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May 7,1998

Office of the Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, DC 20554

To Whom It May Concern:

Enclosed is an original and nine copies of my Reply-Comments in support of RM-9242 now before the Commission for creation of the Low Power FM (LPFM) Broadcast Service.

Sincerely,

James R. Reese

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List A B C D E MMB

DOCKET FILE COPY ORIGINAL

MAY 12 1998
FCC

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Proposal for Creation of the Low Power FM
(LPFM) Broadcast Service

FCC RM-9242

To: Federal Communications Commission

Reply-Comments of James Raymond Reese, III

I offer my comments on RM-9242 as a person who has spent almost forty years of his life in the broadcasting industry in every conceivable position from Gopher, in my younger years, to, most recently, licensee. I love broadcasting — everything it is, everything it can be. But there comes a time when it must be recognized by all sentient beings that something is wrong. And, possibly, very wrong.

What is wrong — as a generality, because there are shining exceptions — is an extreme lack of local service on the part of many currently licensed broadcasters. The reasons for this are legion, but the primary cause appears to be economic. In many areas, the local economy can not reasonably support the number of commercial signals on the air. Far too many stations simply can not generate sufficient revenues to pay the bills necessarily incurred by reasonably sufficient levels of community service.

The Commission, itself, has to share a large part of the blame for this industry-wide problem due to its ill-conceived social experimentation which resulted in the adoption and implementation of the almost totally inexcusable Docket 80-90.

To make the matter almost offensive, there are few, if any, community-minded stations operating in the non-commercial portion of the FM band. As an example, of the nine listenable signals in my area, two are university-operated behemoths whose only desire seems to be to become a boring copy of the Canadian Broadcasting Corporation; one is quite ecclectic with no community service directed to my region; and the remaining six are all — yes, all — religious. In fact, there are only three non-commercial signals licensed to all of Sarasota and Manatee counties, with their 540,000 residents, and all three are religious. Please pardon my candor, but this is insane.

The fact is despite the groanings of some of the commenters against the LPFM service, it is sorely, even gravely, needed. While some of the comments against the proposed service need to be addressed, they should be addressed from the standpoint of how to provide the proposed service while mitigating the reasonable concerns of commenters and dismissing out-of-hand the patently unreasonable.

The fact is that across America the current mix of signals does absolutely nothing of substance for most of the smaller segments of society. Absolutely nothing.

Yes, there is service for the Hispanic communities where Hispanics make up a large percentage of the population. Yes, there is service for the African American communities in those areas where blacks are a significant part of the population. But, I defy anyone to travel the length and breadth of this nation and find real discussions of the real issues affecting America's ethnic populations where they make up only a few percentage points of the area's total population. It simply can't be done.

This is not an indictment of commercial broadcasters. It would make no sense, from a spectrum use standpoint or an ecomonic standpoint, to waste a 100,000-watt signal spanning a 100-mile radius, on matters which are important to only a few hundred people who live in the core city. It is in situations like this where truly efficient use of the available spectrum cries out for an LPFM service.

The fact is that, as stations across America increase power and desert their communities, reducing services so they can pretend to be part of a larger city, there has been a vast void created. The reasonable, speedy, effective, inexpensive, and efficient way to fill this void appears to be through the creation of an LPFM service.

The need for a community radio service is great and should not be ignored any longer.

Having said that, I would also like to reply to a few certain comments made by others regarding this matter.

Efficient use of spectrum:

Some have claimed that an LPFM service would be an inefficient use of spectrum. In fact, quite the opposite is true.

The opponents of LPFM are looking only at how many acres can be effectively covered by a single high-power station compared with the effective coverage of a number of low-power stations on the same frequency. I submit that there are several other ways of assessing spectrum efficiency. Among them, diversity of service and diversity of ownership.

To be considered as using the spectrum effectively and efficiently, a high-power station must program for "most of the people, most of the time." Otherwise, it is an arguable waste of the spectrum since few people obtain anything of substantive value from the use of the frequency. As an extreme example, programming polkas on a 100,000-watt station in the middle of Alabama, where Polish communities might exist only in Birmingham and Montgomery, could be incredibly inefficient use of the spectrum when two LPFM stations could serve those communities effectively while making the same frequency available in other small communities across the state.

Efficiency of spectrum use is better defined by how many diverse communities can be served by a single frequency than by whether yet another Smashing Pumpkins recording can be heard from 100 miles away.

In addition, increased diversity of local ownership can result from the implementation of an

LPFM Broadcast Service and that, also, should also be a major consideration of efficiency of spectrum use.

Digital Interferrence:

Some comments against the proposed LPFM Broadcast Service filed with the Commission have discussed future interferrence on second adjacent channels in the proposed digital service.

At best, this argument appears to be specious.

It would seem that, under the technical model used, some existing stations, some even operated by the very groups making the claim, would cause even more second adjacent interferrence than any potential interferrence from an LPFM station.

This argument holds water only if these licensees are offering to reduce the signals of their existing stations so that everyone in the game is playing by the same interferrence-protection rules.

Legalizing "pirates":

Again, this is another apparently specious argument having nothing to do with the merits of the proposed service.

The very use of the term "pirate" can be for no purpose other than the maligning of the image of the proposed service and its license holders. This argument has all the appearances of "let's see how much sticks when we throw the stuff against the wall."

It is akin to claiming that the U.S. Constitution legalizes traitors. Nothing is further from the truth. Today's United States is the result of King Charles III's refusal to correct obvious governmental wrongs in the New World. The colonies were not full of raving anti-Crown crazies. We quite possibly could still be a group of colonies if Charles would have simply righted the wrongs.

The proposed LPFM Broadcast Service is simply a step toward righting existing wrongs. It will not, in any way, "legalize" the kind of behavior commonly referred to as "pirate" radio.

The actual meaning of the word "pirate" refers to a certain behavior, not the state of licensing. Indeed, many of the people of history we now call pirates carried the letters of marque, or licenses, if you will, of various nations. Edward Teach, known as Blackbeard, operated late in his career out of North Carolina with the tacit approval of the governor of that colony. His deeds were made no less nefarious by the existence of government approval.

Conversely, the captain of an unlicensed ship engaged in otherwise legitimate trade between ports is not a pirate, only unlicensed.

Before any of the commenters throw such terms around before the Commission, they should determine how many of their own stations are nothing more than glorified jukeboxes keeping the frequencies from being used by people who would actually provide real and meaningful services to their respective communities.

Four or five short newscasts per day, containing a litany of Hard Copy-type content, is not service. A lack of even a mention of things going on in the community is not service. Announcers whose only purpose seems to be the discussion of body parts and body fluids is not service. Lewd humor is not service. And it is hard to imagine how "outing" homosexuals on a morning show (as actually happened very recently in Fort Myers, Florida) qualifies as service.

Discussion of matters of importance to small groups of the non-served and unserved, I submit, is service.

One has to question which type of programming makes a broadcast facility truly guilty of spectrum piracy.

Power levels:

If given only the choices of the power levels listed in RM-9242 and the ridiculous maximum levels of only a few watts proposed by other commenters, the levels listed in RM-9242 win hands down. A proposal to license stations that almost no one can hear is patently absurd and reeks of special-interest overtones.

One additional matter should be discussed and it concerns the question of who, in which community, gets a license.

Available frequencies will be few in many areas and there will, almost unquestionably, be many applicants. If these proposed LPFM stations are to live up to their potential to serve the vast number of underserved communities in this country, the Commission should consider a form of licensing which it discarded years ago: shared time.

An argument can be made that a small community might find it difficult and expensive to produce meaningful programming to cover a lot of hours. A shared time arrangement would allow a large number of community licensees to reach their desired audiences and greatly add to the diversity of both programming and licensees in any given area.

One thing I fear greatly, and it is something which would kill community access to the proposed LPFM service, is the potential for abuse by licencees who would wish to use the service as a translator service or a network and/or syndication outlet. The Commission should restrict licensees in this service to local entities with no primary service license of any kind. Otherwise, many communities will still be without the local service they so desperately need.

Respectfully submitted,

James Raymond Reese, III

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May 7, 1998

CERTIFICATE OF SERVICE

I, James Raymond Reese, III, do hereby certify that a true and correct copy of the foregoing "Reply-Comments on RM-9242" was sent via first class mail, this 7th day of May, 1998, to the following parties:

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