

## Why a translator “ten cap” won’t preserve spectrum for LPFM

### Background

The FCC has proposed a ten application cap on translator applicants from the 2003 non-commercial translator auction (Auction 83). The FCC froze this auction because the 13,000 applications threatened to fill all available spectrum before an LPFM application window opened. The ten cap was designed to “further [the FCC’s] twin goals of increasing the number of LPFM stations and promoting localism.”<sup>1</sup>

### The problem with the ten cap

Newly released data shows that the ten cap does not preserve spectrum for LPFM. Findings from the California-based public interest group Common Frequency suggest that even after a ten cap, 97% of the auctioned spectrum in the top 150 markets would likely be awarded.

The Common Frequency study used the Auction 83 translator MX groups to gauge spectrum availability for LPFM. Assuming that applicants will choose their

Market Range	# of channels preserved for LPFM by ten cap
1 – 20	0 out of 217
21 - 40	0 out of 147
41 - 60	3 out of 112
61 - 80	5 out of 87
81 - 100	9 out of 82
101 - 120	2 out of 38
121 - 140	2 out of 53
141 – 150	2 out of 46

ten most valuable applications, the study predicts that 759 of the 782 MX groups in the top 150 radio markets will have at least one application remaining after a ten cap, ensuring that each of these frequencies will go to a translator. This leaves only 3% of these available frequencies open for LPFM.

### A closer look at the spectrum in urban areas

Common Frequency recently released further data based on detailed engineering studies of the top seven major markets. Unlike the earlier study, which uses only the channels applied for in the 2003 translator window to predict LPFM availability, this study examine all available frequencies in these markets. The results are just as grim.

Market	Existing translators	LPFMs currently operating	2003 translators awarded after ten cap	Total translators (existing and ten cap)	Viable channels for LPFM after ten cap
New York	2	0	13-14	15-16	1
Los Angeles	0	0	8	8	0
Chicago	3	0	7	10	1
San Francisco	3	0	6	9	2
Houston	2	0	8	10	2
Seattle	5	0	8	13	1
Portland	9	0	7	16	2

### The solution

Given that these studies represent the *only* data available on the impact of a ten cap, we urge the Commission to proceed with caution. Communities nationwide have waited more than ten years to have local voices on the airwaves. In its current form, the ten cap will deny them this opportunity. The Prometheus Radio Project urges the FCC to abandon the ten cap in its current form and seek a new solution for progressing with Auction 83.

<sup>1</sup> *Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking (“Third Report and Order”), 22 FCCRcd 21912, 21933, para 53 (2007).