



**Federal Communications Commission
Washington, D.C. 20554**

March 21, 2014

In Reply Refer To:
1800B3-PPD

Mr. Richard E. Pickford
Seacoast Arts and Cultural Alliance
909 Islington Street
Suite 1
Portsmouth, NH 03801

Mr. Gary M. Blue
Rochester Radio
412 Ledgeview Drive
Rochester, NH 03839

**In Re: Application for Construction Permit
for a Low Power FM Broadcast
Station**

New-LP, Rochester, NH
Facility ID Number: 195604
Rochester Radio
File Number: BNPL-20131112CEX

Petition to Deny

Dear Mr. Pickford and Mr. Blue:

We have before us Seacoast Arts and Cultural Alliance's ("Seacoast") December 30, 2013, Petition to Deny ("Petition") the Rochester Radio ("RR") application for a new low power FM broadcast ("LPFM") station at Rochester, New Hampshire. Seacoast is the licensee of WSCA-LP, Portsmouth, New Hampshire. We also have before us RR's Reply to Informal Objection ("RR Reply"). For the reasons set forth below, we deny the Petition and grant the LPFM application.

Background. RR timely filed the LPFM Application prior to close of the LPFM window on November, 15, 2013.¹ The LPFM Application was accepted for filing as a singleton on December 12, 2013.² The Petition argues the RR LPFM station "[w]ill cause permanent and real harm to [Seacoast's] listening audience and [Seacoast's] station's prosperity."³ According to Seacoast, the RR LPFM station

¹ See *Media Bureau Extends Low Power FM Filing Window*, Public Notice, 28 FCC Rcd 15763 (2013).

² Public Notice regarding the acceptance of RR's application was given on December 15, 2013. See *Broadcast Applications*, Public Notice, Report No. 28129 (December 15, 2013).

³ Petition at 1.

would cause interference to the Seacoast LPFM station as well as cause competitive harm to the Seacoast LPFM station.⁴ The RR Reply states that it is in compliance with the Commission's minimum distance spacing rules.⁵

Discussion. An LPFM applicant must meet both basic eligibility and technical requirements to qualify for an LPFM authorization. In determining an applicant's eligibility to apply for an LPFM station construction permit, the Commission does not consider the competitive effect the addition of an LPFM station will have on other broadcast stations in the community. In fact, the Commission adopted the LPFM service in an effort to *add* diverse, new voices to local communities.⁶ The Petition's competitive harm argument is without merit.

An LPFM applicant must also adhere to minimum distance separation requirements with respect to "authorized LP100 stations."⁷ RR's LPFM application proposes to operate its station as a co-channel to the Seacoast LPFM station, WSCA-LP. Section 73.807(a)(1) of the Commission's rules require RR's proposed LPFM station spacing to be at least 24 km for a co-channel LPFM station. RR's LPFM station will be located 35.2 km from WSCA-LP. Thus, RR's proposed LPFM station is in compliance with the Commission's rules.

Conclusion. Accordingly, IT IS ORDERED that the Petition IS DENIED. Furthermore, application BNPL-20131112CEX IS GRANTED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" followed by a small mark that appears to be "11/14".

Peter H. Doyle
Chief, Audio Division
Media Bureau

⁴ Seacoast states that "[m]onetary loss and damages will result if [RR's LPFM application is approved].... [Seacoast's] basis for funding comes entirely from listener donations. Should this license be granted, the loss of [Seacoast's] coverage area could approach 50%." Petition at 1.

⁵ RR Reply at 1-2, citing 47 C.F.R. § 73.807.

⁶ See *Creation of Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2220 ¶ 4 (2000) (The Commission stated its "goal in creating a new LPFM service [was] to create a class of radio stations designed to serve very localized communities or underrepresented groups within communities.").

⁷ 47 C.F.R. § 73.807(a)(1).