

Docket No. 2011–2 CRB NCEB II: *"Determination of Reasonable Rates and Terms for Noncommercial Broadcasting"*

Comments of Prometheus Radio Project

The Prometheus Radio Project builds, supports, and advocates for noncommercial educational radio stations. Prometheus advocated for the creation of low power FM (LPFM) as a noncommercial local service in 2000, and has been the leading low power FM advocacy group since that time. Over the past decade, Prometheus led the successful effort to pass the Local Community Radio Act of 2010, which directs the Federal Communications Commission to expand low power FM licensing nationwide. In 2007, Prometheus was a member of a national coalition which supported hundreds of community groups to apply for full power noncommercial educational stations.

In response to the proposed royalty rates for noncommercial broadcasting, Prometheus asks the Copyright Royalty Board to implement a lower rate for rural stations serving very small populations. Currently, the lowest tier is for stations serving populations of 250,000 or fewer. Some rural noncommercial educational stations have much smaller populations in the 60 dBu service contour. For stations serving fewer than 50,000 people, even the lowest rate of \$631 (scheduled to go up to \$683 over five years) is unduly burdensome.

We refer the Board to the comments of OpenSky Radio Corp, whose three stations serve a total population of less than 2,000. According to OpenSky, their current royalty fees amount to over \$4,000 each year, a rate of nearly four dollars per capita.

With the ongoing licensing of noncommercial stations following from the 2007 licensing window, many new rural stations will be in similar straits. In particular, stations serving Tribal Lands will be at a serious disadvantage. A number of Tribal stations were awarded construction permits in the 2007 licensing window, and in most cases these stations will serve rural and often underserved and under-resourced Tribal communities. These stations do not match the profile of stations serving populations of 200,000 or even 100,000 people, and merit consideration for a much lower rate.

We therefore urge the Copyright Royalty Board to create a lower-level tier for rural stations serving fewer than 50,000 people, with a rate at 1/5 that proposed for stations serving 250,000.

Respectfully submitted,

/s/

Brandy Doyle  
Policy Director  
Prometheus Radio Project  
P.O. Box 42158  
Philadelphia, PA 19101