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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:	)	
	)	
Proposal for Creation of	)	
the Low Power FM (LPFM)	)	RM - 9242
Broadcast Service	)	

TO: MASS MEDIA BUREAU

COMMENTS OF
MURRAY BROADCASTING COMPANY

Murray Broadcasting Company ("Murray") hereby submits the following Comments in response to the Petition for Rulemaking filed by J. Rodger Skinner proposing the amendment of the Commission's rules to create a new Low-Power FM service. As discussed more fully below, Murray would support the amendment of the Commission's rules to create a low power FM service that would enable it to offer nighttime service in conjunction with its licensed daytime-only AM station.

Murray Broadcasting Company has been the licensee of Station WENG(AM) since August 23, 1993, when it purchased the station from its original licensee. After the acquisition of the station, John Murray, the president and sole shareholder of Murray Broadcasting Company, moved to Englewood to personally run the station.

Since that time, the station has invested enormous time and financial resources into developing the station's facilities, including the installation of sophisticated weather equipment. It has the only Doppler-radar system in the area, and has been

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designated by the Federal Emergency Management Agency ("FEMA") as the official "Severe Weather Information Station" for southern Sarasota County and western Charlotte County. By making these efforts to serve its community, Murray has shown its dedication to the Englewood community, and truly embodies the ideals of local ownership and diversity which the Commission is attempting to preserve.[1/]

Englewood is located on the Cape Haze Peninsula in south-east Florida. A low-lying area, the peninsula suffers chronic flooding from heavy rains, resulting in impassible evacuation routes. Making matters worse, emergency officials have determined that there are no suitable sites for shelters on the peninsula. Exacerbating the situation further is that the Englewood community straddles both the Sarasota and Charlotte County lines. As such, recent attempts to construct additional evacuation routes have been saddled in local and state politics. Therefore, early notice to the area residents is crucial to allow adequate time for evacuating the area.

Currently, Station WENG(AM) is authorized to operate from sunrise to sundown, with limited pre- and post-sunrise authority. Its operation is limited in order to protect clear-channel station

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[1/] See In re Matter of 1998 Biennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MM Dkt. 98-35 (rel. Mar. 13, 1998). Chairman Kennard stated that the Commission "must stay focused on the two key aspects of the public interest; promoting competition and promoting diversity." Commissioner Gloria Tristani stated that the Commission's "interest in promoting a diversity of voices and viewpoints can be satisfied only through a large number of separately-owned competitors in the market." Id.

WSAI(AM), broadcasting from Cincinnati, Ohio, which is more than 843 miles from Englewood, Florida. There are no other operating commercial stations in Englewood.

In the past, Station WENG(AM) attempted to expand its service by requesting special temporary authority to operate at 58 watts to provide emergency nighttime broadcast service from June 1 to November 30. This is the most common period for serious storms and hurricanes to strike the Englewood area, and Murray sought to provide nighttime service to inform the public in the event of a serious storm.

This request was denied by the Commission, as it was deemed to violate Section 73.1635(c) of the Commission's rules by requesting to expand the service of an AM station beyond that specified in its license, and because it would cause objectionable interference to Station WSAI(AM).

Despite the denial of its special temporary authority request, Murray is still attempting to offer nighttime service to the local Englewood community. In fact, Murray is in the process of preparing an application for a new FM translator to provide nighttime service to Englewood. Central to the application are requests for waivers of several FM translator rules relating to retransmission and local programming origination, along with a general waiver request of the current freeze on processing commercial broadcast stations.

However, if the Commission were to establish a new low-power FM service, Murray would not be obligated to follow this circuitous

route. Instead, Murray would merely file an application for a new low-power FM station; the end result differing very little.

Murray would still be operating with less power than a Class A FM station, but it would be able to provide news and programming targeted to the local Englewood community throughout the night. In addition, the low-power FM station would permit Murray to compete more effectively in the market, since it could offer advertisers exposure on the FM band.

As such, Murray would support the Commission's action in creating a low-power FM service that would permit it to provide programming during the night. However, any rules that the Commission adopts should not prohibit a local daytime-only AM station from owning a low-power FM service in the same community.

In fact, Murray would strongly support a preference given to daytime-only AM stations in allocating new low-power FM stations. Such a preference could be expressed by giving a daytime-only AM licensee priority over other applicants should they file mutually exclusive applications.

The Commission has expressed support for assisting daytime-only AM stations in the past. In fact, those applicants for new FM broadcast stations, who also held a daytime-only AM station license, were granted additional credit during comparative hearings. Clearly, the same benefit should be given to the same licensees if the Commission decides to authorize this new FM service.

Thus, Murray Broadcasting Company hereby expresses its support for the Petition for Rulemaking filed by J. Rodger Skinner, and

requests that the Commission release a Notice of Inquiry or Notice of Proposed Rulemaking to develop a more complete record of the technical and regulatory issues that need to be addressed.

Respectfully submitted,

MURRAY BROADCASTING COMPANY

By

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