

# Low-power radio expansion finally wins congressional OK

WASHINGTON – Amid discussion and debate of several other bills, each of which carried a far higher profile, the Local Community Radio Act of 2010 passed the Senate Dec. 18 by unanimous consent.

The House passed the bill the day before on a voice vote.

Other versions of the bill had struggled to gain a foothold in Congress for the past 10 years, and an earlier version of the legislation, introduced last year, had been subject to a series of anonymous holds by senators.

Hundreds of applications for low-power radio stations – including dozens from Catholic and other religious would-be broadcasters – had been submitted in the past decade, and most were not approved by the Federal Communications Commission, which governs the issuance of radio and television broadcast licenses.

But the Local Community Radio Act expands the earlier congressional authority given to the FCC, allowing the agency to grant waivers to low-power stations whose dial position would be close to an existing full-power FM station.

The U.S. Conference of Catholic Bishops had been a longtime supporter of low-power radio, also known as LPFM, seeing it as an opportunity to get religious voices back on the air as commercial radio grew more secularized over the past 25 years following the FCC's abandonment of community service programming requirements.

The USCCB's communications policy holds that "the public has a First Amendment right to the widest possible dissemination of information from diverse and antagonistic sources on broadcast stations. ... It also recognizes that many religious and noncommercial media outlets are small entities that need support to avoid being overpowered by large media conglomerates."

The policy quotes from the Pontifical Council for Social Communications' 1992 pastoral instruction, "Aetatis Novae": "It is not acceptable that the exercise of

freedom of communication should depend upon wealth, education or political power. The right to communicate is the right of all.”

Earlier struggles with the existing regulations and past versions of the act dealt with full-service broadcasters’ complaints of interference from low-power outlets close to them on the FM spectrum. But a congressionally mandated FCC study of the issue found virtually no instances of interference.

An estimated 160 million people – a little more than half of the total U.S. population, according to 2010 census figures – live in areas where low-power FM had not been allowed, according to Timothy Karr of the media advocacy organization Free Press. That will change under the new law.

“We’re just thrilled. It was unfortunate that we had to wait so long for something so uncontroversial but something so useful to schools, churches and parishes,” said Helen Osman, USCCB secretary for communications.

“The FCC’s going to have to open a window for applications, so we’re going to have to be on our toes, when we get advance warning of when that window of opportunity opens up,” Osman said. Even if parishes and schools don’t want their own radio station, she added, “this bill gives them the opportunity to participate as a programmer.”

Similar licenses had been granted in decades prior to high schools and colleges for campus-based radio stations that had an extremely limited reach. But after the FCC stopped granting those licenses, “pirate” stations popped up on the airwaves, most of them playing music that didn’t make the restricted playlists of existing stations.

Anyone who was associated with the pirate radio phenomenon will be barred from getting a low-power FM license under the new law, according to Harold Feld, who tracks communication policy on his “Tales From the Sausage Factory” blog on the Wetmachine website.

Low-power advocates “could have walked away in 2000 with a rural LPFM service for several hundred communities,” said Feld in a Dec. 20 blog posting. “They could have walked away in 2004, 2006, and 2008, when the Community Radio Act failed to

pass. They could have walked away anytime this year when yet another secret hold in the Senate seemed to doom their chances once again.

“But they didn’t. They stuck it out until they won,” Feld said. “Sometimes, in order to get to the finish line, you need to buckle down for the long haul.”

Other bills the Local Community Radio Act had to compete with for time on a crowded lame-duck docket included the New START arms reduction treaty with Russia, the DREAM Act - which failed the same day the low-power FM bill passed - repeal of the military’s “don’t ask, don’t tell” policy, and the extension of tax cuts as part of a larger, \$900 billion economic stimulus package.