

111TH CONGRESS
2^D SESSION

H. R. 6533

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Local Community
3 Radio Act of 2010”.

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 (a) IN GENERAL.—The Federal Communications
3 Commission shall modify its rules to eliminate third-adjacent
4 minimum distance separation requirements between—
5

6 (1) low-power FM stations; and

7 (2) full-service FM stations, FM translator stations,
8 and FM booster stations.

9 (b) RESTRICTION.—

10 (1) IN GENERAL.—The Federal Communications
11 Commission shall not amend its rules to reduce
12 the minimum co-channel and first- and second-adjacent
13 channel distance separation requirements in effect
14 on the date of enactment of this Act between—

15 (A) low-power FM stations; and

16 (B) full-service FM stations.

17 (2) WAIVER.—

18 (A) IN GENERAL.—Notwithstanding paragraph (1), the Federal Communications
19 Commission may grant a waiver of the second-adjacent
20 channel distance separation requirement to
21 low-power FM stations that establish, using
22 methods of predicting interference taking into
23 account all relevant factors, including terrain-sensitive
24 propagation models, that their pro-
25

1 posed operations will not result in interference
2 to any authorized radio service.

3 (B) REQUIREMENTS.—

4 (i) SUSPENSION.—Any low-power FM
5 station that receives a waiver under sub-
6 paragraph (A) shall be required to suspend
7 operation immediately upon notification by
8 the Federal Communications Commission
9 that it is causing interference to the recep-
10 tion of an existing or modified full-service
11 FM station without regard to the location
12 of the station receiving interference.

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

1 (iii) NOTIFICATION.—Upon receipt of
2 a complaint of interference from a low-
3 power FM station operating pursuant to a
4 waiver authorized under subparagraph (A),
5 the Federal Communications Commission
6 shall notify the identified low-power FM
7 station by telephone or other electronic
8 communication within 1 business day.

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

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

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

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

21 (1) licenses are available to FM translator sta-
22 tions, FM booster stations, and low-power FM sta-
23 tions;

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

1 (3) FM translator stations, FM booster sta-
 2 tions, and low-power FM stations remain equal in
 3 status and secondary to existing and modified full-
 4 service FM stations.

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

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

13 **SEC. 7. ENSURING EFFECTIVE REMEDIATION OF INTER-**
 14 **FERENCE.**

15 The Federal Communications Commission shall mod-
 16 ify the interference complaint process described in section
 17 73.810 of its rules (47 CFR 73.810) as follows:

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

1 its rules (47 CFR 74.1203) as in effect on the date
2 of enactment of this Act.

3 (2) For a period of 1 year after a new low-
4 power FM station is constructed on a third-adjacent
5 channel, such low-power FM station shall be re-
6 quired to broadcast periodic announcements that
7 alert listeners that interference that they may be ex-
8 perienceing could be the result of the operation of
9 such low-power FM station on a third-adjacent
10 channel and shall instruct affected listeners to con-
11 tact such low-power FM station to report any inter-
12 ference. The Federal Communications Commission
13 shall require all newly constructed low-power FM
14 stations on third-adjacent channels to—

15 (A) notify the Federal Communications
16 Commission and all affected stations on third-
17 adjacent channels of an interference complaint
18 by electronic communication within 48 hours
19 after the receipt of such complaint; and

20 (B) cooperate in addressing any such in-
21 terference.

22 (3) Low-power FM stations on third-adjacent
23 channels shall be required to address complaints of
24 interference within the protected contour of an af-
25 fected station and shall be encouraged to address all

1 other interference complaints, including complaints
2 to the Federal Communications Commission based
3 on interference to a full-service FM station, an FM
4 translator station, or an FM booster station by the
5 transmitter site of a low-power FM station on a
6 third-adjacent channel at any distance from the full-
7 service FM station, FM translator station, or FM
8 booster station. The Federal Communications Com-
9 mission shall provide notice to the licensee of a low-
10 power FM station of the existence of such inter-
11 ference within 7 calendar days of the receipt of a
12 complaint from a listener or another station.

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

20 (5) The Federal Communications Commission
21 shall—

22 (A) permit the submission of informal evi-
23 dence of interference, including any engineering
24 analysis that an affected station may commis-
25 sion;

1 (B) accept complaints based on inter-
2 ference to a full-service FM station, FM trans-
3 lator station, or FM booster station by the
4 transmitter site of a low-power FM station on
5 a third-adjacent channel at any distance from
6 the full-service FM station, FM translator sta-
7 tion, or FM booster station; and

8 (C) accept complaints of interference to
9 mobile reception.

10 (6) The Federal Communications Commission
11 shall for full-service FM stations that are licensed in
12 significantly populated States with more than
13 3,000,000 population and a population density
14 greater than 1,000 people per one square mile land
15 area, require all low-power FM stations licensed
16 after the date of enactment of this Act and located
17 on third-adjacent, second-adjacent, first-adjacent, or
18 co-channels to such full-service FM stations, to pro-
19 vide the same interference remediation requirements
20 to complaints of interference, without regard to
21 whether such complaints of interference occur within
22 or outside of the protected contour of such stations,
23 under the same interference complaint and remedi-
24 ation procedures that FM translator stations and
25 FM booster stations are required to provide to full-

1 service stations as set forth in section 74.1203 of its
2 rules (47 CFR 74.1203) as in effect on the date of
3 enactment of this Act. Notwithstanding the provi-
4 sions of section 74.1203, no interference that arises
5 outside the relevant distance for the full-service sta-
6 tion class specified in the first column titled “re-
7 quired” for “Co-channel minimum separation (km)”
8 in the table listed in section 73.807(a)(1) of the
9 Commission’s rules (47 CFR 73.807(a)(1)) shall re-
10 quire remediation.

11 **SEC. 8. FCC STUDY ON IMPACT OF LOW-POWER FM STA-**
12 **TIONS ON FULL-SERVICE COMMERCIAL FM**
13 **STATIONS.**

14 (a) IN GENERAL.—The Federal Communications
15 Commission shall conduct an economic study on the im-
16 pact that low-power FM stations will have on full-service
17 commercial FM stations.

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

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

 Passed the House of Representatives December 17,
2010.

Attest:

Clerk.

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