the interfering station overlaps IBOC energy from the desired station (*i.e.*, these two signals are essentially *co-channel* interferers) and the IBOC energy from the interfering station is 40 dB stronger than the IBOC energy from the desired station. This is consistent with the Commission's separation criteria for second adjacent channel FM stations which specify that the second adjacent channel station's signal cannot be any more than 40 dB stronger than the desired station's signal at the edge of the desired station's protected service area. A "co-channel" digital signal that is 40 dB stronger than the desired digital signal makes it impossible to receive the desired signal. The Commission's current standard for analog co-channel FM band interference stipulates that the desired signal must be 20 dB *stronger* than the undesired signal.

Second adjacent channel interference is the primary challenge facing IBOC desigers. Addressing this challenge will take considerable effort but IBOC system developers believe they can accomplish this goal. They have proposed narrowing the bandwidth of their digital IBOC signals to prevent the lower frequency portion of an undesired second adjacent channel IBOC signal from overlapping the upper frequency portion of a desired IBOC signal. This concept is illustrated in Figure 6.

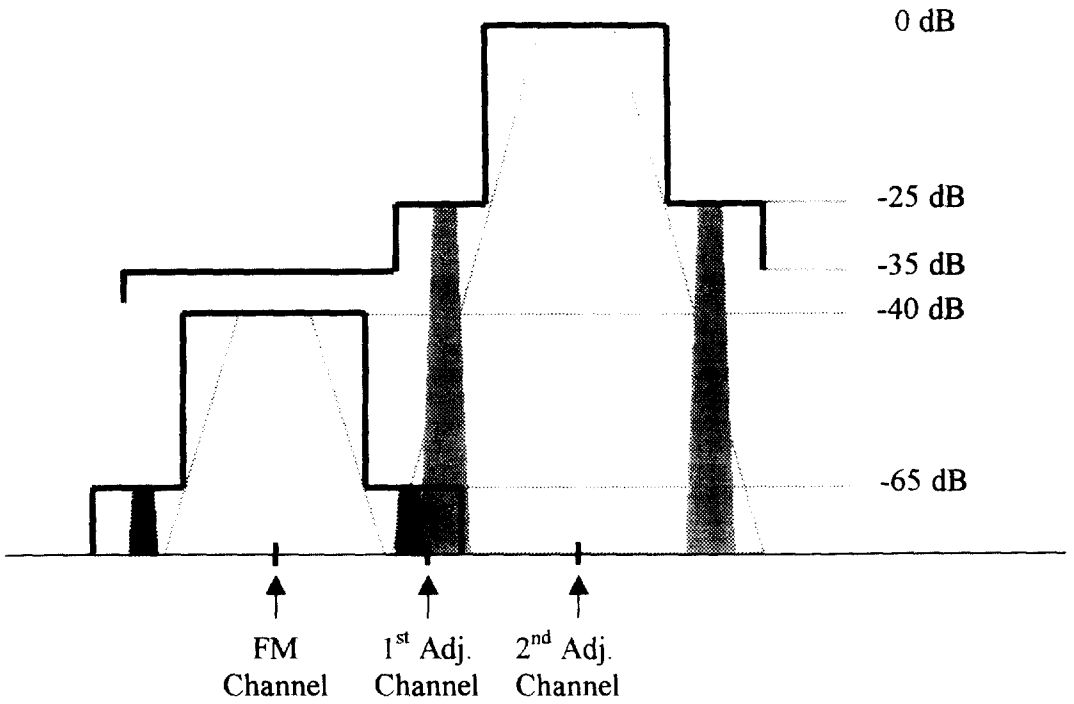

Figure 6

In the current IBOC system designs, the guard band between the upper frequency portion of the desired IBOC signal and the lower frequency portion of the undesired second adjacent channel IBOC signal are very narrow. This narrow guard band should be sufficient to permit receivers to decode a desired IBOC signal in the presence of a 40 dB interfering signal immediately adjacent to them. However, because this guard band is so narrow it will not provide much leeway for increasing the strength of the second adjacent channel interferer (*i.e.*, moving second adjacent stations closer together) because such an action would likely cause the interfering IBOC signal to overlap the desired IBOC signal.

Interference between the digital IBOC signals of third adjacent channel stations will not be as significant a problem as second adjacent channel interference because there will be ample frequency separation between the digital IBOC signals of third adjacent channel stations, as illustrated in Figure 7. However, because an IBOC digital system will add new energy around

the host analog signal, effectively widening this signal to some degree, it will increase the potential for an IBOC station to interfere with the reception of the *analog* signal from a third adjacent channel station. Allowing third adjacent channel stations to move closer together would increase the signal strength of third adjacent channel interfering stations with respect to the signal strength of a desired station and would thus increase the potential for this interference to occur. For this reason, third adjacent channel spacing requirements cannot be modified.

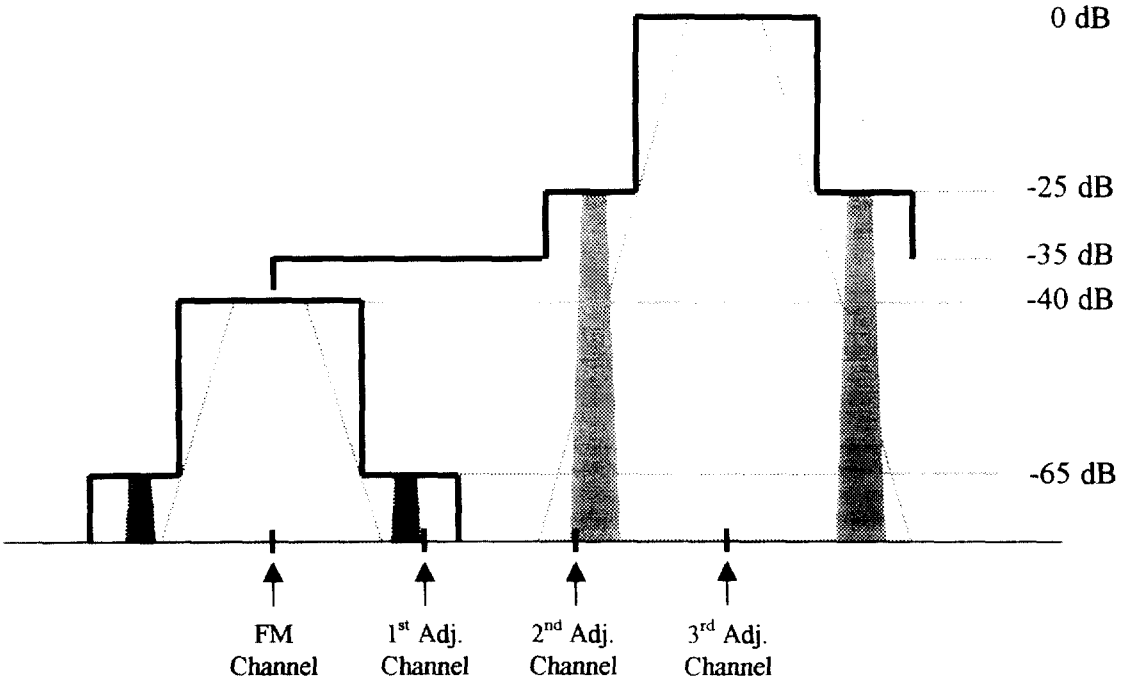

Figure 7

While it is much too late for a freeze on the allocation of new full service radio stations to provide the same opportunities for transitioning to digital broadcasting that were afforded to television broadcasters, it is not too late for the Commission to institute a "freeze" on its AM and FM allocation standards so that the developers of IBOC technology will have an opportunity to bring radio broadcasting into the digital age. The developers of IBOC technology need to know that low power radio stations will not be adding interference to the AM and FM bands, and

thereby jeopardizing the viability of IBOC technology. Absent such an assurance it will be very difficult for them to justify further development of IBOC technology – and all of the work done to date will have been for naught.

C. There Is No Need For A Micro- or Low Power Radio Service.

1. Current radio broadcast services serve virtually every need.

Currently, there are 12,276 licensed commercial and non-commercial radio stations in the U.S.[58] Every full-power station serves as a voice for its community of license, as well as the surrounding areas in which its signal is heard. Each full-power station already provides a unique service to its community by providing a format that can include a variety of music, news, talk shows, weather and traffic reports and many other informational services. Each full-power station is actively competing with many other stations in its market to provide a service that meets the needs and wants of its listening public in order to survive.

Petitioners contend that "wealthy corporations" dominate the mainstream media, making it difficult for citizen involvement or new viewpoints in broadcasting.[59] In reality, the top five corporate radio groups own only around eight percent (8%) of the radio stations in the nation.[60] According to the FCC Review of the Radio Industry for 1997, the number of owners of commercial radio stations has only declined by 11.7%.[61] However, this decline is due mainly to

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[58] *Broadcast Station Totals as of March 31, 1998*, FCC News Release (April 22, 1998). The total 12,276 licensed stations break down as follows: AM radio – 4724; FM radio – 5591; FM educational – 1961.

[59] *Leggett petition* at 1; *Skinner petition* at 3.

[60] According to *Who Owns What*, Inside Radio Fax newsletter (April 27, 1998), the top five radio groups own 1019 radio stations. This figure may be overstated because it reflects all stations that are owned and all announced deals to purchase stations. Announced deals are subject to change and divestiture of some stations may occur.

[61] Review of the Radio Industry, 1997, Federal Communications Commission, Mass Media Bureau Policy and Rules Division, MM Docket No. 98-35, released March 13, 1998, at 2.

mergers between existing owners resulting in a change in the ranking and composition of the top radio station owners.[62]

Regardless of ownership, all stations strive to provide a service that is responsive to the needs of the community because it is the community that ultimately supports and keeps the station on the air. In fact, the FCC review noted that there is "no general trend towards more format concentration."[63] The staff review also suggests that owners are choosing to operate stations with a variety of formats, and not reducing all commonly owned stations to one format.[64] Although consolidation may have decreased the number of owners in the radio industry, there is evidence that the diversity of formats has not decreased. Further, the increase in efficiencies that results from common ownership could allow stations to offer new and distinct niche programming that was otherwise unavailable prior to consolidation. Nonetheless, it is important to keep in mind that there are still 12,276 commercial and noncommercial radio stations in the nation that can – and do – provide distinct and diverse programming to many people within their communities of license. The Commission must keep in mind the fundamental nature of broadcasting -- it is a service that provides programming to the public. The petitioners, on the other hand, propose a "narrowcasting" service that only a handful of people could hear, or want to hear.

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[62] *Id.* at 3.

[63] *Id.* at 14.

[64] *Id.* The average number of formats per station for the top owner across the Arbitron Metro markets is about 0.8, implying that an owner with five stations would generally have stations with four different formats.

2. Adding a new service would likely decrease the overall service to the public.

Establishing a new broadcasting service would lead the entire broadcasting industry down a path that the Commission has inadvisably trod before. In 1983, the FCC modified the FM broadcast station rules in order to increase the availability of FM stations to communities that may have been underserved.[65] Docket 80-90 added three new classes of stations to provide the 4,000 additional radio stations the Commission saw as necessary.[66] The Commission sought to provide underserved communities with new FM allotments based on its belief that a substantial demand existed that could not be served under the then-existing rules.[67] In 1983, the FCC noted that there were 3,800 commercial FM stations.[68] Less than a decade later, by 1991, there were 6,077 FM stations in the nation.[69] This dramatic increase in the number of stations and increased competition from other entities caused severe economic and financial stress on the fragmented radio marketplace.[70] The Commission then modified its local and national radio ownership rules to provide the radio industry with increased efficiencies through common ownership.[71]

The moral of this story is that the Commission needs to consider the impact on existing radio stations before authorizing a new service that could drop in hundreds, or thousands, of new

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[65] *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments*, 94 FCC 2d 152 (June 14, 1983) [hereinafter Docket 80-90].

[66] Docket 80-90 at para. 19.

[67] *Id.* at para. 23.

[68] *Id.* at para. 30.

[69] *Revision of Radio Rules and Policies*, 7 FCC Rcd 2755, 2757 (1992).

[70] *Id.* at 2756.

[71] *Id.* at 2756-2757.

radio stations. Although the petitioners may claim that micro- or low power stations will not have a significant impact on existing stations, past history suggests that the potential economic impact of many new entrants could hurt the radio industry's overall ability to serve the public interest.

3. Micro- or low power stations would not be able to serve communities as well as a larger station.

A full-power station has the ability to best serve the public. The Commission has noted that it does not authorize low power FM radio broadcast stations because "they cannot adequately serve communities and mobile audiences...."[72] The petitions propose to license micro- or low power stations that would only serve very small communities or neighborhoods within communities. The number of people served by such a facility is very limited. Additionally, as noted above, the majority of radio listening is done in a car, and not in one place. A micro- or low power radio service would essentially be unavailable to mobile listeners. By the time the static clears to receive a microradio signal, a car will be moving out of the service area. Even the smallest full power stations generally serve a large enough area to encompass their entire community of license and some of the outreaching areas.

Additionally, full-power stations have many resources available to provide reliable service to the public. Many full-power stations have the ability to provide up to the minute news, weather and traffic reports to the listeners. Higher quality equipment also provides clearer signals. The Leggett petition suggests that microradio transmitters should not be subject to FCC

[72] *Stephen Paul Dunifer*, 11 FCC Rcd at 724.

technical standards.[73] Essentially, a microradio station could merely consist of a homemade transmitter, an antenna and a microphone under this scheme.

Additionally, the Leggett petitioners request that the Commission require microstations to broadcast a minimum number of hours a *year*.[74] Likewise, the Skinner petition proposes that LPFM-2 class stations should have "some very minimal schedule of minimum hours of operation per week."[75] Full-power stations have the ability to provide a more reliable service more consistently than a low power station that signs on a few hours a month or year. Thus, low power stations would not provide any additional benefit in terms of consistent programming than what is currently available to the public by licensed full-power stations. Moreover, the proposals are a recipe for chaos because the Commission would not have the ability to gauge interference to existing stations or properly allocate new full-power stations if low power stations are able to turn on and off at whim.

4. Event broadcasting is not a new phenonenom.

The Deieso petition requests that the FCC establish an Event Broadcasting Service to provide individuals with temporary authorization to operate a broadcast service for distinct "events." As the petition acknowledged, the Commission has authorized "Special Temporary Authority" ("STA") in the past for specific events.[76] The Commission has allowed the authorizations only to FCC licensees,[77] but it has granted permission to broadcast licensees on

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[73] Petitioners would like the FCC to allow microradio licensees to establish, build and maintain their own transmitters without an approval process that would increase the price. *Leggett Petition* at 8.

[74] *Leggett petition* at 10.

[75] *Skinner petition* at 23.

[76] *Deieso petition* at 3.

[77] 47 C.F.R. §73.1635 (1996).

behalf of other individuals who would not otherwise qualify for a STA.[78] Thus, this petition should be denied by the Commission because any individual who wishes to provide a service for an event that is not already being broadcast by a station has the option to seek a partnership with a current FCC broadcast licensee to gain authorization for the broadcast of the service. As discussed below, the administrative burden on the Commission would greatly outweigh the benefits of establishing an entirely new service that already can be accommodated by using STAs.

As the petition notes, each individual event would entail specific, unique details that apply to that event alone.[79] The Commission would be hard pressed to establish any sort of formal standard rules that event broadcasters would have to follow. It would be unreasonable to grant blanket event broadcasting authority to an individual if the Commission would not have any idea of when the events take place, how long the events will last or the proper power level that would be required to adequately cover the event. Implementing such a service and monitoring compliance would be too burdensome for the Commission.

5. Other outlets are available without resorting to establishing a new service.

In many cases, it may be possible for individuals to have an outlet on established full-power stations. In fact, long-time "pirate" broadcaster Alan Fried found a traditional outlet for his programming. Fried is leasing time on Children's Broadcasting Corporation (CBC) stations.[80] Additionally, Fried has also found time for his show on a non-commercial station in

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[78] *Deieso petition* at Attachment 1.

[79] *Id.* at 6-7.

[80] *See M Street Daily*, February 20, 1998. Fried's show is now heard on AM stations in New York, Los Angeles, Chicago, Phoenix, Philadelphia, Detroit, Minneapolis, Kansas City, Denver and Dallas.

Minneapolis.[81] There are other outlets for individuals in the few situations where local broadcasting might not provide the outlet they desire to express their viewpoint. The Internet is a perfect example of a resource that is available for diverse viewpoints to be heard. Additionally, there are non-commercial frequencies that are available through the current licensing procedures at the Commission that may be more affordable for new entrants to the broadcasting industry.

6. The Commission could not establish a micro- or low power service that would not impede full-service broadcasters and also satisfy the micro- or low power broadcasters.

The petitioners all contend that their plans will not impede existing full-power broadcasters.[82] However, even if a very low power service could be established that would not cause substantial interference to full-power stations, the newly licensed micro- or low power broadcasters would always seek more. It is clear from the comments already filed in the Leggett petition proceeding that proponents of a microradio service are not satisfied with a one watt limit. Many seek increased power – some supporters want 50 to 100 watts.[83] Increased power only increases the likelihood of interference and further congestion within the broadcast bands. If the Commission gives an inch, the micro- or low power broadcasters will want to take a mile.

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[81] *Id.*

[82] *E.g. Leggett petition* at 7.

[83] In fact, in comments filed by original petitioner Nickolaus Leggett on March 4, 1998, he recognized that a one watt limit in his original petition is "probably too low." *See Written Comments by the RM-9208 Petitioners*, filed March 4, 1998 at 7. The comments urge the Commission to view 50 to 100 watts as "the absolute upper limit to the ceilings it will consider." *Id.* at 8.

7. The FCC should not establish a new service in the hopes of curbing the flood of pirate radio broadcasters.

The Skinner petition believes that establishing a low power radio service would be a "win-win situation"[84] for the industry, low power broadcasters and the Commission. The petition claims that the "bulk of the 'pirate radio' problem will disappear since they will be happily broadcasting (legally)...".[85] NAB believes that the Commission should not establish an entirely new service to placate people who are flagrantly violating the law as it exists today. Establishing a new service would only increase the problems that already exist – both the congestion on the broadcasting bands for licensed operators and the interference caused by the unlicensed operators. Not only would the Commission have to be concerned with possible interference from the "legitimate" low power broadcasters, but also it still would have the problem with the pirate broadcasters who do not want to be regulated or licensed by the federal government.[86]

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[84] *Skinner petition* at 8.

[85] *Id.* at 8.

[86] Supporters of the micro- and low power petitions have been active in discussing their views over the Internet. In their discussions regarding the pending petitions for rulemaking, some proponents have suggested that microbroadcasters not be licensed at all, but granted "permission" to operate with little or no FCC regulation. *See* Re: MRN: Regulatory Fervor, Stephanie & Ted Coopman (February 17, 1998) at http://tao.ca/ainfos/microradio/0223.html. Additionally, Pete triDish of Radio Mutiny said: "[F]ree radio is interesting right now because there are no regulations that govern it. Free radio is actually a dicey operation as a result of that- we are, after all, defying the federal government and the corporate media establishment." *See* MRN: fervorous regulation, Pete triDish (February 19, 1998) at http://tao.ca/ainfos/microradio/0259.html. *See also* RE: MRN: fervorous regulation, Lorenzo Ervin, Black Liberation Radio-Tennessee (March 17, 1998) at http://tao.ca/ainfos/microradio/0433.html ("I don't favor giving the FCC any regulatory authority over me or free radio stations that does not already exist. That's the way I feel.") and Re: MRN: fervorous regulation, Lyn Gerry (February 22, 1998) at http://tao.ca/ainfos/microradio/0277.html, ("I do not expect **help** to come from the FCC, which after all represents the whole constellation of interests which many of us are in broadcasting to combat. And once legalized, our stations will come under the delightful purview of the US

The Commission has been very active in shutting down unlicensed operations across the nation, and NAB supports these efforts to get illegal, unlicensed broadcasters off the air because they continue to cause interference to our nation's airline safety, public safety and licensed broadcasters.[87] The Commission should not authorize a low power service because it *could* reduce the number of pirate broadcasters. If a new service is established, it would have an adverse effect. There would be thousands of newly *licensed* low power stations and potentially thousands of *unlicensed* pirate stations that do not want to abide by the law and get a license to broadcast.

D. Administrative Difficulties Would Burden The Commission.

The Commission would face many burdens by establishing a micro- or low power radio broadcasting service. The petitioners attempt to address some of these issues; however, the expense and strain on the FCC's resources would outweigh any benefit a micro- or low power radio service could potentially provide.

1. The FCC would have to find a way to allocate channels to a new service.

The Leggett petition requests that the Commission allocate one FM and one AM channel to the microradio service.[88] These two channels would be reserved and shared by all licensed

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congress and executive branches, whose main interest is maintaining their version of law and order, otherwise known as wage slavery at home and militarism abroad."). Copies of these electronic comments are attached as Appendix A

[87] *See FCC Closes Down Unlicensed Radio Operators That Were Threatening Air Safety At Two Florida Airports*, CIB Action, Report No. CI-97-12 (October 24, 1997); *FCC Closes Down Unlicensed Radio Operation In Cleveland Causing Interference To Public Radio Station*, CIB Action, Report No. CI-98-5 (April 15, 1998); *FCC Issues Hearing Notices to Five Unlicensed FM Radio Operators*, CIB Action, Report No. CI 98-4 (April 6, 1998); *FCC Closes Down Unlicensed Radio Operation That Threatened Air Safety At Sacramento Airport; Fourth Airport Interference Incident In Five Months*, CIB Action, Report No. CI 98-3 (March 20, 1998).

[88] *Leggett petition* at 6.

microstations across the nation. Each microstation would be licensed to operate in a specific geographic location or cell, and only one microstation per cell would be allowed.[89]

As the petitioners recognize, the simplistic view that only one FM and one AM channel would be used for the entire service is impossible. Different channels in different regions would have to be allocated because a single channel in either the AM or FM band is not available nationwide, as the petitioners had hoped. Existing stations would need to be reassigned to make room for the microradio stations on whatever channel the Commission would allocate to that particular geographic "cell."

Further, the chore of defining what constitutes a "geographic cell" would fall on the Commission. The petitioners expect a coverage area (or cell) of a few square miles for each microstation.[90] Potentially, this would open the door for thousands of microradio stations across the nation. For example, a metropolitan area such as Washington D.C. would potentially have numerous "microradio" cells because there are definable communities within the metro area, and numerous neighborhoods within those communities. The Commission would have the task of developing a plan that would define what "cells" are available for microradio use and what channel is assigned to that particular cell. Allocating channels for a service as outlined in the Skinner petition would require the Commission to determine where available frequencies exist in specific markets that are already defined. Nonetheless, for either proposal, the FCC would be burdened with developing a new allotment scheme to provide frequencies to the new service.

Once an allotment scheme is established, the next burden on the Commission is assigning those channels. The Leggett petition requests that the Commission assign channels based on a

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[89] *Id.*

[90] *Leggett petition* at 1.

first come, first serve basis with a low application fee.[91] Additionally, the Leggett petitioners request that the Commission not auction the frequencies in order to keep the expenses down.[92] However, the Commission does not have the discretion to decide how to allocate broadcast frequencies. The Balanced Budget Act of 1997 requires the FCC to auction the spectrum when there are mutually exclusive applications.[93] This requirement would also apply to any micro- or low power service that might be established.

2. The FCC would have to define what rules apply to a micro- or low power service.

The FCC would also have the burden of establishing what regulations apply to micro- or low power broadcasters. Every broadcast station is subject to the applicable Commission rules.[94] Although the FCC has substantially reduced the number of regulations governing the broadcasting industry, full-power stations still must follow a variety of different rules. Full-power stations must follow specific rules regarding main studio location and staffing, maintain proper records within a public file, abide by political broadcasting rules, refrain from indecent broadcasting outside of the safe harbor period, implement and maintain a model EEO program, maintain a station log, abide by ownership restrictions and antenna restrictions – and the list goes on. Individuals cannot simply turn on the mike and start to broadcast on a licensed radio station without knowing and following all of the rules.

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[91] *Id.* at 7 and 9.

[92] *Id.* at 7. The Skinner petition recognizes the limitations on the Commission in regard to the method of allocating any new broadcast spectrum. Skinner notes that Congress would have to specifically allow the FCC to use lotteries to distribute any LPFM frequencies. *See Skinner petition* at 8.

[93] Balanced Budget Act of 1997, Pub. L. No. 105-33, § 3002, 111 Stat. 25 at 258 (1997).

[94] *See* 47 C.F.R. Pt. 73 (1996).

Petitioners attempt to address this issue. The Leggett petition gives general restrictions on antennas, ownership and minimum operating hours as some of the rules it proposes microradio stations should follow.[95] The Skinner petition only proposes regulations on the LPFM-1 class stations because those stations will closely resemble a full-power station, but the other classes of stations should have minimal regulations imposed on them.[96] Clearly, this is not enough. Micro- or low power stations would have to be required to follow many of the same rules as full-power broadcasters. Low power TV licensees are required to abide by many of the same rules as full-power TV and radio stations,[97] and low power radio could not be any different.

3. The FCC would have the extraordinary burden of policing and enforcing the rules for a new service.

The amount of effort required to police a micro- or low power radio service would be substantial, and beyond the resources of the FCC. The Commission and its Mass Media Bureau have the responsibility of enforcing the rules and issuing fines and sanctions against stations that violate the rules. This burden applies to all of the 12,265 radio stations in the nation and the 1,576 television stations that the Mass Media Bureau oversees.[98] Adding a new service that could establish hundreds to thousands of stations would stretch the limited resources of the FCC to the breaking point.

In 1995, the Commission went through a reorganization that significantly scaled back the number of FCC field offices operating across the nation. It closed nine offices, bringing the total

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[95] *Leggett petition* at 9.

[96] *Skinner petition* at 23-24.

[97] *See* 47 C.F.R. § 74.780 (1996).

[98] *Broadcast Station Totals as of March 31, 1998*, FCC News Release (April 22, 1998).

down to 16 field offices.[99] The Commission would not have the resources to control or properly regulate both the full-power radio service as well as a micro- or low power radio service.

The FCC currently can maintain control over the nearly 14,000 radio and television stations in the country because the Commission relies on full-power broadcasters to be self-policing. Broadcasters follow the regulations in part because they know what they have to lose. The investment broadcasters make in their stations depends on the broadcasters maintaining a license, and maintaining a license requires that the licensee follow the rules. If a broadcaster does not follow the rules, he or she risks forfeitures in the form of money and/or revocation of license.

The FCC has the authority to fine a licensee up to $27,000 for a violation of FCC rules depending on the violation.[100] The Commission has discretion in determining how large a fine should be issued or what penalties should be imposed. This is the point of a forfeiture system – it acts as a powerful deterrent. All of the time and expense invested in a full-power station can disappear with a finding of rule violations upon license renewal. The Leggett petition requests that a low power broadcaster not have any "draconian" fines placed upon them for violations because they would not have the ability to survive.[101] If a new service were established, micro-

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[99] Statement of Chairman Reed Hundt, 1995 FCC Lexis 5594 (August 17, 1995). Field offices in Buffalo, Miami, St. Paul, Norfolk, Portland, Houston, San Juan, Anchorage and Honolulu were closed. These locations would remain staffed by two technical staff as resident agents.

[100] The maximum statutory fine for a single violation by a broadcaster is $27,000. The FCC can institute fines totaling $275,000 for continued violation of a single incident. The base fine varies with the degree of violation and can be adjusted upward or downward based on specific adjustment criteria. *See The Commission's Forfeiture Policy Statement*, 12 FCC Rcd 17087 (1997).

[101] *Leggett petition* at 9.

or low power broadcasters should not be treated any differently just because they operate at a lower power. What is apparent from the petitions is that the micro- or low power proponents would like to benefit from the privilege of licensed broadcasting without having any of the burdens or suffering any of the consequences for rule violations.

Additionally, regardless of the threat of a large fine, micro- or low power broadcasters would not have the incentive to abide by the rules because they do not have as much invested in their station. For a mere $1,000 or less, a micro- or low power broadcaster could get on the air. The Leggett petition also suggests allowing a "three strikes and you're out" method that would provide microbroadcasters with several chances to "get it right" before the FCC would take away their license. There is no incentive for a micro- or low power broadcaster to abide by the rules if it has the luxury of having its license revoked up to three times without penalty.[102] Furthermore, the total capital investment that could be lost due to revocation of a micro- or low power station license pales in comparison to what a full-power station has to lose. The FCC does not have the resources to watch over these small stations to ensure that they operate within the rules.

[102] Additionally, if a micro- or low power service were to be established, NAB believes that any person that has illegally broadcast in the past should be precluded from obtaining a license due to their prior disregard of the laws and rules regarding broadcasting.

IV. CONCLUSION

The Commission must consider all practical and technical issues very seriously when faced with the issue of establishing a micro- or low power radio service. When the proposals are weighed against current FCC policies, the impact on the implementation of IBOC digital radio, the services already provided by existing full-power stations and the limited Commission resources, it is clear that a micro- or low power service would not advance the public interest. Thus, the petitions must be denied.

Respectfully submitted,

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April 27, 1998

APPENDIX A

Re: MRN: Regulatory Fervor

Stephanie & Ted Coopman (*rogue@cruzio.com*)
Tue, 17 Feb 1998 12:08:33 -0800

- **Messages sorted by:** [date][thread][subject][author]
- **Next message:** Stephanie & Ted Coopman: "Re: MRN: More Regulatory Fervor"
- **Previous message:** Helen Thorington: "MRN: Agree with enclosed"
- **Maybe in reply to:** Jesse Walker: "MRN: Regulatory Fervor"

Although we all have ideas about the best way to run micro radio stations (what is fair and right), I think the best course is to involve the FCC as little as possible. This is especially true in light of the way the FCC has looked at broadcast deregulation of late. They want to do as little as they have to concerning broadcast outlets. Besides, if they have to police us, they will want more money and control.

I would have to back Dunnifer's ideas concerning regulation. Micro stations would not be "licensed" per say. Licensing would mean content regulation, among other things. Micro Broadcast Stations (MBS) would simply be granted permission to operate. They would pay a small fee and file some very basic paperwork. Stations in a given area would belong to a organization much like Steve's "Peoples FCC," The "Free Communication Coallition." This group, made up of reps from member stations, would mediate disputes and assist each other. After mediation is tried, then stations or individuals could appeal to the FCC.

As far as regulations go, I feel this should be kept to basic operational, technical and financial critera.

1. Station Power: 1 to 10 watts depending on station and population density. Repeaters OK in rural areas.

2. Station Ownership: 1 person/group/organization per station, period. Holders of commercial or educational/public broadcast licenses would be prohibited.

3. Local Origionation: 75% (or there abouts) of all programming must be produced locally (that's the idea, isn't it?).

4. Funding: Advertising should be modeled after public radio stations. Underwriting and sponorship of programming blocks by persons/organizations/businesses that operate or serve that stations community. No commercials.

5. Operating Permits and Fees: Operating permits should be re-filed

every 2 years. Fees should not exceed $100 for this period, including filing fee.

6. Abandonment: 30/30 Rule. Stations off the air over 30% of the time over a 6 month period or off the air for more than 30 days at one time may have their permit challenged and revoked.

7. Ownership: The permit holder(s) may not "sell," "Lease," or otherwise transfer their operating permit. When permits come up for renewal, ownership may be transfered to other qualified parties.

Just a few ideas.

Ted M. Coopman
RCC
http://www.cruzio.com/~rogue/

- **Next message:** Stephanie & Ted Coopman: "Re: MRN: More Regulatory Fervor"
- **Previous message:** Helen Thorington: "MRN: Agree with enclosed"
- **Maybe in reply to:** Jesse Walker: "MRN: Regulatory Fervor"

MRN: fervorous regulation

Pete triDish (*petetridish@hotmail.com*)
Thu, 19 Feb 1998 23:03:22 PST

- **Messages sorted by:** [date][thread][subject][author]
- **Next message:** Dennis B. Henke: "MRN: FRM, Conference,..."
- **Previous message:** Radio Mutiny: "MRN: East Coast Microbroadcasting Conference Registration"
- **Next in thread:** Lyn Gerry: "Re: MRN: fervorous regulation"
- **Reply:** Lyn Gerry: "Re: MRN: fervorous regulation"
- **Reply:** Lorenzo Ervin: "Re: MRN: fervorous regulation"

I've read all the regulatory fervor with great interest. I'm damn glad that yer all working through to the point of putting out a reasonable consensus proposal- if this group can be useful for anything, this is the kind of thing we should be doing. We've been too busy here at radio mutiny to formulate opinions on the issues raised, but I'd just point out the following- free radio is interesting right now because there are no regulations that govern it. Free radio is actually a dicey operation as a result of that- we are, after all, defying the federal government and the corporate media establishment. Only people without a lot to lose get interested in doing something like this. This state of affairs has weeded out all the commercial drones that would otherwise dominate a medium like ours. We should admit a few things off the bat about legalization/decriminalization proposals:

1) even though what we're doing should be legal, micro-radio has taken on a unique, defiant character because it is not (the conflation of morality with legality is generally a grave error). That character will be swept away in minutes if we ever made the fcc see this our way, and corporate America will find it's way to get a piece of it. The best situation is when it is still illegal, but the authorities choose not to enforce the laws. This is why micro-radio has blossomed, though sadly , the "golden age of piracy" seems to be drawing to a close.

2) in spite of the loss of it's rebellious flavor, the success of (almost) any of the versions of this proposal would be an improvement in the media landscape in this country, but

3) the fcc has stated time and time again that they have no interest in any of the stuff that we're coming up with, because they've proven to themselves that the likes of us are cretins and we should all be in jail anyway, if only there were enough room to fit us all.

4) so, the main use of this proposal is political, so they can reject it

and we can say: look, this is a perfectly reasonable proposal that we made and the fcc rejected it because they are in the pocket of corporate America. We've gone through all the government's stupid-ass procedures and they still refuse to take seriously the right of the ordinary citizen to take part in the creation of media, the molding of public opinionand our rights to participate meaningfully in the democratic process of our nation.

The quality of micro-radio right now is as good an argument for the destruction of state and capital as any right now- to think that we could ever craft a law that could allow for radio as good as we have it right now is to misunderstand the nature of our political system.
Well, I'm sure y'all have had enough of myu rhetoric for the night: off I go on leg two of the Radio Mutiny tour. Hope to see some of you along the way,
Pete triDish

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- **Next message:** Dennis B. Henke: "MRN: FRM, Conference,..."
- **Previous message:** Radio Mutiny: "MRN: East Coast Microbroadcasting Conference Registration"
- **Next in thread:** Lyn Gerry: "Re: MRN: fervorous regulation"
- **Reply:** Lyn Gerry: "Re: MRN: fervorous regulation"
- **Reply:** Lorenzo Ervin: "Re: MRN: fervorous regulation"

Re: MRN: fervorous regulation

Lorenzo Ervin (*komboa@hotmail.com*)
Tue, 17 Mar 1998 09:44:40 PST

- **Messages sorted by:** [date][thread][subject][author]
- **Next message:** Lorenzo Ervin: "Re: MRN: Interference"
- **Previous message:** Jesse Walker: "MRN: See You There"
- **Maybe in reply to:** Pete triDish: "MRN: fervorous regulation"

Hey Pete and Lyn:

Here is my two cents worth. I really am not in favor of any FCC regulation of LPFM Free radio. The FCC is entirely too compromised and in bed with NAB to ever be trusted. They also see themselves as a police agency, and not just a regulatory body. I also believe that *if* there is going to be any regulation, it should be by the various state regulatory agencies, such as the Tennessee Regulatory Office, who now regulate the power and other industries. I also don't believe the FCC has any authority to regulate intrastate LPFM anyway, but rather interstate communications like the 1934 Act gave them. I don't favor giving the FCC any regulatory authority over me or free radio stations that does not already exist. That's the way I feel.

Lorenzo Komboa Ervin
Black Liberation Radio-Tennessee

>From: "Lyn Gerry" <redlyn@loop.com>
>To: microradio@tao.ca
>Date: Sun, 22 Feb 1998 13:22:14 +0000
>Subject: Re: MRN: fervorous regulation
>Reply-To: microradio@tao.ca
>
>-----BEGIN PGP SIGNED MESSAGE-----
>
>Dear Pete,
>
>I think you are very right about the effects of regulation. I do not
*>expect *help* to come from the FCC, which after all represents the*
>whole constellation of interests which many of us are in broadcasting
>to combat. And once legalized, our stations will come under the
>delightful purview of the US congress and executive branches,
>whose main interest is maintaining their version of law and order,
>otherwise known as wage slavery at home and militarism abroad.
>This will have a chilling effect on "law abiding citizens." (Good

>thing we're not, huh:)
>
>Nevertheless, as you say, we have to go through the stupid ass
>routine.
>
>>
>> 1) even though what we're doing should be legal, micro-radio has
taken
>> on a unique, defiant character because it is not (the conflation of
>> morality with legality is generally a grave error). That character
will
>> be swept away in minutes if we ever made the fcc see this our way,
and
>> corporate America will find it's way to get a piece of it. The best
>> situation is when it is still illegal, but the authorities choose not
to
>> enforce the laws. This is why micro-radio has blossomed, though sadly
,
>> the "golden age of piracy" seems to be drawing to a close.
>
><lots of great words snipped>
>>
>> 4) so, the main use of this proposal is political, so they can reject
it
>> and we can say: look, this is a perfectly reasonable proposal that we
>> made and the fcc rejected it because they are in the pocket of
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>> America. We've gone through all the government's stupid-ass
procedures
>> and they still refuse to take seriously the right of the ordinary
>> citizen to take part in the creation of media, the molding of public
>> opinionand our rights to participate meaningfully in the democratic
>> process of our nation.
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>> destruction of state and capital as any right now- to think that we
>> could ever craft a law that could allow for radio as good as we have
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>> Pete triDish
>>
>> _____