

RM-91208

Broadcast Signal Lab

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March 5, 1998

Federal Communications Commission
1919 M St, NW Rm No 9208
Washington D.C. 20554

RE Report No. 2254
Petition for Proposed Rulemaking
Microradio Broadcasting Service

Dear Sirs and Madams,

Enclosed are ten copies of our comments on the Petition for Proposed Rulemaking for a *Microradio Broadcast Service* received on July 7, 1997 and noticed February 5, 1998. These documents are sent to arrive within the 30 day notice deadline. We hereby certify that the petitioners were sent copies of these comments simultaneously.

Yours truly,



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LRS ADDUE

March 5, 1998

Comment on Petition for Rulemaking?

For

“Microradio Broadcasting Service”

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Petitioners Leggett, Leggett, and Schellhardt “request amendment of the AM and FM service rules to designate one AM and one FM channel for a microradio broadcasting service.. .”

The proposal to permit individuals to broadcast highly local programming with low power transmitters and limited antenna heights may seem on first impression to be one that is valuable to the communities in which they may operate. It would seem to address the concern raised by “community broadcasters” who feel the airwaves are free to the public and that they should not be excluded from being broadcasters by a complex regulatory environment.

A number of concerns are raised by this proposal.

Public Benefit

How many people will be served by this concept? Is the result worth the investment of regulatory effort required to establish and maintain such a service? Broadcasting is by definition a medium where stations are meant to reach to large numbers of people. The proposed “microradio” service would have a limited service area reaching a small population. Only a small portion of that small population would likely listen to the microradio station in their area. If there could be just one microradio station in every town and city in the country, the number of licenses would be staggering. The cost and complexity of regulating such a service does not seem likely to be warranted by the number of people who would avail themselves of the service.

Channel Assignment Complexity

How does one designate one channel in the AM and FM bands? Choosing to assign one channel nationwide or regionally is not practical, as it would certainly interfere with existing broadcasters in many markets where the channels or nearby channels are in use.

The alternative, assigning channels in each locality on a case by case basis, is far too complex a process for the very people the proposal would serve. Each transmitting facility would have to be engineered to assure interference requirements are met. One of the factors that drives the community broadcasting movement to propose low power services is the prohibitive cost to become a broadcaster. No matter how one allocates spectrum for the proposed service, it will require a level of planning and engineering that is going to be burdensome to those who wish to provide such a service. We operate in a broadcast environment that is engineered for compatibility. New entrants must demonstrate that their facilities are compatible.

License Assignment Logistics

The process of assigning licenses is proposed as a first-in random selection. Each applicant is likely to have a proposed transmission site that differs significantly from other applicants in the same general area. Engineering analysis will have to be performed on each to determine if applications are mutually exclusive before licenses are randomly issued. This is costly, complex, and likely to be impossible to implement among competing applicants.

License Assignment Fairness

If it were possible to allocate a network of low power, low height facilities according to the proposal, there could be one AM and one FM voice in a given community. Adjacent communities could be excluded from service by interference criteria with the first community served. Or, if AM and FM signals are not permitted to serve the same community, increasing the number of communities served, the result will be a lack of diversity in the service in one community. Whoever controls the local license controls what issues are presented and how. There exists a potential for a political zealot to have the only microradio voice in a small community. Standard principles of competition (from multiple outlets) and fair play (from a regulated service) would not apply. This proposal is not in the interest of the communities it may intend to serve.

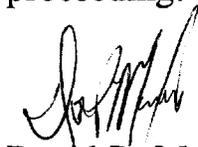
Control after Licensing and Construction.

Our experience with other low power users of the broadcast spectrum is not entirely positive. We have identified licensed translators that were secretly operating at significantly higher powers than authorized. We have identified and brought to the Commission's attention a blanket nationwide experimental license for sports venue low power broadcasting that was being misused to provide a full time, multi-city broadcast service, complete with advertising. There is a

temptation to the low power licensee to operate out of the terms of the license, because the facility is small and subject to less scrutiny. The low power broadcaster has nearly no financial risk and may be more enticed to disobey the rules. So it is likely to be with the “micro radio” broadcaster. Technical standards may be exceeded. Content may not meet community standards. The Commission will find itself regulating a service which may not be able to offer the same professionalism and technical acumen provided by the existing users of the same spectrum.

Conclusion

We respectfully suggest that the concept of “microradio broadcasting” is not as beneficial as it may first appear, is inherently unfair, impractical and unenforceable, and does not inure to the public good. The proposal is flawed on its face, and therefore does not merit the consideration of a rulemaking proceeding.



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