DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:	
	RM-9242
Proposal for the Creation of	RM-9208
A low-power FM Broadcast	RM-9246
Service	Community Radio Coalition

Comments of
Francis A. Ney, Jr.

My thanks to the Board of Commissioners for the opportunity to comment on this matter.

I agree in principle with the idea of creating a low-power broadcast service. While there may have been legitimate technical reasons for the dissolution of the Class D broadcast license in the late 1970's [*First Report & Order, Docket 20735, 68 FCC 2d 988, 43 RR 2d 197, 43 FR 39704 (1978), reconsideration denied 70 FCC 2d 972 (1979)*], those reasons no longer exist, and subsequent commission decisions have had the effect of creating broadcasting conglomerates that pay lip service to affairs of the community they technically serve. I agree with the justifications presented by all four of the Petitions for Rule Making cited above for the creation of a low-power broadcast service.

However, there is a wide disparity in all four proposals. I wish to address the technical aspects and proposed regulations of all four proposal documents, as well as make certain technical proposals and comments, as one single comment filing.

The Skinner Petition (RM-9242) proposes a three-tiered licensing scheme for a low-power broadcast service, differentiating full-time broadcasters and broadcasters associated with special events. I agree in principle with this differentiation, but have several comments:

First, Skinner's proposal for LPFM-1 stations do not appear to be much different from regular Part 73 licensees. While the point of a need to reassess the definition of small business is well taken, I believe it should be done within the context of the current Part 73 rules. If I may reword a comment from the Skinner petition, 3kW is not my definition of "low power." Since the minimum power of a Part 73 Class A FM broadcast station is 100W ERP, that should be the maximum power a station operating under new "low power" rules should transmit, all other considerations being equal. I do recognize that there will be specific cases where that power limitation will not service a given community due to terrain, summertime "ducting" and other events. These cases should

be scrutinized on an individual basis for higher power authorizations, perhaps as part of the coordination process I comment on below.

Second, Skinner's proposal for LPFM-3 "special event" stations appear to be too restrictive. There are special events that exceed the proposed ten-day limit that would benefit from having a low-power broadcast station. I would suggest that a 30-day authorization would be much more reasonable for licensees of this type. Also, I feel that a one-time use with preference next year for an annual event would place too great a burden on the potential licensee for subsequent years as well as increase FCC paperwork and personnel requirements. This is another area where a coordinating authority may prove useful: For example, a low-power license at a college or high school may be coordinated with an annual event license during the summer, a time when the school is not in session and the school station is not operating.

The Skinner petition's proposal for callsigns in the new service is workable, if a bit strained. A better callsign scheme would be the one currently used for LPTV and FM translators.

Finally, the Skinner petition specifies the use of type-accepted equipment for all classes of low-power broadcast operation. I believe that this is an unjustified financial burden on potential licensees. The Class D stations that continue to be authorized in the state of Alaska do not have to follow this requirement, but follow a lesser standard of using equipment that meets FCC specification for spectral purity and harmonic suppression. I believe that this is the standard that low-power broadcasters should meet.

In addition, in the current regulatory climate of self-certification, I believe that low-power licensees that have demonstrated technical competence, either by certification or by licensure in other radio services equivalent to certification, be permitted to self-certify their low-power equipment.

The Web Sportsnet, Inc. petition (RM-9246) confines itself to special event broadcast stations, but makes two points suitable for comment.

First, the petition states an idea that the transmitting power used should be the minimum necessary for clear reception within the intended listening area. I agree completely with this. Minimum power necessary tends to lessen the potential interference impact on other broadcast stations, both proposed low-power and existing Part 73 operations.

Second, the petitioner volunteers to serve as coordinating agency for low-power stations, offering proven expertise in alleviating potential interference. I agree in principle with having a private entity, or regional entities, serve in this fashion so long as rules are in place and can be enforced against nepotism and frivolous denial of coordination requests. Coordination has a proven track record in other radio services, be they volunteer (Amateur Radio Service) or fee-based (Business and Educational Radio Services).

If the commission chooses a fee-based coordination scheme, the costs associated with coordination should be reasonable and not used as a bar to potential low-power licensees.

Finally, the petitioner proposes the use of channel 200 for this service. Apart from the potential interference with TV channel 6 audio, limiting this service to one channel is too restrictive.

The Legget petition (RM-9208) is in general a good, workable proposal for a microbroadcaster service with a few exceptions:

The petition's proposal of a one-watt power limit is too low for anything but a small local neighborhood. Rural areas would need transmitter power more on the order of the ten watt educational broadcast stations of a bygone era to cover an equivalent population. Also, I do not believe that the proposal of assigning one channel specifically for microbroadcasters would be workable, given the saturation of Part 73 broadcasters in urban areas. Frequency flexibility must be available to alleviate potential interference problems. For the same reason, I disagree with the proviso that all transmitting equipment be crystal-controlled. Phase-Lock Loop chips have a proven track record of frequency stability and spectral purity in properly designed and constructed transmitters.

The Community Radio Coalition (CRC) petition is a reasonable proposal for a low-power broadcast service, however I would like to comment on a few items within the proposal.

First, I see no reason for a lower limit on broadcast power. This will essentially result in a situation similar to what occurred with the elimination of Class D licenses, on a smaller scale.

Second, I believe the requirement for station owners to live within 80km of the transmitter site is too broad. The owners of a low-power station should live within the community the station serves with no exceptions. Local ownership is what this entire set of proposals is all about.

Next, by the very nature of low-power broadcasting, the programming is going to be locally oriented. For that reason, I believe the local origination and public service limitations of the CRC proposal are not warranted. Further, I believe that mandates of this kind may be in violation of the First Amendment.

In closing, I would like to add one more justification to the large list presented by the four Requests For Rule Making:

A broadcaster operating under the proposed low-power service has lower electrical power and infrastructure requirements for operation. As such, it is quite reasonable to predict that these stations will continue to operate under conditions that would take regular Part 73 broadcast stations off the air. As such, low-power licensees might serve a similar purpose under emergency conditions that the old CONELRAD stations were supposed to serve.

If a low-power broadcast service is authorized by the Commission, I intend to apply for a license for the purpose of serving my community in this fashion.

Respectfully submitted;

Francis A. Ney, Jr.
43 Parkinson Road
Gerrardstown, WV 25420