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May 21, 2003

Managing Director  
*Attention:* FOIA Officer  
FEDERAL COMMUNICATIONS COMMISSION  
445 12<sup>th</sup> Street S.W. -- The Portals  
Room 1-A835  
Washington, D.C. 20554

**RE: Freedom Of Information Act Request  
For Results Of Interference Tests For LOW POWER FM**

Dear FCC FOIA Officer(s):

On behalf of THE AMHERST ALLIANCE -- a Net-based, nationwide citizens' advocacy group, founded in 1998 -- I am submitting a Freedom Of Information Act (FOIA) Request for the results of certain tests conducted by Mitre Corporation, on behalf of the FCC. This independent testing was mandated by Congress in 2000, in Public Law 106-553, to determine whether: (a) current channel spacing standards can be relaxed, in order to accommodate more Low Power FM (LPFM) radio stations, without (b) causing unacceptable interference with existing full power radio stations.

This letter is being Faxed to you, with an original and 2 copies to follow by USPS Mail. Although THE AMHERST ALLIANCE is "the lead Requester" for these test results, we are joined by 18 *other* Requesters. The full list appears at the end of this letter.

As the Commission is aware, the LPFM interference testing results we are requesting were supposed to have been reported to Congress on or before February 15, 2001. This was the explicit mandate of Congress in Public Law 106-553.

Though we were "stakeholders" of various kinds in the outcome of these testing results, we were also aware of the FCC's extreme workload. Thus, we waited patiently, as the statutory deadline came and went, for the tests to be completed and announced. *Now, 3 recent events have convinced us we can wait no longer to seek the test results:*

(1) In October of 2002, in Docket 99-325, the FCC issued "interim" authorization of In Band On Channel (IBOC) Digital Radio broadcasts -- with the potential for causing interference that could reduce or eliminate the service areas of licensed LPFM stations.

(2) In January of 2003, the FCC began the final phase of proceedings on *total* media ownership deregulation. This could affect LPFM prospects for unreserved frequencies.

(3) Finally, in March of 2003, a small number of evangelical broadcasters filed a total of more than 13,000 applications, within 3 days, in an apparently coordinated effort to reserve *virtually all* currently unused frequencies for their translator stations (relay stations delivering signals generated elsewhere). If successful, these few groups will have grabbed for themselves -- at the expense of future LPFM stations, locally based translators and even *other evangelical broadcasters* -- the nation's *entire* margin for future growth in this kind of Non-Commercial Educational broadcasting. No wonder THE NATIONAL TRANSLATOR ASSOCIATION, representing translator stations in general, has asked the FCC to "freeze" all translator applications until new rules are set.

Hopefully, you can understand why -- in the midst of such actual and potential turmoil on the broadcast spectrum -- those of us with a stake in Low Power FM, and/or Low Power AM, want to identify now what frequencies will be, or might be, available for future Low Power Radio stations. For us to make this assessment, and for the FCC to comply with a statutory mandate, the LPFM interference testing results are needed.

We look forward to your prompt and complete response to our FOIA Request.

Respectfully,

Don Schellhardt  
Attorney For THE AMHERST ALLIANCE

On behalf of the following FOIA Requesters:

*Citizens' Advocacy Groups*

THE AMHERST ALLIANCE, Waterbury, CT  
COMMONWEALTH BROADBAND COOPERATIVE, Brookline, MA

*Service Providers To The Low Power FM Community*

REC NETWORKS, Mesa, AZ

*Aspiring Low Power FM Broadcasters*

PROVIDENCE COMMUNITY RADIO, *Former* LPFM Applicant, Providence, RI  
WKJCE GLBT RADIO, *Current* LPFM Applicant, Kane, PA  
BEATRADIO, *Prospective* LPFM Applicant & Internet Broadcaster, Minneapolis, MN  
UNIVERSAL LIFE CHURCH, Party To *Current* LPFM Application, Visalia, CA  
CHRISTOPHER BYDALEK, *Prospective* LPFM Applicant, Anchorage, AK

*Aspiring Low Power AM Broadcasters*

WILW, Part 15 Broadcaster, Medina, NY  
WSJL, Part 15 Broadcaster, Villas, NJ  
JAMES JASON WENTWORTH, Part 15 Broadcaster, Fairbanks, AK

*Licensed Broadcasters*

WFMU, Class A Non-Commercial Broadcaster, Jersey City, NJ  
WVJW-LP, Benwood, WV  
KZQZ-LP, Chalk Hill, TX  
KPIB-LP, Padre Island, TX

*Academic Researchers*

JOHN ANDERSON, University of Wisconsin At Madison, Madison, WI  
TED M. COOPMAN, University of Washington, Seattle, WA

*Other Requesters*

REVEREND ROBERT P. CHRYSAFIS, Glen Gardner, NJ  
WILLIAM C. DOERNER, Corpus Christi, TX

CC:

FCC Chairman Michael Powell, Republican  
FCC Commissioner Kathleen Abernathy, Republican  
FCC Commissioner Jonathan Adelstein, Democrat  
FCC Commissioner Michael Copps, Democrat  
FCC Commissioner Kevin Martin, Republican

Senator John McCain, R-AZ, Chairman, Senate Commerce & Transportation Committee  
Senator Ernest "Fritz" Hollings, D-SC, Ranking Minority Member, Senate Commerce &  
Transportation Committee *and* Senate Communications Subcommittee  
Representative W.J. "Billy" Tauzin, R-LA, Chairman, House Energy & Commerce  
Committee  
Representative John Dingell, D-MI, Ranking Minority Member, House Energy &  
Commerce Committee  
Senator Conrad Burns, R-MT, Chairman, Senate Communications Subcommittee

THE AMHERST ALLIANCE And 18 Other Parties  
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Representative Fred Upton, R-MI, Chairman, House Telecommunications & Internet  
Subcommittee

Representative Cliff Stearns, R-FL, Vice Chairman, House Telecommunications &  
Internet Subcommittee

Representative Edward Markey, D-MA, Ranking Minority Member, House  
Telecommunications & Internet Subcommittee

Joshua Goldstein, FCC Staff

Alexis Johns, FCC Staff

Byron W. Sinclair, President, NATIONAL TRANSLATOR ASSOCIATION, Wheat  
Ridge, CO

Fred W. Baumgartner, P.E., Elizabeth, CO

UNITED STATES OF AMERICA  
Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FREEDOM OF INFORMATION ACT REQUEST  
FOR RESULTS OF INTERFERENCE TESTS FOR LOW POWER FM

SUBMITTED BY:  
THE AMHERST ALLIANCE, *Connecticut*

JOINED BY 18 ADDITIONAL REQUESTERS:  
COMMONWEALTH BROADBAND COOPERATIVE, *Massachusetts*  
PROVIDENCE COMMUNITY RADIO, *Rhode Island*  
WILW, *New York*  
WFMU, *New Jersey*  
WSJL, *New Jersey*  
REVEREND ROBERT P. CHRYSAFIS, *New Jersey*  
WKJCE GLBT RADIO, *Pennsylvania*  
WVJW-LP, *West Virginia*  
JOHN ANDERSON, *University of Wisconsin, Wisconsin*  
BEATRADIO, *Minnesota*  
KZQZ-LP, *Texas*  
KPIB-LP, *Texas*  
WILLIAM C. DOERNER, *Texas*  
REC NETWORKS, *Arizona*  
UNIVERSAL LIFE CHURCH (West Visalia), *California*  
TED M. COOPMAN, *University of Washington, Washington State*  
CHRISTOPHER BYDALEK, *Alaska*  
JAMES JASON WENTWORTH, *Alaska*

1. Name Of "Lead" Requester: THE AMHERST ALLIANCE  
Per Don Schellhardt, Attorney For THE AMHERST ALLIANCE
  
2. Street Address: 45 Bracewood Road  
Waterbury  
Connecticut  
06706  
United States Of America
  
3. Phone Number: (203) 757-1790 or (203) 756-7310
  
4. Fax Number: N.A.
  
5. E-Mail Address: pioneerpath@earthlink.net
  
- 5.5. Other Parties Who Are Joining In This FOIA Request:

*Citizens' Advocacy Groups*

COMMONWEALTH BROADBAND COLLECTIVE  
Per Stephen Provizer  
Brookline, Massachusetts

*Service Providers To The Low Power FM Community*

REC NETWORKS  
Per Michelle Eyre  
Mesa, Arizona

*Aspiring Low Power FM Licensees*

PROVIDENCE COMMUNITY RADIO

Per Wesle AnneMarie Dymoke  
Providence, Rhode Island

WKJCE GLBT RADIO

Internet Broadcaster  
Per Joanne Lynn Benjamin (aka "Garfield") and Julie Spencer  
Kane, Pennsylvania

BEATRADIO

Internet Broadcaster  
Per Alan Freed  
Minneapolis, Minnesota

UNIVERSAL LIFE CHURCH (West Visalia)

Per Reverend William Balsley  
West Visalia, California

CHRISTOPHER BYDALEK

Anchorage, Alaska

*Aspiring Low Power AM Licensees*

WILW

Part 15 Broadcaster  
Per William C. Walker  
Medina, New York

WSJL

Part 15 Broadcaster  
Per Bill Blew  
Villas, New Jersey

JAMES JASON WENTWORTH

Part 15 Broadcaster  
Fairbanks, Alaska

*Licensed Broadcasters*

WVJW-LP

Low Power FM Licensee  
Per Rabbi Bryan French  
Benwood, West Virginia

KZQZ-LP

Low Power FM Licensee  
Per Chuck Conrad  
Chalk Hill, Texas

KPIB-LP

Low Power FM Licensee  
Per Nancy Doerner  
Padre Island, Texas

WFMU

Class A Non-Commercial Educational Station  
Per Ken Freedman  
Jersey City, New Jersey

*Academic Researchers*

JOHN ANDERSON

School of Journalism & Mass Communication  
University of Wisconsin  
Madison, Wisconsin

TED M. COOPMAN

Communications Department  
University of Washington  
Seattle, Washington

*Other Requesters*

REVEREND ROBERT P. CHRYSAFIS

Glen Gardner, New Jersey

WILLIAM C. DOERNER

Corpus Christi, Texas



6. Date Of Request: May 21, 2003

7. Description Of Records Requested:

We request certain documents prepared by or for the Commission in response to the Congressional mandate, in Public Law 106-553, for independent testing of Low Power FM radio stations in order to:

a. measure the degree of interference, if any, which Low Power FM broadcasts might cause to existing full power radio stations;

And

b. provide an informational foundation for preparation of a required Report To Congress, by the Commission, recommending whether or not existing adjacent channel spacing requirements should be relaxed in order to accommodate the licensing of additional Low Power FM stations.

These documents should include any and all of the following:

1. MITRE Corporation's Final Low Power FM Report
2. MITRE Corporation's Preliminary Low Power FM Report
3. MITRE Corporation's Final Economic Analysis
4. MITRE Corporation's Preliminary Economic Analysis
5. MITRE Corporation's Final Interference Report
6. MITRE Corporation's Preliminary Interference Report
7. Internal FCC reports, memoranda and/or other work product which contain *summaries* of the interference test results from the experimental Low Power FM radio station
  - a. Internal FCC reports, memoranda and/or work product related to preparation of the required Report To Congress
  - b. Draft version(s) of the FCC's Report To Congress, if completed

MITRE Corporation is the Commission's contractor for the independently conducted study of possible interference, if any, from Low Power FM radio stations.

COMSEARCH appears to be the subcontractor which actually operated the experimental Low Power FM stations. At this time, we do not know which other subcontractors, if any, were hired by MITRE Corporation.

\*\*\*\* PLEASE NOTE:

At least at this time, we are not looking for *reams* of raw test data. We are looking for any and all documents, prepared by or for the Commission, which contain *summaries* of the test results ... which draw final or preliminary *conclusions* regarding the implications of those test results, especially with respect to adjacent channel spacing requirements ... and/or which contain *recommendations* regarding future regulatory policies, especially with respect to adjacent channel spacing requirements.

In a nutshell:

We want to know what the FCC plans to tell Congress, or at least what it is *considering* for inclusion in its Report To Congress, and we also seek documents which *summarize* the quantitative data and qualitative analyses that form the informational basis for the pending Report. \*\*\*\*

8. Key Words Or Phrases: MITRE, COMSEARCH, Public Law 106-553, experimental Low Power FM stations, Low Power FM interference
  
9. Maximum Search Fee: \$100.00

- 10(a). Are Records Subject To 47 CFR 0.457? No
- 10(b). Are Records Known To Have Been Withheld From  
Public Inspection, Under 47 CFR 0.470(a)(3)? No
- 10(c). Are Records Known To Have Been Withheld From  
Public Inspection, Under 47 CFR 0.470(a)(4)? No
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- 11(a). Is Requester Entitled To A Restricted Fee Under  
47 CFR 0.470(a)(2)? No
- 11(b). Is Requester Entitled To A Restricted Fee Under  
47 CFR 0.470(a)(3)? No
- 11(c). Is Requester Entitled To A Restricted Fee Under  
47 CFR 0.470(e)? No

12. Additional Information And/Or Comments:

Under the requirements of Public Law 106-553, the referenced Report To Congress should have been completed and submitted on or before February 15, 2001.

Since today is May 21, 2003, the Requesters assume that by now all of the Congressionally mandated interference tests have been completed and evaluated by MITRE and COMSEARCH ... that the Commission has completed its own evaluation of the MITRE and COMSEARCH evaluations ... and that the Commission is close to completion and submission of the required Report To Congress.