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DOCKET FILE COPY ORIGINAL

April 9, 1998

Office Of The Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, DC 20554

Gentlemen:

Enclosed are one (1) orginal and nine (9) copies of comments I wish the commission to consider for RM-9242.

The deadline for these comments is April 27, 1998.

Thank you for your consideration!

Most sincerely,

Aaron Coffey

AARON COFFEY

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:
Proposal for Creation of Low Power FM (LPFM) Broadcast Service

FCC RM-9242

Comments of Aaron Coffey

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A. INTRODUCTION

The purpose of these comments is to inform the commission of the opinions and arguments of Aaron Coffey in favor of the Low Power FM Petition For Rulemaking (**FCC RM-9242**) as proposed by J. Rodger Skinner of TRA Communications Consultants, Inc. of Pompano Beach, Florida.

B. GENERAL BACKGROUND

The author of these comments, Aaron Coffey, has been involved in commercial radio broadcasting since the age of 12--first as an "errand boy" and "gopher" for several radio stations in the Joliet, Illinois area. By age 17, he was working as a fulltime announcer at a medium market station. Besides announcing, Aaron Coffey has worked as a newscaster, news director, production director, and continuity director at a number of radio stations in Illinois, California, Arizona and Colorado--in small, medium and major markets. In 1978, Aaron Coffey obtained an FCC First Class Radiotelephone License. In 1990, he was granted two small market construction permits--for a Class IV AM and a Class C2 FM--but was forced to sell them as costs of construction and operation had already escalated beyond his financial abilities. Being involved in radio for more than 31 years has given the author of these comments a keen understanding of the broadcasting business, the current problems facing broadcasters and the issues this proposed LPFM rulemaking petition presents.

C. NEED FOR LPFM SERVICE

It is the opinion of Aaron Coffey that RM-9242 as drafted by Rodger Skinner is a much needed service and that this rulemaking petition should be adopted by the commission in the spirit of which it has been written. The arguments set forth by the petitioner for the creation of a new low power FM (LPFM) service are sound and reflect a realistic view of the broadcast medium as it stands today. Mr. Skinner clearly shows how the American public will benefit from this proposed new service. Mr. Skinner further demonstrates that the technical proposals contained in this rulemaking petition are sound.

I agree with Mr. Skinner's analysis of the current state of broadcasting in the United States. In a well-meaning attempt allow broadcasting be controlled by the "open market", the FCC has unknowingly created a situation where large broadcast corporations are merging into mega-corporations. These mega-corporations have aquired most of the major and medium market stations and have now set their sights on the smaller markets. It appears the intent of these newly formed mega-corporations is to eventually control all of the broadcast outlets in the country! In just a few years, consolidation may escalate to the point where just a handful broadcasting mega-corporations will own every commercial broadcast license in the U.S! As available broadcast properties become increasingly scarce, station prices have become prohibitively expensive due to inflated market prices. Carried to it's logical conclusion, it can be argued that if each corporation is allowed to own 40% of the radio stations in each market, someday there will only be three or four corporate owners in the entire nation!

My belief is that we are also seeing the formation of large chains of small market stations in anticipation of their aquisition by mega-corporations. Whether or not this is true is speculative in nature. However, the formation of these large chains of small market stations have serverely limited diversity in even the very small markets. These large chains have the money and ability to completely dominate their markets through price controls and through sheer intimidation, effectively running any idependently owned competition out of business! In many small markets, these large operators have become "the only game in town". That obviously constitutes an unfair advantage!

The number of voices with access to the airwaves have greatly diminished since the FCC's abolishment of ownership limits. Diversity and minority ownership have been serverely impacted. The "aquisition, consolidation and merger mania" we are witnessing is definately not in the public interest! The FCC has essentially handed most of the full power allocations to a handful of corporate broadcasters. Although there currently is no way to close this "Pandora's Box", something needs to be done to rectify this dismal situation.

The original intention of the FCC was to create as many voices, opinions and viewpoints as possible on the airwaves. Albeit a lofty aspiration, owning a small broadcast station was realistically obtainable for an industrious person of average financial means. Since the abolishment of the FCC's ownership limits, ownership by an individual, family, group or small company has become virtually an unattainable endeavor--except for the wealthiest of Americans. Although I will not debate the constitutionality of this issue, I do believe this situation is inherently contrary to the stated objectives set forth by the Communications Act of 1934, the Telecommunications Act of 1996, and the First Amendment to the Constitution of the Untited States.

With the lifting of ownership limits and the formation of large broadcasting corporations came the promise that streamlining operations between several broadcast stations would result in better programming and more services to the community (example: news and community service programming). In reality, the exact opposite has occured! Most stations have cut back on local news coverage and the service commitment to their cities of license! Radio is being run by accountants--hundreds or thousands of miles away--instead of dedicated local management! Radio no longer sounds local. Much of the programming is currently taken from syndicated, satellite-fed programming services far-removed from the city of license. Local expression, viewpoints and talent are fast disappearing. As the use of satellite programming increases, broadcasting staffs are being cut to the bare minimum as the mega-corporations look for more ways to cut expenses, curtail services and increase profit margins. It's apparent that the only real objectives for the large broadcasting companies are more station aquisitions a bigger profit margin!

The original intent of the FCC wasn't to create broadcasting as strictly a business venture. The intention of congress and the very purpose for the creation of the Federal Communications Commission was to create and regulate broadcast stations to serve the public interest, convenience and necessity above all! Please understand that I see nothing wrong with making a profit, but sacrificing services to the community strictly for the sake of profit is contrary to the public interest! Until recently, advertising was primarily viewed as a means to support these services through the private sector. These days, broadcasting is strictly a business. I have witnessed a number of situations during the course of my employment, where corporate management seem to have lost sight of the very reason for their existence. That reason is service to the community and profits should come as a reward for outstanding service. These corporate managers seem to believe that the

company "owns" the frequency on which the station operates, when in fact the airwaves are the property of the American people! We have lost a great deal and stand to lose a great deal more if RM-9242 is not adopted by the Federal Communications Commission.

It is my opinion that radio has become a great deal like cable TV. There are 70 channels to choose from--but nothing to listen to! It all sounds the same--generic. There is very little genuine local service anymore. Until a few years ago, it was fun to travel across country by car, sweeping the radio dial as you drove. Each area had it's own local "flavor". Each station had it's own distinct "personailty". Listening to each station for 15 or 20 minutes gave you a pretty good idication of what was going on in town! Those days are long gone with the advent of satellite delivered programming.

RM-9242 will probably return some of this "localism" to radio. With the safeguards Mr. Skinner has proposed, the creation of LPFM service will attract licensees with a genuine desire to be of service to their respective communities. Local entrepreneurs will most likely invest their life savings and mortgage the house to create full-service, locally-oriented and locally-originated small business ventures. These broadcast entrepreneurs will add much to the diversity on the airwaves--something that has long disappeared from most radio dials. Although I do not feel any special actions are required by the FCC, a number of these new allocations will undoubtedly go to women and economically disadvantaged minorities because of the low intial start-up costs. The current trend of consolidation has effectively squeezed women and minorities out of broadcast ownership.

I suggest that Mr. Skinner's criteria for ownership be followed with a limit on the number of stations that one individual is allowed to own. My suggestion is for 3 LPFM licenses per licensee within a 50 mile radius of the licensee's home with no allowable overlap of any 3.16 m/Vm (70 dBu) contours.

In the case of competing applications, I support the idea of a "lottery" system to award the construction permits. This will expedite the implementation of this new service with a minimum of actions necessary by the FCC. A lottery system will also eliminate the unfair practice of endless legal maneuvering by applicants with unlimited financial resources. It should be pointed out the relative ease with which LPTV service was initiated under a "lottery" system. Under no circumstances should these new licenses be awarded by means of an auction to the highest bidder! Implementation of a system of auctions will automatically exclude the vast majority of potential middle class and economically disadvantaged minority licensees--the very people this proposal hopes to attract! Furthermore, Mr. Skinner's proposals of modest application fees and annual licensing fees for LPFM stations are realistic.

If the FCC wishes to continue the deregulation of broadcasting in the belief of leaving it to the controls of an open market, the commission should go all the way by opening the FM band to these low power stations. The most efficient use of these new allocations would be to allow the highest power levels possible (with 3,000 watts at 100 meters the limit) while conforming to the FCC's technical standards. If there is space for a 3,000 watt, 2,000 watt, 500 watt, 250 watt or 50 watt allocation, so be it! Let these new stations operate at the maximum possible power levels as long as they conform to the FCC's technical standards. These LPFM stations should not be limited to unrealistically low power levels! To create a new class of FM stations with unrealistically low power levels will doom this new service from the start! Under current FCC law, some FM translators are allowed to operate with up to 250 watts of effective radiated power!

The new LPFM class should be allowed to operate as commercial outlets because these community-oriented stations will incur most of the same expenses full power stations do--payroll, utilities, music licensing fees, FCC licensing fees, equipment aquisition and maintenance, office and tower space rent, etc. The proprietors of these facilities are also entitled to a fair return on their investment, and compensation for their efforts. Let's give this new service the best possible chance of survival.

Mr. Skinner's call for the creation of three seperate but distinct classes of stations: LPFM-1, LPFM-2 and LPFM-3 should all be approved by the commission. Each class of station serves a seperate need.

There is one inconsistency contained in Mr. Skinner's proposal. In his technical proposal for the LPFM-1 class, a maximum possible coverage area of 3,000 watts effective radiated power (ERP) with an antenna height above average terrain (HAAT) of 100 meters (328 feet) is specified. I agree with that proposal. However, in his proposal for LPFM-2 and LPFM-3 stations, Mr. Skinner specifies a maximum antenna height in 'feet' instead of 'meters'. In the interest of uniformity, I suggest that LPFM-2 stations be licensed for a maximum of 1-50 watts ERP with a maximum antenna HAAT of 50 meters (164 feet). I further suggest that LPFM-3 stations be licensed with a maximum of 25 watts ERP and a maximum antenna HAAT of 25 meters (82 feet). This more closely reflects the FCC's graduated scale of antenna heights per class of station (i.e. 600m, 300m, 150m, 100m, 50m, 25m, etc.).

I do not believe the creation of a new band of frequencies (such as a second FM band) will solve any problems. Gaining acceptance of new services by the general public can be a very slow process. Without receivers readily available, this new service would quickly fail. Creation of low power AM stations would just exacerbate an already intolerable interference problem. The vast majority of Americans listen to FM and listening habits change slowly. The most efficient use of the spectrum would be to use the FM space we already have!

The National Association Of Broadcasters and others will undoubtedly fight the creation of a new class of station. These long established, full power broadcasters have the corporate backed money and attorneys to fight anything they perceive as a threat to the "status quo". My contention is that Mr. Skinner's observations are correct: If the LPFM proposal is approved, this can be a "win-win" situation for everyone! The full power broadcasters will be free to continue as they wish with no new regulations and very little competition from the new class of stations. LPFM broadcasting will be serving a smaller area than it's larger counterpart and will be seeking advertising revenue from businesses far too small to be able to afford advertising on the full power stations! This new class of station will probably put advertising within the reach of many "mom and pop" businesses who currently cannot afford the high cost of radio or newspaper advertising. These small businesses are usually interested in reaching prospective customers within just a few miles of their location, and LPFM would serve this need well. LPFM stations will be dealing with issues on a much more local basis than the full power stations, effectively "filling in the gaps" the larger stations do not care to address. Larger businesses which traditionally advertise on the full power stations will probably not show much interest in these new LPFM stations because of the limited coverage areas. LPFM is ideal for small business! A genuine need for this service exists because of the rapid expansion of local entrepeneurism.

Full power broadcasters will probably argue that "more is not necessarily better" and use Docket 80-90 as an example. I feel that Docket 80-90 did exactly as it was intended to do. Very few new stations were created in the crowded major metropolitan markets, but hundreds of new stations were created to serve the vast underserved areas of the country.

Many small communities are now being served by their first fulltime local station, thanks to the commission's adoption of Docket 80-90. It is my opinion that this trend of opening up the FM band needs to be taken to the next logical step. Defining "local service" continues to be a problem. "Local service" goes beyond mere signal strength. Service to the community is not measured in mV/m or dBu. I would ask the commission to reject all arguments by full power broadcasters citing the failure of Docket 80-90. Ironically, some of these corporate broadcasters will probably own stations created by Docket 80-90! For those very owners to call Docket 80-90 a "failure" would be contradictory.

Daytime only and low power AM stations will probably argue they should have first rights to the new FM allocations. I disagree. Many of these AM stations are already co-owned with one or more full powered FM allocations. Even in the case of "stand-alone" AM operations, it would just continue to be business as usual and the corporate takeover of the airwaves would become even more complete. The creation of diversity in ownership, community services and programming far outweighs the need for AM migration to another band of frequencies. Solutions to the problems these AM stations face should be found within the confines of the AM band. Would these operators be willing to give up their AM frequency in return for an LPFM allocation? That's very unlikely.

Some consideration should be given to the fact that commercial LPFM will probably regenerate some of the many jobs lost when the full powered stations consolidated. Young people aspiring to enter broadcasting today find few stations willing to hire those with little or no experience. My belief is that LPFM-1 stations will create a number of fulltime and part-time, paid entry-level positions for young people. Even more young people would gain broadcast experience through volunteer work at LPFM-2 stations.

Existing broadcasters will probably attack this LPFM proposal on the grounds of technical degradation and interference. I contend that Mr. Skinner's engineering principles are sound. FM receiver design and technology have improved greatly over the years! I agree that 2nd and 3rd adjacent channel restrictions (for LPFM stations) are obsolete--as is the separation requirement for 10.6 and 10.8 mHz IF considerations. Transmitter and broadcast equipment design have also improved and stabilized over the years, further rendering these restrictions as obsolete! Requiring the new LPFM stations to use FCC Type-Approved equipment will minimize any interference to existing full power stations and to other licensed LPFM allocations.

The creation of LPFM service will assist in curtailing the problem of unlicensed (pirate) broadcasters. Those individuals serious about running their own broadcast outlet--whether small broadcast entrepreneurs or serious hobby enthusiasts--will comply with these new rules. I believe initiation of the new LPFM service will be viewed as "the last chance to be legal"! Obtaining a license to operate these days is beyond the means of all but the weathiest Americans. To put a license within the grasp of serious broadcasters will insure a minimal amount of interference, maximize compliance with regulations, make more efficient use of the available spectrum space, create new business on a number of levels and create local diversity, ownership and service on the airwaves. Unless LPFM service is initiated, the number of unlicensed (pirate) broadcasters will undoubtedly continue to escalate, along with the resulting interference to licensed stations and complaints by the listening public of obscene or indecent material, personal attacks and chaos on the air, etc.

Many unlicensed (pirate) stations will probably seek LPFM-2 licenses (1-50 watts). Most of these operators tend to be serious hobby enthusiasts--usually of high school or college age. Some of their programming can be classified as eclectic, niche, clever, eccentric or

sometimes even "bizarre". These "pirates of the airwaves" have attained a certain modern 'folk hero' status amongst everyday people. Americans love an underdog--a 'little guy' who fights what is perceived to be an unfair, insensitive, unresponsive, bureaucratic system and somehow manages to "get away with it"! Books are being written, movies are being made, and urban legends are being told about these new 'folk heroes'. When one hears of a 'pirate' station operating in the area, the first thing most people want to know is "Where can I find it on the dial?" Organizations have even been established for the sole purpose of disseminating information about the localities, frequencies, power, hours of operation, programming and personalities of these 'pirate' stations! I do not view most of these operators as "criminals" per se, although they are clearly in violation of the law and I do not condone their activities. However, licensing these operators will help to restore order to the airwaves. My opinion is that these small operators will bring some of the fun and excitement to back radio listening! Perhaps the FCC can declare an "amnesty period" in much the same way the IRS and INS have done in the past. A new "line" needs to be drawn--a fresh start. With the expiration of the amnesty period, the FCC should let it be known that it will go after illegal broadcasters with impunity. It wouldn't take long for the word to get out! Without a doubt, unlicensed operators are watching RM-9242 very closely. If the commission fails to adopt this proposal, I fear the number of unlicensed operators will increase dramatically as a form of 'retaliation', and 'protest' on the airwaves--indicative of frustration. In reality, unlicensed or 'pirate' operations have always existed and a very small number always will--regardless of any action taken by the FCC.

D. CONCLUSION

It is my belief that the commission has come to an important "crossroads" in American broadcasting. The time for implementing LPFM service is now! Mr. Skinner's petition has shown where to find the spectrum space for these new stations. In the interest of the "open market" and "fairness", this new class of stations should be allowed to operate commercially with the maximum technically possible power allowable (3,000 watts at 100 meters maximum) while conforming to FCC standards. The time has come to return control of the airwaves to it's rightful owner, the average person. To not approve this new service will only proliferate and magnify the problems and shortcomings plaguing the broadcast industry today. The proposals put forth in RM-9242 will clearly serve the public interest, convenience and necessity. I urge the commission's adoption of this proposal.

Thank you for your consideration and attention to these comments.

Respectfully submitted,

Aaron Coffey
April 9, 1998

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D. ATTACHMENT

The attachment below is reprinted from the April 3, 1998 edition of the Joliet Herald-News, Joliet, Illinois. It is a commentary by Don Hazen about the lack of community service found on WJOL/WLLI/WJTW, Joliet, IL. These stations were recently aquired by Pride Communications, Inc. and represent three of the five commercial allocations in this immediate area. I have included this commentary as an attachment because it is a problem that is all too common with full power broadcasters today and supports my argument for the creation of LPFM.

JOLIET HERALD-NEWS
APRIL 3, 1998

News

Listeners not buying Hooker's wares

Don Hazen
On The Air

The phones ring, the letters arrive, but the message is the same — whatever Pride Communications is trying to pass off for radio programming on the former "Voice of Joliet" isn't selling among more and more former listeners.

This before anything else — I like the morning team on WJOL-AM (1340). The host, Tony Ray. The sports guy, Scott Slocum. The news anchor, Andrea Darlas. All good people. I listen to them a lot.

They give me what I want. A local news wrap-up. Weather. The late sports scores. Traffic if I happen to be going into the Windy City. Plus, a few giggles here and there.

Also, it was announced this week that another mainstay, Bob Hylka, will host his final morning show today on WJTW-FM (93.5). That's another loss, although some reports say he isn't going very far.

But, getting back to WJOL, what happens after 10 a.m.? Where are the local interview shows, where is the long-form noon news, where all of the time?

As one disgruntled listener who called in said, "If I want to listen to the music they play on WJOL after 10 a.m., I'll listen to WAIT-AM (850), because it's basically the same radio station."

Sounds like that listener is onto J.B. Hooker, Pride Communications' chief honcho. WAIT and WJOL are both owned by Pride, so yes, listener, you are basically hearing the same station.

If Hooker is to be measured by what is on his stations, he fails miserably. He came into the Joliet market to cut costs and "group market" his stations, not at all caring about what happens in this community.

Hey, buy an ad with us, we can put it on 10 stations. Is he also because he knows nothing about local radio programming?

Maybe Hooker's stations are successful elsewhere. Elsewhere isn't Joliet.

Look at Joliet's demographics and you find a town that values its families, its beliefs, its sports, its American Legion Band and hard work. Hooker may know ad sales, even his detractors say that, but he has made WJOL abdicate as the area's full-service station.

As another listener says, "The day Pride took over, they turned WJOL into a senior citizen satellite jukebox and, being 28, I am not interested in listening to (1) music from before my birth, (2) music on AM and (3) satellite supplemented, nonlocal programming."

Hooker's other local stations show the same pattern. Keep a legitimate morning host, Hylka, on WJTW-FM (93.5), then go satellite. Get a local guy, Lonny Tyler, and let him rock in the morning, then jukebox on WLLI-FM (96.7).

Don Hazen is a Herald News