN to submit the LPFM Application

An FRN is a 10-digit identifying number that is assigned to entities doing business with the FCC

Register for an FRN in the FCC's CORES (COmmission REgistration System) web page

- ▶ <https://www.fcc.gov/licensing-databases/commission-registration-system-fcc> , follow this link to register
 - ▶ Trouble obtaining an FRN?
Contact the FRN help desk from 8:00 a.m. to 6:00 p.m EST at 1-877-480-3201

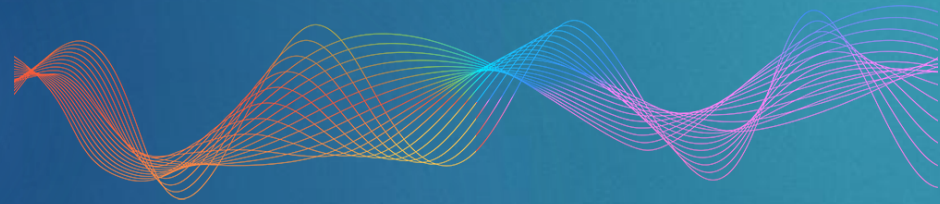
LMS DATA ENTRY LOGIN



Login

- ▶ Access the LPFM Application data entry home page here:
 - ▶ <https://enterpriseefiling.fcc.gov/dataentry/login.html>
- ▶ Login using your FRN

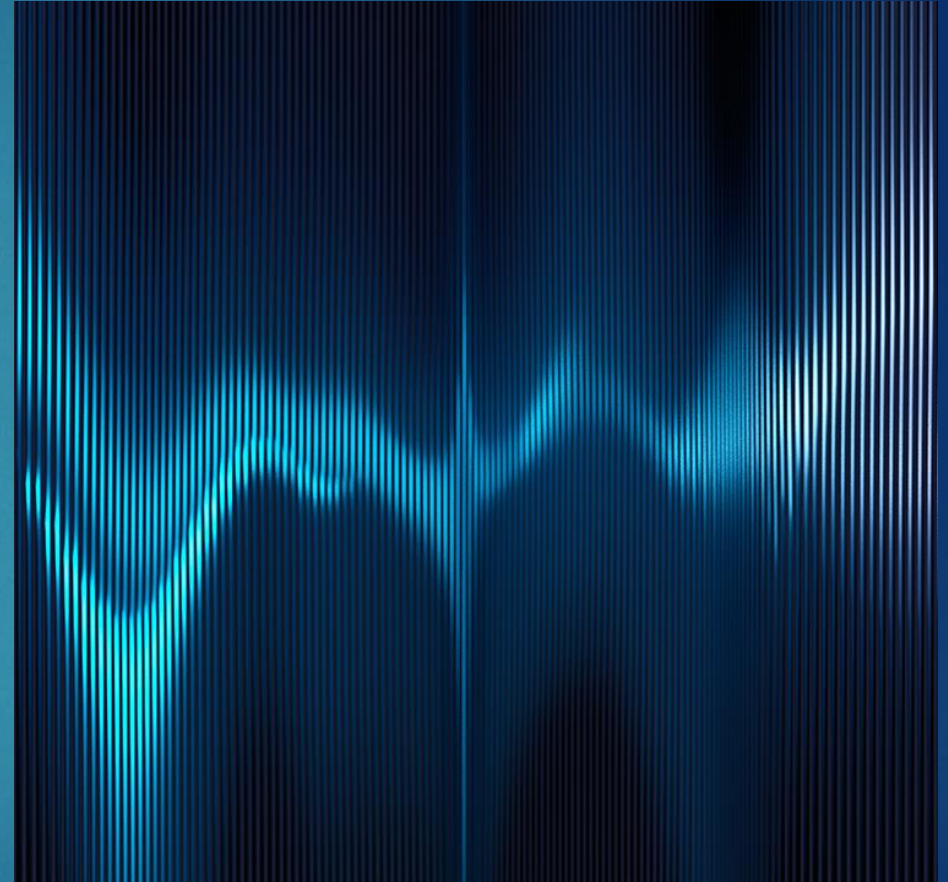
FINDING AN LPFM STATION CHANNEL



- ▶ <https://www.fcc.gov/media/radio/lpfm-channel-finder> , to view the Media Bureau's LPFM Channel Finder
- ▶ Helps to **tentatively** identify available channels
- ▶ Helps to determine if a proposed antenna transmitting site would meet minimum LPFM station spacing requirements

TECHNICAL PARAMETERS

- ▶ Applicants must specify the channel and antenna location coordinates in the “Channel and Facility Information” and “Antenna Location Data” sections of the LPFM (Schedule 318) Application
 - ▶ These are crucial technical components – must carefully review the channel and antenna location coordinates, and all other data in these sections of the application, to ensure accuracy and that there are no typographical errors



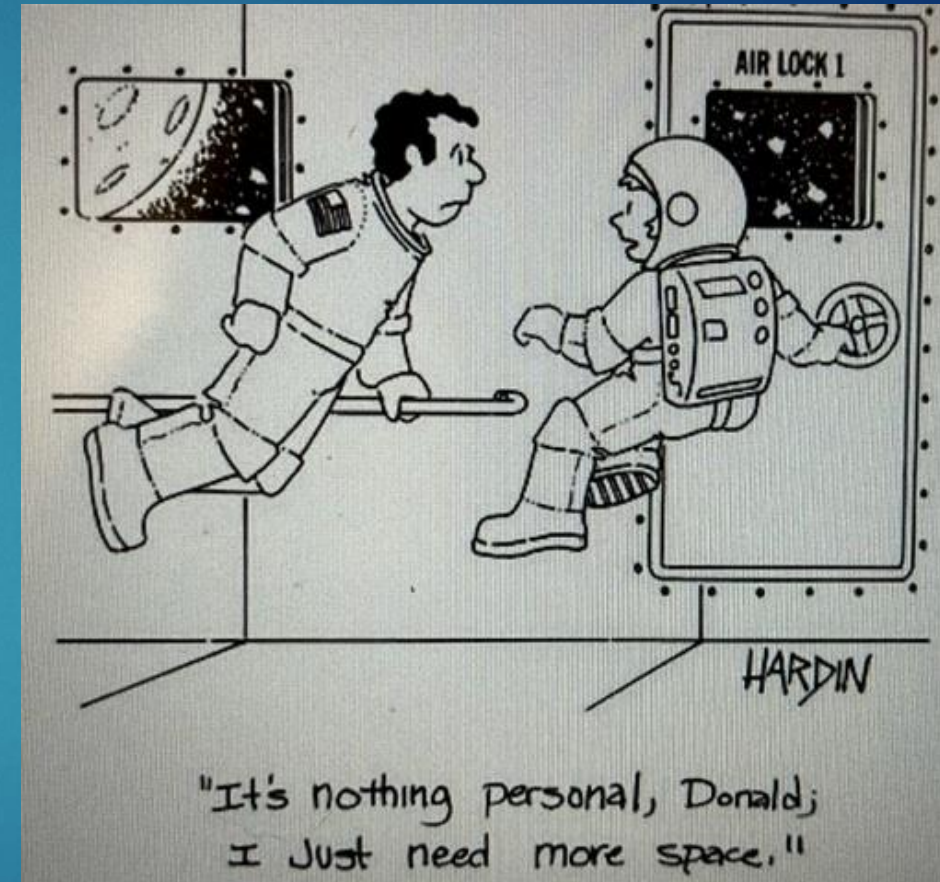
MINIMUM DISTANCE SEPARATIONS – PROTECTING OTHER STATIONS

- ▶ All applications must meet minimum distance separation requirements and protect the following:
 - ▶ all authorized FM stations,
 - ▶ pending applications for new and existing FM stations filed prior to July 31, 2023,
 - ▶ all authorized LPFM stations,
 - ▶ vacant FM allotments,
 - ▶ all authorized FM translator stations,
 - ▶ cutoff FM translator applications,
 - ▶ FM translator applications filed prior to July 31, 2023
 - ▶ FM translator or LPFM modification applications filed, and accepted for filing, between July 31, 2023, to September 1, 2023
 - ▶ See 47 CFR § 73.807.
- ▶ Applications for Channels 201-220 must meet minimum distance separation requirements and protect the following:
 - ▶ All full power TV channel 6 stations,
 - ▶ Low power TV, TV translator, and Class A TV stations authorized on TV Channel 6
 - ▶ See 47 CFR § 73.825.



MINIMUM DISTANCE SEPARATIONS

- ▶ **Short-spacings.** An application that fails to meet the minimum distance separation requirements and protect the required authorizations, applications, and vacant FM allotments will be **dismissed with no opportunity to correct the defect.**
- ▶ **Second-adjacent channel waivers.** Applicants may request waivers of second-adjacent channel spacing requirements. Any such proposal must include an exhibit in their application that demonstrates the proposal will not cause any interference.



REASONABLE SITE ASSURANCE



- ▶ Must have reasonable assurance at the time of filing that the specified site will be available for construction and operation of your proposed facilities
- ▶ Must specify the name of the person contacted to verify the site's availability, telephone number, etc.
- ▶ Failure to obtain reasonable site assurance before filing the application is NOT a correctable defect

RECAP - ESSENTIALS TO FILING AN LPFM APPLICATION

► To file an LPFM application, an applicant needs:

► The 2023 LPFM Filing Window Procedures Public Notice (DA 23-642, released July 31, 2023) available on the FCC Website

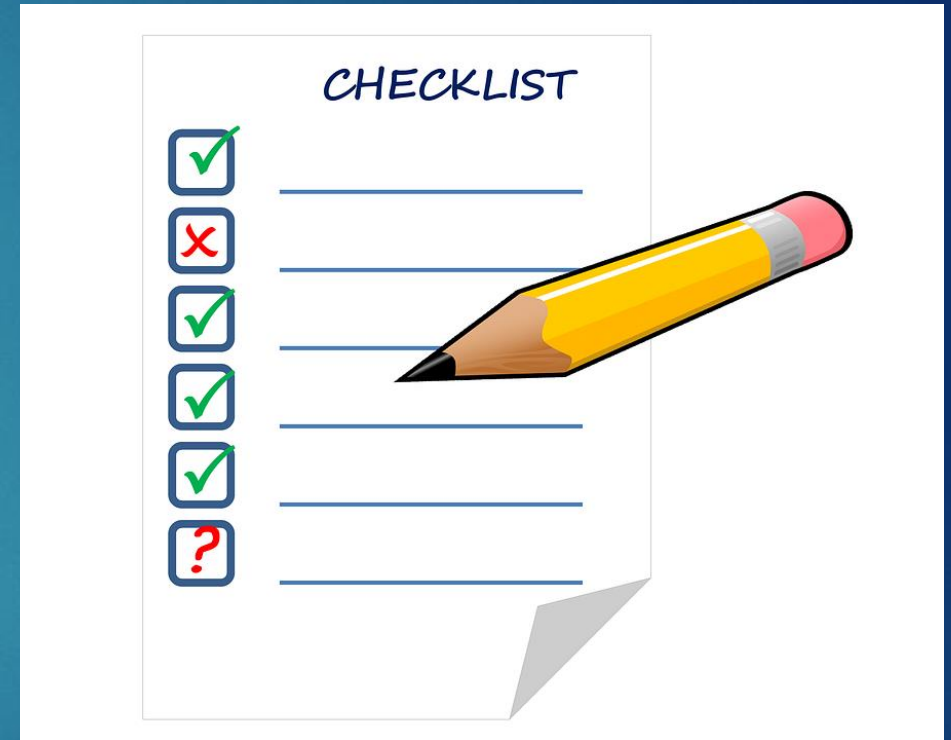
► Schedule 318 LPFM Application Instructions, <https://www.fcc.gov/sites/default/files/Form318-instructions.pdf>, or <https://www.fcc.gov/media/radio/lms-help-center>,

► An FCC Registration Number (FRN), obtained by registering at the FCC's CORES (COMmission REGistration System) web page

► An antenna transmitting site with reasonable assurance that it is available for use. (Note: For Tribes or Tribally controlled entities claiming a point under the Tribal criterion, this site must be on Tribal Lands.)

► A frequency (from 88.1 – 107.9 MHz) that meets minimum spacing requirements from the site

► See Media Bureau's LPFM Channel Finder tool

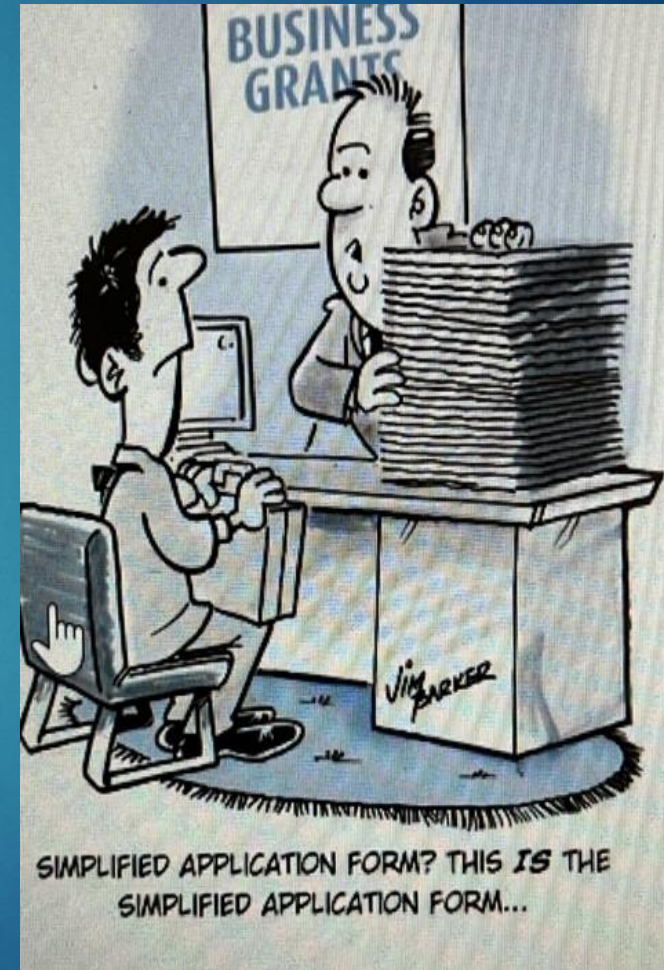


WHO CAN FILE AN LPFM APPLICATION?

- ▶ Only the following entities are eligible to file:
 - ▶ Nonprofit educational organization
 - ▶ Tribe or Tribally-controlled entity
 - ▶ State or local government or non-government entity that will provide a noncommercial public safety radio service

Applicants must qualify as “local”

No individuals



HOW MANY APPLICATIONS CAN YOU FILE?



- ▶ Nonprofit educational organization – no more than **1**
- ▶ Tribal applicant – no more than **2**
- ▶ Applicant providing a public safety radio service – may file multiple applications
 - ▶ Caveat – must designate a “priority application” if you submit multiple applications
 - ▶ Bureau will dismiss non-priority applications if there are competing applications

CERTIFICATION BASED LPFM APPLICATION

- ▶ Certification-based application, but often are required to back up the certifications with supporting **documentation**
 - ▶ Important to carefully read the application and form instructions and the July 31, 2023, Procedures Public Notice to ensure you include ALL the required supporting documentation
 - ▶ Applicant bears full responsibility for submitting an accurate, complete, and timely application



ELIGIBILITY CERTIFICATIONS



- ▶ Must meet basic eligibility requirements:
 - ▶ Must certify it is “local”
 - ▶ Must certify its eligibility to own and operate an LPFM station as either: a nonprofit educational organization; Tribe or Tribal organization; or public safety radio service
- ▶ Must submit an explanatory exhibit in connection with the eligibility to own and operate certification.
- ▶ Applicants that fail to provide the required materials are subject to dismissal.

HOW DOES AN APPLICANT QUALIFY AS LOCAL?

- ▶ Be physically headquartered, or have a campus within 10 miles, for applicants in the top 50 urban markets, or 20 miles, for applicants outside the top 50 urban markets, of the transmitting antenna site proposed in the application, OR
- ▶ Have 75% of its board members residing within 10 miles, for applicants in the top 50 urban markets, or 20 miles, for applicants outside the top 50 urban markets, of the transmitting antenna site proposed in the application, OR
- ▶ Be a Tribe and have its Tribal Lands within the service area of the proposed LPFM station, or be a Tribal organization whose controlling Tribe has its Tribal Lands within the service area of the proposed LPFM station, OR
- ▶ Propose a public safety radio service and have jurisdiction within the service area of the proposed station.
- ▶ See 47 CFR § 73.853(b).



ELIGIBILITY DOCUMENTATION – NONPROFIT EDUCATIONAL ORGANIZATIONS

- ▶ Attachment showing the applicant has an educational objective and that the LPFM station will be used for the advancement of an educational program
- ▶ Detailed descriptions of the nature of the proposed station programming, and, if possible, program schedules
- ▶ Complete copies of the documents establishing the nonprofit status, such as corporate charters or articles of incorporation
- ▶ Applicants accredited by State departments of education, or recognized by accrediting organizations, should identify the accrediting entities.



ELIGIBILITY DOCUMENTATION – TRIBES and TRIBAL ORGANIZATIONS

- ▶ **Tribe** – any Indian or Alaska Native Tribe, band, nation, pueblo, village, or community recognized by the federal government
- ▶ **Tribal organization** – private nonprofit entity such as a nonprofit foundation, corporation, or association that is 51% or more owned or controlled by a Tribe or Tribes
- ▶ Must provide a detailed description of the noncommercial nature of the proposed station programming, and, if possible, program schedules
- ▶ If applicant is a Tribal organization, explain which Tribe(s) own or control it, and submit complete copies of documents establishing its nonprofit status, such as a corporate charter or articles of incorporation



ELIGIBILITY DOCUMENTATION – PUBLIC SAFETY RADIO SERVICES

- ▶ To qualify, an applicant must not be organized for profit, must use the proposed LPFM station for public safety radio services to protect the life, health, or property, and the services must not be made commercially available to the public
- ▶ Applicants that are non-government entities (incorporated or unincorporated) must submit complete copies of the documents establishing their nonprofit status, such as corporate charters or articles of incorporation



MUTUALLY EXCLUSIVE APPLICATIONS – COMPARATIVE CONSIDERATION

- ▶ Conflicting applications = mutually exclusive (MX)
- ▶ MX group = all applications which are MX to at least one other in the group
- ▶ MX groups are compared under a point system
- ▶ Point system awards a maximum of 6 merit points based on 6 criteria
- ▶ Applicant with the highest score in an MX group = tentative selectee
- ▶ Applicants tied for the highest point total in an MX group are subject to voluntary and involuntary time-sharing



LPFM POINT SYSTEM

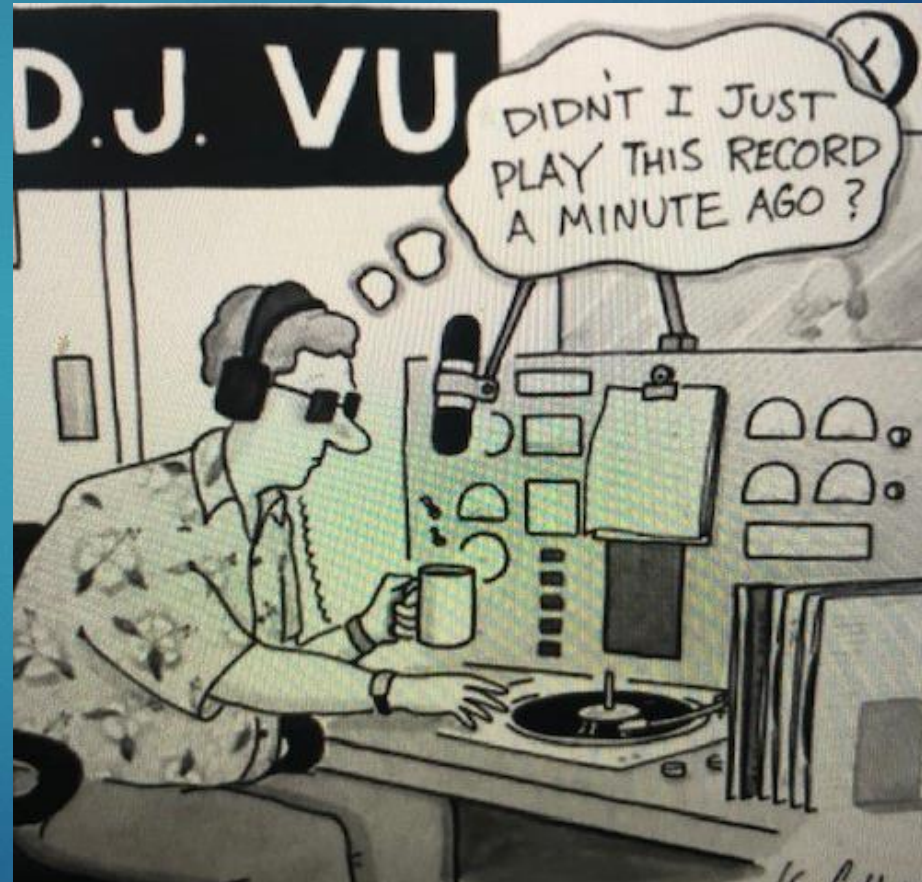
- ▶ Each applicant must complete the “Point System Factors/Tie-Breakers” section in the LPFM Application
- ▶ If applications are determined to be MX , the Commission reviews the point submissions to compare the MX applications and tentatively select an application for grant
- ▶ Qualifications for points is determined as of the closing date of the LPFM filing window, i.e., November 8, 2023
- ▶ **One** point awarded under **six** criterion:
 - ▶ **Established community presence** of at least 2 years
 - ▶ Commitment to **originate local programming** 8 hours per day
 - ▶ Commitment to maintain a **main studio**
 - ▶ Commitment **both to originate local programming and maintain a main studio**
 - ▶ **Diversity of ownership**, and
 - ▶ Tribal applicant proposing to locate transmitting antenna site on its Tribal lands

ESTABLISHED COMMUNITY PRESENCE

- ▶ For a **nonprofit educational organization**:
 - ▶ Certify that during the 2 years prior to filing the application:
 - ▶ (1) it has existed as a nonprofit educational organization, and
 - ▶ (2) it has been physically headquartered, or has had a campus, or has had 75% of its governing board members residing within 10 miles (for applicants in the top 50 urban markets) or 20 miles (for applicants outside the top 50 urban markets) of the coordinates of the proposed transmitting antenna site
 - ▶ Submit evidence of its qualifications in an application exhibit (must demonstrate date of commencement of the applicant's existence, and the location of the applicant's headquarters, campus, or governing board members' residences during the 2 years prior to filing the application)
- ▶ For a **public safety radio applicant**
 - ▶ Certify that during the 2 years prior to the application filing, it had jurisdiction within the service area of the proposed LPFM station
- ▶ For **Tribal applicants**
 - ▶ Certify that it is a Tribe and that its Tribal Lands are within the service area of the proposed LPFM station
 - ▶ Tribal organizations created by a Tribe to apply for a LPFM CP are NOT required to have been in existence for 2 years

LOCAL PROGRAM ORIGINATION

- ▶ One point if pledges to originate locally at least 8 hours of programming per day
- ▶ Locally originated programming = programming produced by the licensee within 10 miles of the coordinates of the proposed transmitting antenna site
- ▶ Programming may include call-in shows, music selected and played by a disc jockey at the site, broadcasts of events at local schools, and broadcast of musical performances at a local studio or festival



MAIN STUDIO

- ▶ One point if applicant pledges to maintain a publicly accessible main studio that:
 - ▶ has local origination capability,
 - ▶ is reachable by telephone,
 - ▶ is staffed at least 20 hours per week between 7 a.m. and 10 p.m., and
 - ▶ is located within 10 miles of the station's proposed transmitting antenna site (for applicants in the top 50 urban markets) or within 20 miles (for applicants outside the top 50 urban markets)
- ▶ Applicant must specify the proposed address and telephone number for its proposed main studio to be awarded the point



LOCAL PROGRAM ORIGINATION AND MAIN STUDIO



- ▶ One point if applicant certifies that it qualifies for both the local program origination and main studio criteria

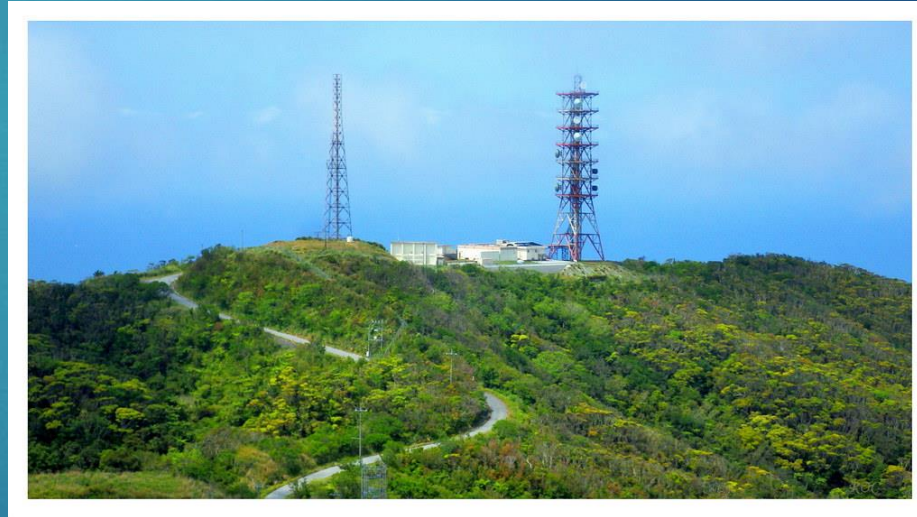
DIVERSITY OF OWNERSHIP

- ▶ One point if applicant certifies that it holds no attributable interests in any other broadcast station
- ▶ The “new entrant” point
- ▶ If applicant has an interest in another broadcast station, it can still qualify for this point if it pledges to divest all of its existing media interests



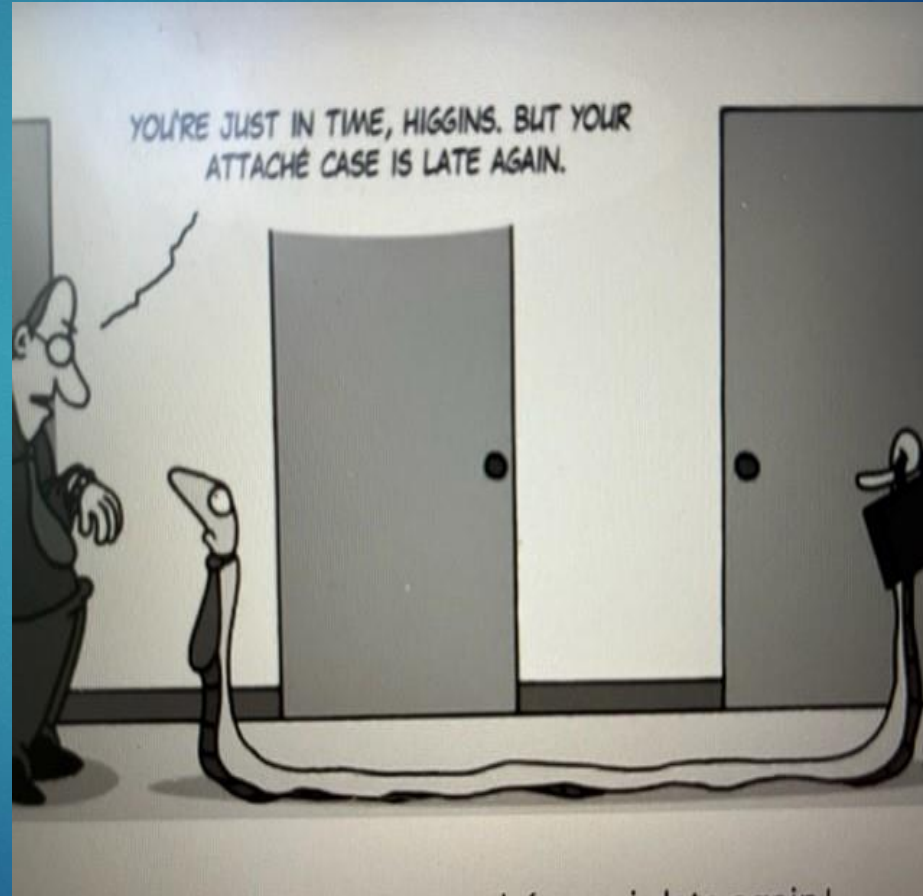
TRIBAL APPLICANTS SERVING TRIBAL LAND

- ▶ One point awarded to a Tribal applicant that proposes to locate its transmitting antenna site on its Tribal Lands
- ▶ Tribal Lands = both reservations and near reservation lands
 - ▶ Includes American Indian Reservations and Trust Lands, Tribal Jurisdiction Statistical Areas, Hawaiian Homelands, and Alaska Native Village Statistical Areas, as well as the communities situated on such lands



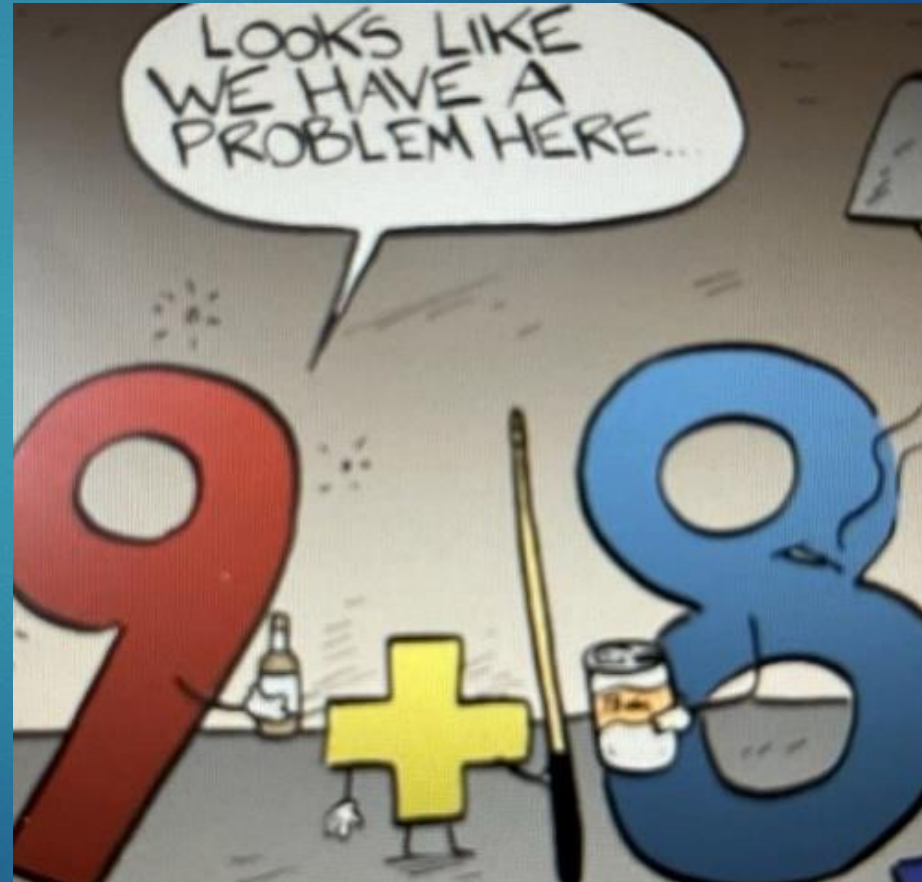
TIMELY DOCUMENTATION

- ▶ Point claims and eligibility certifications must be easily ascertainable from timely-filed application exhibits
- ▶ Will NOT credit certifications which require applicants to submit documentation, but are not supported with timely documentation
- ▶ Will NOT consider documentation to support a claimed comparative point if it is submitted in an amendment after the application deadline
- ▶ Carefully review supporting documentation thoroughly before filing!



NEXT STEPS – SINGLETON APPLICATIONS

- ▶ If the Bureau staff determines that an application is not MX (a singleton), they will review the application for compliance with the relevant technical and legal rules
- ▶ Applications that comply with the relevant technical/legal rules will be accepted for filing
- ▶ Applications not in compliance will be dismissed and given one opportunity to file a minor curative amendment to the application and a petition for reconsideration
 - ▶ Amendment must propose minor changes and comply with all relevant rules
 - ▶ Amendment/petition for reconsideration must be filed within 30 days of the dismissal



NEXT STEPS – MX APPLICATIONS

- ▶ The Bureau will release a Public Notice announcing the groups of MX applications
- ▶ MX Applicants will have an opportunity to resolve conflicts through technical amendments, settlements, and time-share agreements
- ▶ If conflicts remain, the Commission will use the point system to tentatively select application(s) from each MX group for grant
- ▶ Tentatively selected applications with technical/legal defects will be dismissed and have one opportunity, within 30 days of dismissal, to amend and file a petition for reconsideration
- ▶ Tentatively selected applications that comply with the relevant technical/legal rules will be accepted for filing



LOCAL PUBLIC NOTICE

- ▶ Once the LPFM application is **accepted for filing**, the applicant must give local public notice. This is done in one of two ways:
 - ▶ On the station Website or a Website affiliated with the station, the applicant, or the applicant's parent entity (e.g., the applicant Tribe's Website); or
 - ▶ On a publicly accessible, locally targeted website.
- ▶ Notice must be posted for 30 consecutive days following acceptance of the LPFM application for filing.
- ▶ See section 73.3580 of the FCC rules for more information



RESOURCES FOR LPFM APPLICANTS

- ▶ LMS Help Center: <https://www.fcc.gov/media/radio/lms-help-center>
- ▶ LPFM Channel Finder: <https://www.fcc.gov/media/radio/lpfm-channel-finder>
- ▶ FCC Form 2100 Schedule 318 Instructions:
<https://www.fcc.gov/sites/default/files/Form318-instructions.pdf>
- ▶ LMS Data Entry Login: <https://enterpriseefiling.fcc.gov/dataentry/login.html>
- ▶ LMS Assistance: (877) 480-3201 (Option 2), available Monday-Friday, 8:00 am to 6:00 am Eastern Time, or submit a request online at <https://www.fcc.gov/wireless/available-support-services>
- ▶ CORES Main Page (for obtaining FRN): <https://www.fcc.gov/licensing-databases/commission-registration-system-fcc>

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QUESTIONS?