DOCKET FILE COPY ORIGINAL
RECEIVED
APR 27 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, DC

In re Application of	)	
	)	
Amendment of Part 73, Subparts A, B, and C	)	
of the Commission's Rules	)	***RM-9208***
to Allow Amendment of the AM and FM Service	)	***RM-9242***
for a Microradio Broadcasting Service for the	)	
Purpose of Providing Very Localized and/or	)	
Specialized Broadcast Service to the Public	)	
AM Broadcast Service		

To: The Commission

COMMENTS

Christopher DiPaola, by his attorney, hereby submits comments in support of the proposals submitted by Nickolaus E. Leggett and Judith F. Leggett (RM-9208) and J. Rodger Skinner (RM-9242) for establishment of a microradio broadcasting service on the AM and FM band. In support thereof, the following is stated:

As the Commission is aware, there are a number of relatively low-power, illegal, unlicensed stations operating on the AM band. This is the result of serious fledgling broadcasters intent on serving the public, but without access to the facilities or the financial resources for a traditional broadcast facility. Nevertheless, despite the fact that these facilities are unlicensed, the FCC has not had the means to easily monitor these facilities to ensure that they are operating on a non-interfering basis.

By establishing this new local-based service, new local service would be provided; the operations would be specifically licensed any restricted to certain select powers and service areas to ensure that would be no interference to any existing facility; and there would be a reduction of

"unlicensed" broadcasters not under the direct oversight of the Commission. Moreover, establishing the service would be consistent with the FCC's policies disfavoring monopolies and which encourage a diversity of broadcast "voices" in the marketplace.

It should be noted that this proposal is similar in purpose to one already submitted to the Commission previously by Christopher DiPaola. DiPaola previously proposed service on the AM band so long as such service is restricted to 10 watts ERP and an antenna length no greater than 15 feet, as long as the station is located outside of the measured 0.5 mV/m contour of any full-power AM broadcast station operating on the first adjacent channel or at least 130 km outside the measured 0.5 mV/m co--channel daytime contour, and outside the 0.5 mV/m-50% nighttime skywave contour of full-service Class A AM stations from operation at night. In adopting these restrictions, the requirements would be identical to those of the Traveler's Information Service. 47 C.F.R. § 88.1095(a). Therefore, for the same reasons that the Traveler's Information Service is able to operate on a non-interfering basis in the AM band, DiPaola's proposed service would be able to provide a comparable service on a non-interfering basis in the expanded band. For the Commission's convenience, a copy of Christopher DiPaola's proposal is attached hereto.

The Leggett and Skinner proposals, if adopted, would accomplish the same goals as that proposed in the DiPaola proposal by providing even greater service alternatives. Due to the recent changes to the Commission's rules permitting the ownership of multiple stations within a marketplace, coupled with the escalation of station prices, market conditions have made it impossible for middle-class citizens to provide a locally-based service to the community. Adoption of these proposals currently before the Commission will strike a happy medium between the interests of big market broadcasters and locally-based radio stations, while eliminating and regulating the unlicensed operations that have been plaguing the Commission in recent times.

The only segment of the population this proposal is expected to upset is existing broadcasters concerned about additional competition. Such concerns, however, address only broadcasters' private financial business, which would in this case be outweighed by the value of the service that would result to the local listening public.

WHEREFORE, it is respectfully requested that the Petitions for Rulemaking currently before the Commission for consideration be adopted.

Respectfully submitted,

CHRISTOPHER DIPAOLA

By: _____
Dan J. Alpert

His Attorney

Law Office of Dan J. Alpert
2120 N. 21st Rd.
Suite 400
Arlington, VA 22201
(703) 243-8690

April 27, 1998

Before the
Federal Communications Commission
Washington, DC

RECEIVED
AUG 29 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of	)
	)
Amendment of Part 74 of the Commission's Rules to Allow for Low-Power AM Broadcast Service	)
	)

To: The Commission

PETITION FOR RULEMAKING

Christopher DiPaola, by his attorney, hereby respectfully request that the Commission consider amendment of Part 74 of the Commission's Rules to allow for the establishment of a new low-power AM broadcast service. In support thereof, the following is stated:

1. As the Commission is aware, the FCC currently allows for low-power operation in a number of contexts. First, it allows for FM translator and booster operation pursuant to Section 74.1201 of the Commission's Rules. 47 C.F.R. § 74.1201 et seq. Unlike LPTV stations, FM boosters and translators are not permitted to originate programming except for purposes of fundraising and in the event of emergency. 47 C.F.R. § 74.1231(g). Second, it allows for service on the AM broadcast band as long as such service is not in excess of 100 milliwatts and the antenna and ground lead does not exceed three meters. 47 C.F.R. § 15.219. Finally, non-commercial Travelers' Information Stations are permitted to operate on AM frequencies 530 kHz - 1700 kHz on a non-interfering basis. 47 C.F.R. § 88.1091.

2. There is a grave need for commercial low power broadcasting in the expanded AM band (1610-1710 kHz). This Petition proposes authorizing operation on that band, with facilities restricted to 10 watts ERP and an antenna length no greater than 15 feet, as long as the station is located outside of the measured 0.5 mV/m contour of any full-power AM broadcast station

operating on the first adjacent channel or at least 130 km outside the measured 0.5 mV/m co--channel daytime contour, and outside the 0.5 mV/m-50% nighttime skywave contour of full-service Class A AM stations from operation at night. In adopting these restrictions, the requirements would be identical to those of the Traveler's Information Service. 47 C.F.R. § 88.1095(a). Therefore, for the same reasons that the Traveler's Information Service is able to operate on a non-interfering basis in the AM band, this proposed service would be able to provide a comparable service on a non-interfering basis in the expanded band.

3. As the Commission is aware, there are a number of relatively low-power, illegal, unlicensed stations operating on the AM band. This is the result of serious fledgling broadcasters intent on serving the public, but without access to the facilities or the financial resources for a traditional broadcast facility. Nevertheless, despite the fact that these facilities are unlicensed, the FCC has not had the means to easily monitor these facilities to ensure that they are operating on a non-interfering basis. By establishing this new local-based service, new local service would be provided; the operations would be specifically licensed any restricted to certain select powers and service areas to ensure that would be no interference to any existing facility; and there would be a reduction of "unlicensed" broadcasters not under the direct oversight of the Commission. Moreover, establishing the service would be consistent with the FCC's policies disfavoring monopolies and which encourage a diversity of broadcast "voices" in the marketplace.

4. A license of this nature should be regulated with fees and subject to the same rules and regulations as other broadcast facilities. A suggested initial filing fee is $1,500, accompanied with an annual fee of $1,000 per year once the facility is licensed. Insofar as the proposed operation would provide service to only a very select audience, it is recommended that the fee

be refundable in full in the event any given application for the service is not granted.

5. The only segment of the population this proposal is expected to upset are existing broadcasters concerned about additional competition. Such concerns, however, address only broadcasters' private financial business, which would in this case be outweighed by the value of the service that would result to the local listening public.

WHEREFORE, it is respectfully requested that this Petition for Rulemaking be granted, and that this proposal be placed on Public Notice for comment from the general public.

Respectfully submitted,

CHRISTOPHER DIPAOLA

By: _____
Dan J. Alpert

His Attorney

Law Office of Dan J. Alpert
2120 N. 21st Rd.
Suite 400
Arlington, VA 22201
(703) 243-8690

August 29, 1997