

Before the
FEDERAL COMMUNICATIONS COMMISSION BOOKET FILE COPY ORIGINAL
Washington, D.C. 20554

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

FCC RM-9242 RECEIVED

APR 27 1998

To: The Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS of CURT R. DUNNAM
on PETITION for RULEMAKING

I am a resident of the Ithaca, New York area and, like many other individuals in this community, have become increasingly concerned about the ramifications of the Telecommunications Act of 1996. About 2 years ago, all four of the for-profit Ithaca commercial radio stations fell under common ownership. At the time of the merger, these stations, two 5KW AM's and two Class B FM's, controlled over 60% of the local market¹. Today, the only significant local broadcast competition which exists in the Ithaca market is a student-run commercial not-for-profit Class A FM facility. Like most people in this area who rely on these stations for news and affairs, I have become well aware that consolidation of local stations has led to more automated programming and far less local news and public-affairs production. Also, I am told by local business owners, advertising rates have increased. From business trips across the U.S., and from reading broadcast trade journals, I note that this trend is apparently occurring nationwide. In my view, it is unlikely that this nearly universal deterioration of domestic broadcast services conforms with Congress' intent in passing its 1996 telecommunications act.

RM-9242 appears to offer a means of increasing domestic broadcast diversity in conformance with Section 257 of the Act, in a way which is neither technically nor procedurally disruptive. My educational background is in electrical engineering and engineering physics, and in that capacity I have reviewed in detail Mr. Skinner's assertions in RM-9242 regarding FM interference

¹ See "Petition to Deny Application to Assign Commercial Radio Licenses of WTKO (AM) and WQNY (FM), in Ithaca, New York", filed 4/16/96, at page 10.

potential and found them to be fundamentally correct. My evaluation is based on examination of the present requirements for second- and third-adjacent interference listed in 47 CFR §73.215 (a)(2) compared with selectivity specifications for several receivers manufactured during the past 25 years. It is clear that the interference potential is negligible, assuming minimal guidelines for second-adjacent placements (see below). I also believe his proposals to allow dual polarization and permit only the use of type-approved equipment to be sound. Procedurally, implementation of the multi-tiered scheme described in RM-9242 will permit prospective applicants to submit a facility proposal which is best tailored to the physical requirements of the geographical area to be served, especially when the relative local availability of broadcast spectrum is a limiting factor. Processing such applications will be straightforward if applicants are required to provide adequate documentation of requisite engineering studies.

I am in full agreement with a local resident eligibility requirement for the proposed LPFM service, as set forth in RM-9242. This is an essential feature, and must be included to promote entry of small businesses and increased competition in the FM broadcast service.

Similarly, in the absence of viable comparative criteria, it seems reasonable that a lottery system as outlined in RM-9242 should be implemented in preference to spectrum auctions. Auctioning channels for an LPFM service would effectively defeat the stated diversity goals of this rulemaking. It is obvious that maximum diversity occurs when economic barriers are removed, rather than erected.

There are currently two proposals² for a low-power broadcast FM service before the FCC. After reviewing and comparing both, I strongly prefer the instant proposal, RM-9242 on both its procedural and technical merits over the competing proposal. It seems inevitable that the competing proposal's extremely low-power service would soon evolve into a chaotic, anarchistic situation as applicants rapidly grow disgruntled with the limited range of their assigned facilities.

Revisions and addenda which I suggest be incorporated in any rulemaking based on RM-9242 are threefold. First is an explicit provision to allow the use of directional transmitting antennas within current specifications, including for the purpose of compliance with foreign treaties (if so permitted). Second is the inclusion of a revised separation table or substitute technical

² RM-9208 and the instant Petition for Rulemaking.

guidelines for placement of RM-9242 proposed LPFM's with respect to existing second-adjacent facilities (to forestall excessive "blanketing" to both existing stations and the proposed LPFM-1's). Third, in paragraph 53, insert the words "broadcast" in the sentence: "...over an applicant that owns one or more [broadcast] mass media." It is assumed here that the existing newspaper-cable-broadcast crossownership prohibitions would apply.

These minor revisions aside, it is my opinion that RM-9242 is a superior proposal which would enable the Commission to implement Congress' true intent of increasing competition and diversity as expressed in the Telecommunications Act of 1996.

Respectfully submitted,



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