

April 17, 1998

DOCKET FILE COPY ORIGINAL

The Secretary
FCC
Washington, D.C. 20554

RECEIVED

APR 22 1998

FCC

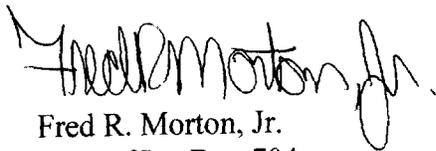
In Re: Comments

Dear Sir:

Enclosed is an original and nine copies of comments I wish to file with respect to **RM-9242**.

Should you or your staff have any questions, please feel free to communicate with me at the address below.

Sincerely,



Fred R. Morton, Jr.
Post Office Box 704
Sugar Land, Texas
77487-0704
(281) 236-8383 Voice
(281) 403-6314 Facsimile
"Radioguy@Neosoft.Com"

3. Copies rec'd 029
CODE MMB

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

APR 2 1998

FCC L.P.F.M.

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

FCC RM-9242

Comments of FRED R. MORTON, JR.

1. INTRODUCTION

I am a co-owner and operator of a small market stand alone FM broadcast station, as well as a Chief Engineer for a major market FM broadcast station. I have filed numerous petitions for rulemaking with the Commission, as well as various applications for construction permits. I have participated in the building, operation and sale of broadcast properties. My tenure in the broadcast industry approaches 30 years. Because of this background I feel eminently qualified to make the following comments regarding the above referenced rulemaking.

2. RM-9242 calls for the creation of a low power, primary and secondary FM broadcast service which is intended to give opportunities to those individuals and groups otherwise unable to participate in the broadcast process. I **support** the proposal expressed RM-9242 with certain modifications, and list those below.

PROPOSED MODIFICATIONS TO RM-9242

1A. OWNERSHIP REQUIREMENTS

I believe that existing owners of broadcast properties should not be allowed to file for the LPFM service, with the exception of those owners of stand-alone AM facilities which have either **no** nighttime service, or nighttime service of such low permissible power as to render said service **unusable**. This exception would not apply to those licensees that have a daytime AM and any other broadcast facilities in the same market as the proposed LPFM facility. In other words,

2.

no existing broadcast ownership (even as small as 5%) would be allowed, except as noted above. For the purposes of this paragraph, “same market” is taken to mean within 50 miles (80 km) of the proposed LPFM facility. Non-profit, non-commercial and educational institutions should be exempt from the above, but in the case of a mutually-exclusive scenario, any existing broadcast ownership should count *against* the non-commercial entity with respect to any “weighting” which is used in either a hearing or auction situation. This means that, while non-commercial (IE, educational, religious, community or some other type of non-profit organization) licensees are not *disallowed* from filing for a LPFM license, they should stand less of a chance of receiving a grant than someone who has absolutely *no* broadcast interests whatsoever. This is intended to keep professional filers, whether they be commercial, non-commercial or a mixture thereof from building up a station group via the LPFM process.

The requirement that licensees of LPFM facilities reside within 50 miles (80 km) of the proposed transmitter site is a reasonable one which will help eliminate the possibility of “sham” applications.

I suggest that an LPFM licensee be limited to no more than five (5) such facilities in a 50 mile (80 km) radius from their legal residence, and that no more than three (3) of these facilities be licensed as LPFM-1 (primary service). This would allow a potential licensee to “fill in” potential dead spots in a particular coverage area (IE, a large metropolitan area or rural area) which a single facility would not be able to do. I also suggest that only one “legal residence of record” be allowed for filing purposes, less possible loopholes be exploited to circumvent the proposed ownership limits proposed herein.

2A. EQUIPMENT REQUIREMENTS

It should be mandatory that all LPFM facilities use equipment either type accepted or type approved. The smallest operations (LPFM-3) could consist of nothing more than a “all in one” arrangement, with transmitter, stereo generator/limiter combination and facilities for automatic deviation (modulation) control, which cannot be adjusted (or misadjusted) by the end user. This control could be something as simple as a “brick wall” clipper or similar device, with a rudimentary VU meter or led bar graph indicating relative modulation. Larger facilities (LPFM-1) can find acceptable equipment similar to that now used by the typical commercial/non-commercial Class A (or higher) FM facility.

3A. COVERAGE REQUIREMENTS

While I believe that all proposed LPFM-1 facilities should be required to follow the same city grade coverage requirements as existing FM broadcast facilities, it is understood that, due to interference criteria and tower site availability, this may not be possible and as such there should be waivers readily available to the potential LPFM-1 licensees. LPFM-2 and LPFM-3 facilities should be excused from this requirement, due to the secondary service inherent in these facilities.

4.

I agree that elimination of the 2nd and 3rd adjacent channel protection requirements now in effect for commercial FM broadcasting would be necessary to make the LPFM service possible. Since the FM rules were first written in the early 60's, receiver design as well as FM transmitter plant operation has made those protection requirements obsolete.

4A. SUMMATION

The Petitioner believes that the local radio service envisioned by the FRC and the FCC is rapidly going the way of other industries which have been devoured by legal consolidation, and as such participation by local, grassroots organizations and/or individuals with strong local ties to their communities is almost impossible. I agree. The sheer amount of money necessary today makes broadcast ownership all but impossible for those without substantial financial resources. The LPFM service would, for the first time in many years, take a giant step in allowing those who wish to bring true localism and public service back to the radio industry. As envisioned, the LPFM service would protect existing commercial broadcasters while providing local aural service for those communities now unable to get it. I believe that the adoption of **RM-9242** is consistent with the public interest, convenience and necessity and would be a welcome enhancement to what already is the finest aural broadcast service in the world.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Fred R. Morton, Jr.", with a stylized flourish at the end.

Fred R. Morton, Jr.
Post Office Box 704
Sugar Land, Texas 77487-0704
(281) 236-8383 Voice
(281) 403-6314 Facsimile
"radioguy@neosoft.com"