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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of	)	
	)	
Petitions for the Creation of a Low Power FM Radio Service	)	RM: 9242 and RM 9208
	)	

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APR 27 1998
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To: The Commission

COMMENT OF CHESTER P. COLEMAN
OPPOSING CREATION OF A LOW POWER FM SERVICE

Chester P. Coleman, hereby submits his Comments in opposition to the above-referenced petitions for rulemaking looking to the establishment of a low power or "microstation" FM broadcast service. For the reasons set forth below, Coleman submits that establishment of a low power service would have severe adverse effects on existing commercial radio service, particularly service provided by small market and independent broadcasters in much the same way that the Commission's actions in Docket 80-90 and its later actions allowing "move-ins" of suburban and rural stations into central markets damaged the industry in the late 1980's and early 1990's.

Coleman is a life-long broadcaster, a broadcast media broker and the owner of radio stations in Alaska and served three terms as a director of the National Radio Broadcasters Association in the early 1980's. Additionally, he was worked with literally hundreds of stations in the Pacific states for over a quarter century as a consultant and as a supplier of programming and equipment. Coleman's reasons for opposing the creation of a low power FM broadcast service ("LPFM") in the commercial band are as follows:

1. There is no current need for an LPFM service to provide minorities, community groups and churches and the like with communications outlets as there are many under utilized

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audio communications channels available to serve the narrow communications needs of such groups. The channels include cable access channels, audio streams through the Internet, existing educational FM stations, and local commercial AM and FM stations which will sell blocks of time for special interest programming. One of the primary justifications of the Commission's change of attitude towards "extensive time brokering" in the late 1970's and thereafter has been that time brokering provides a means by which minorities, foreign language groups, and other special interests can gain access to the airwaves. Despite industry consolidation, there remain many independent AM and FM stations on which special interest groups can purchase blocks of time up to the entire broadcast week to present programming to their members and adherents. In the San Francisco, for example, the following commercial stations all sell blocks of time for specialized programming: KEST, KVTO, KYPA, KXBT, KATO, and KTOB. Additionally, San Fransisco area non commercial radio station KUSF, KALW, KPOO ("Poor People's Radio), KPFA/B KCSM and KQED all present community programs in a variety of languages and serve as a virtual United Nations of nationalities. Additionally, the City of San Francisco has "city public acces" channels on the local TCI cable systems and thare are a multitude of local Web sites for every interest imaginable.

2. LPFM by its nature will be a low budget operation. LPFM stations are likely to be put together with used, outdated and homemade equipment and to lack funds to hirer professional technical personnel to install and maintain the equipment. Consequently, overpower and off frequency operations are likely to be commonplace leading to interference with full power stations. In view of the fact that the Commission has greatly cut back on its field office staff, the demonstrated inability of its field operations and enforcement divisions to move quickly and

effectively to shut down existing "pirate" operations, and the lack of effective monitoring and enforcement of compliance with technical standards by existing licensees, it is inconceivable that the Commission will be able to effectively monitor and enforce technical compliance by a large number of new LPFM operations. Consequently, the creation of a large number of LPFM stations will result in more interference and an overall deterioration in the quality of service in the FM band.

3. The Commission is currently considering proposals for establishing "in-band" digital AM and FM radio service. The in-band DAB proposals require additional bandwith on existing FM frequencies and in some cases the adjacent channels as well. Until an in-band DAB system is sdopted, it would be ludicrous for the Commission to contemplate the addition of new LPFM stations which would make the development of a workable in band DAB system much more difficult if not impossible. If the Commission nevertheless does go forward with a rulemaking proceeding to consider establishment of an LPFM service, it should make it clear in the NPRM that any LPFM stations that are licensed will be on a secondary basis and that the licenses for such stations will be subject to cancellation if necessary in order to clear the way for in band DAB.

4. As the Commission surely learned from Docket 80-90 and its policies towards move-ins, authorizing new service solely based upon the feasibility of squeezing a new channel into the FM band without regard to the actual need for existing service is damaging to the broadcast industry and to the public service. When markets are fragmented by too many stations competing for audience and advertising dollars, all stations suffer economically, and thus, are less able to afford the costs of acquiring and producing news, public affairs and other public service

programming which is much more costly to produce than pure entertainment programming but does not generate much revenue. In order to repair the damage that was done by Docket 80-90, the Commission authorized the outright leasing of stations under the euphemism "local marketing agreement," and it changed its multiple ownership rules to permit multi-station combinations so that the economy of the industry could be revived by the operating efficiencies which come with consolidation. Then Congress stepped in with the Telecommunications Act of 1996 which permitted even greater industry consolidation. Judging from remarks of the Chairman in connection with the proposals for LPFM, the Chairman believes that consolidation has gone too far and that another wave of fragmentation similar to Docket 80-90 is the remedy. The fact is, however, that the creation of microstations that will compete for audience and revenue with full service stations will make it more difficult, and in many cases impossible, for small market stations and independent stations which currently are providing quality local programming for their communities to survive. LPFM is likely to force even more consolidation among full power stations and to result in a lessening of localized public service programming, including programming for the very groups that the proponents of LPFM claim that LPFM will serve.

5. If the Commission truly believes that there is a need for outlets for local expression in the FM band, the way to meet this need would be to (i) re-establish the 10 watt FM service in the noncommercial portion of the FM band and (ii) require that all applicants for frequencies in the noncommercial portion of the FM band, including renewal applicants, that are not governmental entities or accredited educational institutions, be controlled by local boards.

For the reasons stated above, Coleman submits that adoption of the proposals under

consideration for creation of a LPFM service in the commercial band would not be in the public interest and urges the Commission not to institute a formal rulemaking proceeding to consider establishing such service.

Respectfully submitted,

Chester P. Coleman
American Radio Brokers
1255 Post Street, #625
San Francisco, CA 94109