

J. T. COMMUNICATIONS

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APR 21 1998

FCC MAIL ROOM

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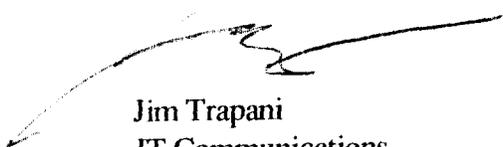
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Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554
April 21, 1998
RE: NPRM9242

Gentlemen,

Enclosed are my reply comments for the above mentioned NPRM. This also certifies a copy has been sent first class mail to the applicant.

Sincerely,



Jim Trapani
JT Communications

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

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APR 27 1998

In the Matter of:

FCC MAIL ROOM

Proposal for Creation of the Low Power FM)
(LPFM) Broadcast service) FCC NPRM 9242
)

REPLY AND COMMENT

Submitted by:

Jim Trapani
JT Communications
579 NE 44th Ave.
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352-236-0744

I respectfully submit the following replies and comments in the matter of J. Rodger Skinner, Jr. of TRA Communications Consultants, Inc. All paragraph references in this reply directly relate to the NPRM references.

1- no comment

2- no comment

3- no comment

4- Delete reference to "...approximately fifteen miles maximum for "primary class" stations..."

5- Remove references to "large corporations" as no definition of large corporations has been established.

6- Petitioner should not attempt to classify rules for the LPTV service, only cite references to it. This petition should only address the FM service.

7- Remove "Primary Service" and "Secondary Service" references. In order to equify station assignments, *provide for additional classifications similar to existing station classes and requirements, similar to the class-D stations.*

8- no comment

9- no comment

10- Applicant needs to define large and small businesses. If a large business has less than 50% interest in a smaller business, does this still classify the smaller business as a "large" business?

11- see #10 above.

12- Applicant needs to be aware of reverse-discrimination tactics when assigning a "minority" classification to an applicant.

13- no comment.

14- concurrence.

15- Although establishment of new classifications of radio services, illegal broadcast activity will still exist. The establishment may reduce the problem, but it will not eliminate the problem.

16- The FCC v. Dummer case clearly indicates that the right of free speech overlaps the right to transmit without a license. Although this matter should be left to the courts, *establishment of new classifications of radio services may not eliminate this type of court action.*

17- no comment

18- no comment

19- *Four distinct types* of low-power FM services may not be the actual number needed.

20- Concurrence. *The FCC can issue experimental and Special Temporary Authorizations for such activities, provided* applicant conducts an engineering study to assure that the frequency selected will not cause interference to existing services.

21- In order to comply with a 1mV/m contour at 150' HAAT, the required ERP would be 150W. The following chart, utilizing the FCC(50,50) contours indicates the 1mV/m at various power levels:

POWER (watts)	HAAT (ft)	1 mV/m contour (miles)
10	150	2.5
50	150	3.7
150	150	4.9
300	150	5.8
500	150	6.7
1000	150	7.9
2000	150	9.4

As you can see, 50 watts ERP only provides a 3.7 mile 1 mV/m contour. The petitioner should indicate a *Maximum* power of 150W and a *Maximum* HAAT of 150 feet (45 meters) would be needed to comply with the 5 mile, 1 mV/m limit. I do not believe that the petitioner properly address the "small community" classification with a 50 W ERP signal, if the petitioner wishes to maintain a 1 mV/m contour of 5 miles. I believe the petitioner should state *an LPFM-2 station shall not exceed 50 watts ERP and not exceed an antenna HAAT 45 meters (150 feet).*

22- The petitioner has indicated a maximum power of 3KW ERP, but fails to specify a maximum antenna height. The petitioner does indicate a 1 mv/m contour of up to 15 miles. In order to comply with this, the HAAT would have to increase to 100M (328'), at 3 kW ERP. I believe this borders on the standard class-A existing service. Furthermore, petitioner says this class of stations would be barred from large corporations, but fails to define what a large corporation consists of, or whether or not large-corporation minority interest is a factor. Further, petitioner states that EEO reports would be required by class holders of this type. I believe that *all stations which employ more than five (5) full-time employees* rather than the class of station would *have to comply with EEO requirements*. This would reduce the number of EEO lawsuits that could be filed by minorities. In addition, all stations can adjust programming schedules. Just because a station is broadcasting 24 hours a day does not mean the broadcast content serves the community's best interests (eg, stations that broadcast network-oriented programming that has no geographically-specific or content-specific material directly impacting the local communities interests or needs (canned music services, etc).

Therefore, *stations should select their own programming schedule which they feel meets the needs and interests of the community to be served*, and not be delegated by FCC rules. A LPFM-2 stations program content could exceed an LPFM-1 stations program content for a given community service area. This is the entire basis of establishing a new class station. Small community-oriented stations better meet the needs of the local community, without having to service areas beyond the community in which the station is licensed to.

23- See # 22 above.

24- This is misleading, as an "owner" would not be able to maintain ownership of more than one station within the 50 miles. If the station was owned by a corporation, would all members of the corporation have to meet this requirement also? What about the stockholders, etc.? A radio station is a business. The station owner must think like a business. The primary reason for a business to succeed is profit. If a low-power station can better profit (and better serve the community) with less overhead than a large station, it can succeed as a business, without limitations on an owners living location. Requiring an owner to live within a specified area discriminates between low-power stations and existing stations. The petitioner states that LPTV has accomplished this benefit. Do LPTV stations have the 50 mile location requirement of their stations also?

The petitioner also states that LPFM-1 stations include an engineering showing of non-interference. *All broadcast stations should require an engineering study for interference.*

25- The LPFM-2 stations as specified should be required to comply with all FCC regulations. In order to comply with a frequency assignment, an LPFM station should have to meet the prohibited overlap rules of FCC 73.509). Furthermore, All other stations would have to protect LPFM stations utilizing the same section. As stated in #24 above, LPFM stations shall submit an engineering study before applying for a frequency assignment.

26- All stations should receive protection from all classes of stations, as per current rules. Upgrades shall be on a case-by-case basis only.

27- Applicants for the LPFM-3 station should not receive preferential treatment, because this restricts use of a particular frequency to other applicants requesting various classes.

28- Protection and channel computation for all channels of ANY LPFM station shall conform to FCC 73.509.

29, 30, 31, 32- See #28 above.

33- no comment.

34- no comment.

35- See 73.512 for this requirement.

36- It would be adequate to establish the same rules currently under 73.5 (Educational FM stations) for the LPFM station technical requirements.

37, 38, 39, 40, 41, 42, 43- no comment.

44- See #36 above. The rules that apply to the class-D stations should suffice for the LPFM station classification.

45, 46, 47, 48- no comment.

49, 50- no comment

51- All applicants shall comply with Class-D station requirements.

52- The wording "type-accepted" should be replaced with current "type-notified" or the new "verified" status for broadcast transmitters.

53- See #24 above.

54, 55- no comment.

56- Mutual exclusivity could be eliminated if applicants were processed on a first-come, first-served basis.

57, 58, 59- Petitioner states that "...large corporations...now dominate the ownership...of FM stations...". Unfortunately, a 50 mile rule will not stop "large companies" from LPFM ownership. The FCC should *permit any single entity or owner to be able to own a single LPFM station at a time*. This would eliminate the multiple-ownership problem, and eliminate the 50-mile rule requirement.

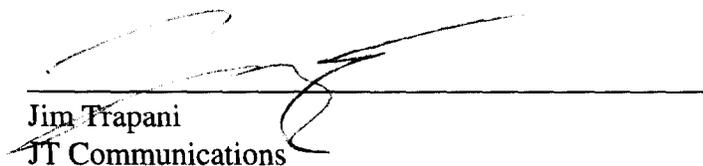
60- The FCC already has rules in place for equipment authorization of broadcast equipment. Due to the current rule changes, equipment authorization cost savings will result in more affordable broadcast equipment.

61, 62, 63- All stations should comply with any applicable rules, and not be limited to a "rule-free" reign. Petitioner does not define which rules would apply to each class. This may cause undue confusion between the various classifications of LPFM stations.

64 to 67 and CONCLUSION-

I believe there is a need for an LPFM service. Perhaps a variation would be a modification of the current "class-D" stations. This service would require a 5-mile *maximum* 60dBu primary contour, and a new class (or LPFM-1, as referenced by petitioner) would allow a minimum of 51 Watts ERP, a Maximum of 300W ERP AND a maximum antenna height above average terrain of 100 Meters. The Utilization of the current FCC 73.509 rules would define interference calculations, and applications would be processed on a first-come, first served process. All applicants would be permitted to own only a single station of *ANY CLASS.*, which would eliminate multiple ownership. All LPFM stations would have to comply with current technical rules. Filing and processing fees would be reduced to a level commensurate with class of license.

Respectively,



Jim Trapani
JT Communications