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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Petition for a Microstation Radio Broadcasting Service	)	**RM-9208**
	)	

COMMENTS

Submitted by:

Dr. Michael C. Trahos, D.O., NCE, CET
4600 King Street, Suite 6K
Alexandria, Virginia 22302-1213

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I. INTRODUCTION

1. Dr. Michael C. Trahos, D.O., NCE, CET (Commenter), pursuant to Section 1.405 of the Federal Communications Commission (Commission) rules, hereby submits these timely **COMMENTS** in response to three Petitions for Rulemaking[1] to establish Low Power Broadcast Radio Services (LPBRS).

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[1] **Petitions for Rulemaking: RM-9208**, July 7, 1997, FCC Report No. 2254, February 5, 1998; **RM-9242**, February 20, 1998, FCC Report No. 2662, March 12, 1998; **RM-9246**, June 24, 1996, FCC Report No. 2264, March 18, 1998.

II. COMMENTER QUALIFICATIONS

2. Commenter is an unlimited licensed, board certified and actively practicing **General Medicine/Family Practice Physician and Surgeon**. Commenter holds the academic faculty appointment of **Assistant Clinical Professor**, Department of Family Medicine, Georgetown University School of Medicine. Cementer holds the current positions of **Chairman** - Technology and Health Care [Telemedicine] Task Force of the [National] American Osteopathic [Medical] Association (AOA), **Executive Member** - AOA Council on Federal Health Programs, Virginia [State] Osteopathic Medical Association (VOMA) **Virginia State Delegate** to the AOA House of Delegates, and Alexandria [Virginia] Medical Society (AMS) **Delegate** to the Medical Society of Virginia (MSV) House of Delegates. Commenter holds the previous positions of **President** (CY'94) - AMS and **Vice-Councilor** - MSV 8th U.S. Congressional District.

3. Commenter was selected/elected and currently serves as the **Medical Profession Representative** - Technical Committee, **Chairman** - Legislative/Regulatory Affairs Committee, and **Special Emergency Radio Service Representative** - RPRC of the National Public Safety Planning Advisory Committee's (NPSPAC) Region-20 [State of Maryland, Washington, DC, Northern Virginia] Public Safety Regional Plan Review Committee (RPRC), for the development and implementation of a Public Safety National/Regional Plan (GN Docket No. 90-7) for the use of the 821-824/866-869 MHZ bands by the Public Safety Services pursuant to the Report and Order in GN Docket No. 87-112.

4. Commenter is also a **First Class Telecommunications Engineer**, certified by the National Association of Radio and Telecommunications Engineers (NARTE), possessor of a **First**

Class Certificate of Competency, issued by the Association of Public Safety Communications Officials, Inc. - International (APCO), and **Fellow** of The Radio Club of America. Commenter has over 25 years experience in the telecommunications field with many of these years spent actively participating in Commission proceedings.

5. Commenter is Commission licensed in the Amateur Radio (ARS), Business Radio (BRS), General Mobile Radio (GMRS) and Special Emergency Radio (SERS) services. Commenter has taken examination for and has been issued the Commission's commercial **GMDSS Radio Maintainer**, **GMDSS Radio Operator**, and **General Radiotelephone Operator Licenses**. It is with having the above extensive expertise in dealing with personal, business, medical and emergency/public assistance communications matters that this Commenter is qualified to make the following **COMMENTS** in response to these Petitions for Rulemaking.

III. **COMMENTS**

A. **RM-9208 - Petition for a Microstation Radio Broadcasting Service**

6. RM-9208 proposes the creation of a Microstation Radio Broadcasting Service (MRBS). This MRBS Petition, as proposed, is envisioned by this Commenter as a **47 CFR Part 95** Citizens Band Personal Radio Services type, unlicensed, very low effective radiated power (ERP), LPBRS.

7. 47 CFR Part 95 currently consists of several subparts. Those applicable to this discussion are the GMRS[2], Family Radio Service (FRS) [3], Radio Control Radio Service (R/C) [4], Citizens Band Radio Service (CBRS)[5], and Low Power Radio Service (LPRS)[6] . These radio services are all unlicensed and utilize low power output/ERP operations.

8. The MRBS Petition proposes a one watt maximum output power[7], crystal controlled[8], small coverage area [9], maximum 50 foot above ground antenna height limitation[10]

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[2] **47 CFR 95, SUBPART A.**

[3] **47 CFR 95, SUBPART B.**

[4] **47 CFR 95, SUBPART C.**

[5] **47 CFR 95, SUBPART D.**

[6] **47 CFR 95, SUBPART G.**

[7] **Ibid., Footnote 1, RM-9208**, at Page 8

[8] **Ibid**.

[9] **Ibid**.

[10] **Ibid**.

LPBRS. It further proposes minimum Commission intervention/oversight[11], "fines and penalties similarly to those imposed on the Citizens Radio Service"[12], multiple reapplication cycles for license revocations[13], and with licensees permitted to construct and maintain non-type accepted transmitters.[14]

9. Low power output, crystal controlled transmitters, small areas of operation and limited antenna heights are all characteristics of the FRS, CBRS, LPRS and R/C. 47 CFR Part 95 provides the perfect "home" for any proposed radio service with such characteristics.

10. Minimum Commission oversight, intervention, enforcement and staff utilization are also best achieved within 47 CFR Part 95. By the enactment of appropriate rules and regulations, similar to those recently adopted in the FRS[15] and LPRS[16] proceedings, this proposed MRBS could service the largest number of citizens with minimum utilization of valuable Commission resources. Furthermore, since the MRBS Petition proposes monetary forfeitures for rule violations the same as the CBRS, then it is only appropriate that this new LPBRS reside under **47 CFR Part 95** as a new ***Subpart H***.

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[11] **Ibid**.

[12] **Ibid**., at Page 9.

[13] **Ibid**., at Page 10.

[14] **Ibid**., at Page 8.

[15] **REPORT AND ORDER**, WT Docket No. 95-102, FCC 96-215, May 10, 1996.

[16] **REPORT AND ORDER**, WT Docket No. 95-56, FCC 96-315, July 25, 1996.

11. The MRBS Petition proposes operators be permitted to construct and maintain non-type accepted transmitters.[17] Yet these same proposed "home-made" transmitters are suppose to "transmit a high-quality signal with a minimum of harmonics and spurious emissions".[18] Unfortunately, the two concepts are incompatible.

12. In 1995, the Commission eliminated the need for Chief Operators of broadcast facilities to possess a commercial radio operator license or permit.[19] With the Commission being, at present[20], unwilling to reinstate mandatory licensing of individuals involved in the maintenance of transmitters, leaving the responsibility of "compliance with signal purity standards" for MRBS transmitters to potentially unskilled and inexperienced operators/maintainers is strongly ill advised.

13. On April 2, 1998, the Commission's Compliance and Information Bureau (CIB) adopted a proceeding against an individual for illegal broadcast operations.[21] In this proceeding, the alleged individual constructed a one watt FM broadcast transmitter from a kit resulting in harmonic/spurious harmful interference to reception of legal broadcast transmissions ***3.2 MHZ*** away from the illegal transmitter's broadcast frequency.[22] This example reinforces the position that any transmitter authorized in any adopted LPBRS must be Commission type accepted.

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[17] **Ibid** at Footnote 14.

[18] **Ibid**.

[19] **47 CFR 73.1870**, 60 FR 55482, November 1, 1995.

[20] **NOTICE OF PROPOSED RULE MAKING**, WT Docket No. 97-153, RM-8680, FCC 97-239, July 2, 1997, at Paragraph 19.

[21] **ORDER TO SHOW CAUSE AND NOTICE OF OPPORTUNITY FOR HEARING**, CIB Docket No. 98-45, FCC 98-61, April 2, 1998.

[22] **Ibid**., at Paragraphs 5 and 2.

14. The MRBS Petition proposes that one AM and one FM broadcast channel be allocated to this new LPBRS. However, the Petition fails to specify exactly which frequencies should be assigned. With the current AM & FM channels heavily used, attempting to re-allocate such frequencies for exclusive MRBS use would be literally impossible and strongly opposed by the National Association of Broadcasters. Yet a significant unused source of potential frequencies for the proposed MRBS and RM-9246 - Event Broadcast Stations does exist and are readily available.

15. In the FRS proceeding, the Commission adopted an unlicenced low power service which complimented the already existing GMRS.[23] The GMRS operates with main channels spaced 25 Khz apart. In the FRS proceeding, the Commission determined that low power operations could be conducted, without supposed harm to main channel operations, when the FRS transmitters were operating 12.5 Khz ***offset*** of the main channels.

16. The untapped source of spectrum for these proposed LPBRS is the ***100 Khz FM & 5 Khz AM offset frequencies*** of the currently authorized main broadcast channels.[24] As noted in paragraph 10 supra, through the adoption of appropriate rules and regulations, broadcast offset frequencies could be safely used without harm to existing adjacent main channel broadcast facilities. The Commission could further group select numbers of these interstitial offsets into Local, Regional and Intinerent National use channels, thereby fulfilling the needs of the anticipated multiplicity of users for these frequencies.

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[23] **Ibid**., at Footnote 15.

[24] **47 CFR 73.201, 73.25 & 73.26**

B. **RM-9242 - Low Power FM Broadcast Service**

16. RM-9242 is proposing the creation of a low power FM (LPFM) broadcast service. It specifically proposes the creation of three new classes of LPFM stations designed to provide small area, local/niche market low-cost broadcast radio service. This Petition is exceptionally well written and this Commenter commends the author for a job well done.

17. The LPFM Petition proposes elaborate and precise *technical* rules [dBu service contours, output power levels, antenna heights, co-channel and adjacent channel protection criteria, ex cetera] for this new service.[25] This Commenter supports the implementation of the technical rules proposals contained therein.

18. The LPFM Petition proposes the LPFM-1, LPFM-2 and LPFM-3 station classes be licensed on the currently Commission authorized FM broadcast channels.[26] This Commenter strongly supports the proposal that LPFM-1 and LPFM-2 class stations be 47 CFR Part 73 licensed facilities on the currently authorized FM broadcast channels.[27] However, this Commenter questions the need for LPFM-3 class stations, with their proposed temporary operational status[28], to be licensed facilities under 47 CFR Part 73 versus being un-licensed facilities under a new 47 CFR Part 95, Subpart H (see Section A supra). A compromise would be to have two types of LPFM-3 stations, one licensed and one un-licensed, based upon output powers & antenna heights.

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[25] **Ibid., Footnote 1, RM-9242**, at Section IV.

[26] **Ibid**., at Paragraph 22.

[27] **47 CFR 73.201**.

[28] **Ibid**., Footnote 25 at Paragraph 27.

19. The LPFM Petition proposes *ownership and operations* service rules for which this Commenter, in general, supports. However, there clearly exists specific situations, for the LPFM-1 class stations, where the proposed "24 hours per day continuous broadcast schedule" [29] and the year round residence requirement[30] would be overly burdensome and constitute "market entry barriers for entrepreneurs and other small businesses in the provision and ownership" [31] of such telecommunications broadcast facilities.

20. This Commenter is a commercial property owner and a Trustee of a Fiduciary with substantial commercial real estate holdings located on the eastern shore of the State of Delaware in a small community named Rehoboth Beach. Rehoboth Beach is a seasonal resort community, with a winter, off season, population of just a few thousand persons. Yet in the Summer season, from Memorial Day through Labor Day, this resort community swells with tens of thousands of tourists. Shortly after Labor Day, the cycle again ends and the population returns to just a few thousand. Furthermore, a vast majority of the commercial stores close during the off season due to lack of tourism and to avoid high off season business operational costs and income losses.

21. As noted in paragraph 19 supra, the LPFM Petition proposes these operational requirements for LPFM-1 class stations on the basis that "[t]hese stations can survive commercially since they will be able to cater to many small businesses whose trading areas closely

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[29] **Ibid**., at Paragraph 22.

[30] **Ibid**., at Paragraph 24.

[31] **COMMUNICATIONS ACT OF 1934, AS AMENDED BY THE TELECOMMUNICATIONS ACT OF 1996**, Section 257 (a), [47 U.S.C. 257].

match their coverage areas." [32] However, as elaborated in paragraph 20 supra, with a vast majority of small businesses ceasing operations during the off season, the ability and likelihood of a LPFM-1 station to survive in such a business environment would be nearly impossible.

22. The Commenter therefore proposes that a special exemption be given to any future authorized LPFM-1 class station that is constructed and operated in "Seasonal Markets", such as Rehoboth Beach, Delaware. The exemption should specify and permit the owner of a LPFM-1 station to be either a full-time resident or a part-time non-resident property owner of the community served. Additionally, the exemption must specifically permit the owner of a LPFM-1 station to cease broadcast operations of their facility during the off season without penalty of loss of license or monetary fines.

C. **RM-9246 - Establishment of Event Broadcast Stations**

23. RM-9246 is a Petition that proposes the creation of an event broadcast radio service (EBRS). The EBRS Petition proposes technical operational parameters similar to the MRBS and LPFM-3 class stations. The significant difference is that the EBRS Petition "proposes that the FCC issue broadcast band licenses for *nationwide* operations." [33] (Emphasis added)

24. As noted in paragraph 14 supra, the likelihood of the Commission re-allocating one or more main broadcast channels to an EBRS for nationwide operations is essentially non-existent. For the EBRS to have nationwide capability would require the use of virgin spectrum.

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[32] **Ibid.**, Footnote 30.

[33] **Ibid., at Footnote 1, RM-9242**, at Paragraph 11.

25. As noted in paragraph 16 supra, this spectrum does exist. Furthermore, the creation of a new **47 CFR Part 95, Subpart H** for the provision of LPBRS would fulfill the requirements of an EBRS, as well as a MRBS and a very low output power/low antenna height LPFM-3 class service.

III. CONCLUSION

26. Before the Commission are three Petitions for Rulemaking requesting the creation of LPBRS. Though seemingly similar, each have unique differences. This Commenter has extensively elaborated upon these differences with constructive additional proposals to address spectrum, technical and operational/ownership problems and concerns.

27. This Commenter supports the adoption of all three Petitions through the issuance of a ***Notice of Proposed Rule Making*** (NPRM) to create new **47 CFR Part 73** *licensed* and **47 CFR Part 95, Subpart H** *un-licensed* ***Low Power Broadcast Radio Services***.

28. Commission issuance of a NPRM to create ***Low Power Broadcast Radio Services*** is strongly recommended and is in the *public interest*.

Respectfully submitted,

Michael C. Trahos

Dr. Michael C. Trahos, D.O., NCE, CET

MCT/mct

IV. **CERTIFICATE OF SERVICE**

I, Dr. Michael C. Trahos, do hereby certify that a copy of these **COMMENTS** were sent by First Class United States Mail to the parties listed below on the day and date first above written.

1. Donald J. Schellhardt, Esquire
   45 Bracewood Road
   Waterbury, CT 06706

2. J. Rodger Skinner, Jr.
   TRA Communications Consultants, Inc.
   6431 NW 65th Terrace
   Pompano Beach, FL 33067-1546

3. Harold K. McCombs, Jr., Esquire
   Duncan, Weinberg, Miller & Pembroke
   1615 M Street, N.W., Suite 800
   Washington, DC 20036

Respectfully,

Michael C. Trahos

Dr. Michael C. Trahos, D.O., NCE, CET

MCT/mct