

105TH CONGRESS  
1ST SESSION

# S. 1427

To amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

Mr. FORD introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Community Broad-  
5        casters Protection Act of 1997”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds that—

1           (1) Since the creation of low-power television li-  
2           censes by the Federal Communications Commission,  
3           a small number of license holders have operated  
4           their stations in a manner beneficial to the public  
5           good providing broadcasting to their communities  
6           that would not otherwise be available.

7           (2) These low-power broadcasters have operated  
8           their stations in a manner consistent with the pro-  
9           gramming objectives and hours of operation of full-  
10          power broadcasters providing worthwhile services to  
11          their respective communities while under severe li-  
12          cense limitations compared to their full-power coun-  
13          terparts.

14          (3) License limitations, particularly the tem-  
15          porary nature of the license, have blocked many low-  
16          power broadcasters from having access to capital,  
17          and have severely hampered their ability to continue  
18          to provide quality broadcasting, programming, or  
19          improvements.

20          (4) The passage of the Telecommunications Act  
21          of 1996 has added to the uncertainty of the future  
22          status of these stations by the lack of specific provi-  
23          sions regarding the permanency of their licenses, or  
24          their treatment during the transition to high defini-  
25          tion, digital television.

1 **SEC. 3. PRESERVATION OF LOW-POWER COMMUNITY TELE-**  
2 **VISION BROADCASTING.**

3 (a) AMENDMENT.—Section 336 of the Communica-  
4 tions Act of 1934 (47 U.S.C. 336) is amended—

5 (1) by redesignating subsections (f) and (g) as  
6 subsections (g) and (h), respectively; and

7 (2) by inserting after subsection (e) the follow-  
8 ing new subsection:

9 “(f) PRESERVATION OF LOW-POWER COMMUNITY  
10 TELEVISION BROADCASTING.—

11 “(1) CREATION OF CLASS A LICENSES.—Within  
12 30 days after the date of enactment of the Commu-  
13 nity Broadcasters Protection Act of 1997, the Com-  
14 mission shall prescribe regulations to establish a  
15 class A television license to be available to licensees  
16 of qualifying low-power television stations. Such li-  
17 cense shall be subject to the same license terms, and  
18 renewal standards as the licenses for full-power tele-  
19 vision stations except as provided in this section, and  
20 each class A licensee shall be accorded primary sta-  
21 tus as a television broadcaster as long as the station  
22 continues to meet the requirements for a qualifying  
23 low-power station in subsection (2). Within 30 days  
24 after such regulations are adopted, the Commission  
25 shall send a notice to the licensees of all low-power  
26 television licenses of the terms of this section. The

1 Commission shall, within 30 days after receipt of an  
2 application that is acceptable for filing, award such  
3 a class A television station license to any licensee of  
4 a qualifying low-power television station.

5 “(2) QUALIFYING LOW-POWER TELEVISION STA-  
6 TIONS.—For purposes of this subsection, a station is  
7 a qualifying low-power television station if—

8 “(A) within 24 months after the date of  
9 enactment of the Community Broadcasters Pro-  
10 tection Act of 1997 and for 6 months prior to  
11 the filing of its Class A license application—

12 “(i) such station broadcast a mini-  
13 mum of 18 hours per day;

14 “(ii) such station broadcast an aver-  
15 age of at least 3 hours per week of pro-  
16 gramming that was produced within the  
17 market area served by such station, or the  
18 market area served by a group of com-  
19 monly controlled stations that carry com-  
20 mon local or specialized programming not  
21 otherwise available to their communities;  
22 and

23 “(iii) such station was in compliance  
24 with the Commission’s requirements appli-  
25 cable to low-power television stations; and

1           “(B) from and after the date of its appli-  
2 cation for a Class A license, the station is in  
3 compliance with the Commission’s operating  
4 rules for full power television stations; or

5           “(C) the Commission determines that the  
6 public interest, convenience, and necessity  
7 would be served by treating the station as a  
8 qualifying low-power television station for pur-  
9 poses of this section, or for other reasons deter-  
10 mined by the Commission.

11           “(3) COMMON OWNERSHIP.—No low-power tele-  
12 vision station shall be disqualified for a class A li-  
13 cense based on common ownership with any other  
14 medium of mass communication.

15           “(4) ISSUANCE OF LICENSES FOR ADVANCED  
16 TELEVISION SERVICES TO QUALIFYING LOW-POWER  
17 TELEVISION STATIONS.—The Commission is not re-  
18 quired to issue any additional licenses for advanced  
19 television services to the licensees of the class A tele-  
20 vision stations but shall approve such license appli-  
21 cations proposing facilities that will not cause inter-  
22 ference to any other broadcast facility authorized on  
23 the date of filing of the Class A advanced television  
24 application. Such a licensee may, at the option of li-  
25 censee, elect to convert to the provision of advanced

1 television services on its analog channel, but shall  
2 not be required to convert to digital operation until  
3 the Commission requires the use of digital or other  
4 advanced technologies by all full-power television  
5 stations.

6 “(5) PRESERVATION OF CLASS A STATIONS.—  
7 Except as expressly permitted by this paragraph, no  
8 licensee of a class A television station shall be re-  
9 quired to cease operations, nor shall the license of  
10 such a licensee be rescinded or otherwise terminated,  
11 for the purposes of implementing any amendments  
12 to the table of allotments adopted before the date of  
13 enactment of the Community Broadcasters Protec-  
14 tion Act of 1997 to provide additional licenses for  
15 advanced television services. The Commission may  
16 order such a cessation, rescission, or termination  
17 only after compliance with the following require-  
18 ments:

19 “(A) The Commission shall revise such  
20 table of allotments to preserve each class A sta-  
21 tion unless the preservation of such station (i)  
22 would render impossible the assignment of an  
23 additional license for advanced television serv-  
24 ices to a full-power station, (ii) would require  
25 the Commission to revoke or rescind a construc-

1           tion permit issued to such full-power station, or  
2           (iii) would cause a significant delay or increase  
3           in cost of the construction of a digital television  
4           facility by a network-affiliated analog station li-  
5           censee in the top 30 markets.

6           “(B) If the Commission cannot revise the  
7           table of allotments to preserve a class A station  
8           as required by subparagraph (A), the Commis-  
9           sion shall, to the maximum extent possible, re-  
10          vise the table of allotments to preserve the class  
11          A station in the same community of license,  
12          using the same facilities, by assigning to such  
13          station a different frequency.

14          “(C) If the Commission cannot revise the  
15          table of allotments to preserve a class A station  
16          as required by subparagraph (A) or (B), the  
17          Commission shall seek to provide such licensee  
18          with a class A license in a community of license  
19          that is adjacent to the station’s previous com-  
20          munity of license.

21          “(D) If the Commission cannot preserve a  
22          class A station as required by subparagraph  
23          (A), (B), or (C), the Commission shall award  
24          such licensee the license for another station in  
25          another community of license acceptable to the

1           licensee, to the extent that the license for such  
2           other station is available. Such a licensee shall  
3           be preferred in the award of such other station  
4           license over any other applicant (other than an-  
5           other licensee of a class A television station that  
6           is required to relinquish its existing license).”

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