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May 23, 1998

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

Re: Mike Hoyer's Reply Comments on LPFM
Requesting the creation of a
Low Power FM radio broadcast service nationwide

Dear FCC Office of the Secretary:

Transmitted herewith is an "original" and nine copies of Mike Hoyer's reply comments regarding LPFM as requested by the FCC.

Should any questions arise concerning this matter, please contact the undersigned directly.

Respectfully submitted,

5/23/98

Michael E. Hoyer - President, DeForest Broadcasting Company, Inc.

Enclosures: 1 original, 9 copies of Mike Hoyer's reply comments on LPFM.

No. of Copies rec'd 0+9
List A B C D E MMB

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Before the
Federal Communications Commission
Washington, D.C. 20554

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MAY 26 1998
FCC MAIL ROOM

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

FCC RM-9242

To: Federal Communications Commission, May 23rd, 1998

Reply Comments of MIKE HOYER

Submitted by Michael E. Hoyer
DeForest Broadcasting Company, Inc.

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I. INTRODUCTION/SUMMARY

Mike Hoyer appreciates this opportunity to provide views on the proposals submitted by the Petitioners, comments submitted by the **NATIONAL ASSOCIATION OF BROADCASTERS, AMERICAN COMMUNITY AM BROADCASTERS, STATE BROADCASTERS ASSOCIATIONS**, and the **USA DIGITAL RADIO, L.P.** and to provide a proposal to satisfy the vital needs of the communities across the United States as stated by FCC Chairman Bill Kennard in Radio World April 15, 1998. Kennard is interested in creating a low-power radio service, "so that small businesses and churches and community groups can use the airwaves to broadcast to their communities." In a world in which most Americans get most of their news from broadcasting, Kennard asked, "How can America have a strong democracy when most stations are concentrated in the hands of only a few?" The answer to that question is provided in Section VI of this document (similar to RM-9242) and at the same time it maintains the well-founded Commission policies. The low power radio service as described in Section VI of this document establishes a more efficient use of the spectrum while maintaining and exceeding the minimum power levels as described within the code of federal regulations for telecommunications Title 47, Part 73.211 which is mentioned within Section VI of this document. Therefore, the low power radio service as described in Section VI of this document (similar to RM-9242) would further the Commission's goals in providing stable, efficient and diverse radio service to the public.

The purpose of this document is to make comments, reply comments and a proposal for LPFM as requested by the FCC, regarding a new class of broadcast station to be called Low Power FM (LPFM), which will allow, for the first time, people of limited financial means to have a voice in broadcasting in America.

II. REPLY COMMENTS ON NATIONAL ASSOCIATION OF BROADCASTERS

I have received and read a copy of the National Association of Broadcasters Comments in opposition to RM-9208, RM-9242 and RM-9246. The following are my reply comments on the material.

Mike Hoyer disagrees with NAB's comment restated here as follows; "...any petition requesting a rulemaking proceeding to establish a 'microradio,' low power radio or event broadcasting service must be denied."

Mike Hoyer believes that a low power radio service, as described in Section VI of this document (similar to RM-9242), can be established within the well-founded Commission policies. The low power radio service as described in Section VI of this document (similar to RM-9242) provides exactly what FCC Chairman Bill Kennard has requested, as stated in Radio World April 15, 1998. Kennard is interested in creating a low-power radio service, "so that small businesses and churches and community groups can use the airwaves to broadcast to their communities." In a world in which most Americans get most of their news from broadcasting, Kennard asked, "How can America have a strong democracy when most stations are concentrated in the hands of only a few?" The answer to that question is provided in Section VI of this document (similar to RM-9242) and at the same time it maintains the well-founded Commission policies. The low power radio service as described in Section VI of this document establishes a more efficient use of the spectrum while maintaining and exceeding the minimum power levels as described within the code of federal regulations for telecommunications Title 47, Part 73.211 which is mentioned within Section VI of this document. Therefore, the low power radio service as described in Section VI of this document (similar to RM-9242) would further the Commission's goals in providing stable, efficient and diverse radio service to the public. Mike Hoyer does agree however that a 'microradio' service, such as the proposal in RM-9208, would create small islands of usable coverage in an ocean of interference.

The change proposed within Section VI of this document (similar to RM-9242) would not be detrimental to the evolution of in-band, on-channel ("IBOC") digital radio since the change maintains the code of federal regulations for telecommunications Title 47, Part 73.207 which is mentioned within Section VI of this document. Therefore, adding the service found in Section VI of this document (similar to RM-9242) would not prevent radio broadcasters from implementing IBOC digital technology.

Mike Hoyer disagrees with the statement "Each full-power station provides a unique service to its community." Mike Hoyer states that there are very few stations that are unique hence most stations are redundant and therefore not unique. For example, the Madison, Wisconsin metro area is served by several FM radio stations, however many of them are redundant, for example there are four secular rock stations, four secular contemporary stations, two secular country stations, and only one traditional Christian station. Most of these stations are owned by two or three large corporations that own many other stations in other areas of Wisconsin and other states, therefore dominating the mainstream media. The Telecommunications Act of 1996 and the Bill signed in August of 1997, which forces the FCC to auction mutually exclusive applications, has caused a severe decrease in the diversity of ownerships and formats industry-wide to the point that desperate measures need to be taken as soon as possible to provide exactly what FCC Chairman Bill Kennard has requested, as stated in Radio World April 15, 1998 (mentioned and repeated previously above). Mike Hoyer agrees that greater efficiencies have evolved, but Mike Hoyer emphasizes that these greater efficiencies have been paid with the loss of diversity. Mike Hoyer agrees that it may be possible for existing stations to offer new and distinct niche programming, however, past history has proved that existing stations are not willing to offer niche programming hence, just because something is possible, does not mean that the station will offer new and distinct niche programming. Many stations tend to provide material in their best interest rather than the community.

The Commission must keep in mind that a low power station is able to serve the community much more than a larger station. Since a low power station has its' survival tied more closely to an immediate community rather than a cluster of communities, like a larger station, a low power station would be much more reactive to the community's requests. For example, a community may have close to 100% input regarding the programming of a low power station, whereas that same community may only have 5% or close to 0% input regarding the programming of a larger station. Low power stations as described in Section VI of this document would be heard by a significant number of people and would be available to mobile audiences. Low power stations as described in Section VI of this document would be able to provide consistent and reliable service.

Mike Hoyer totally disagrees with the statement "Supporters of the petitions may have other outlets for their viewpoints without resorting to establishing a new broadcast service-such as seeking out available time on full-power commercial and noncommercial stations, applying for a noncommercial frequency or expressing their views over the Internet." Mike Hoyer states that seeking out available time on full-power commercial and noncommercial stations severely limits a community's need to broadcast their interests full time, not to mention during the daylight hours. Most stations only offer available time on the overnight or not at all. Applying for a frequency only becomes possible when performed under the guidelines as described within Section VI otherwise, current guidelines are futile as Mike Hoyer has personally found out from past experience several times. The Internet does not provide a means for mobile audiences, therefore, the Internet does not serve a community's needs. Mike Hoyer does agree that the Commission should not establish a new service for low power radio in order to curb the proliferation of pirate broadcasters.

The proposal for low power stations as described in Section VI of this document, would place nearly 0% additional FCC administrative burdens. The FCC would only

need to update two tables of information and modify one (or more) rule(s) for low power stations as described in Section VI of this document. In this regard, the lower power stations would also be self-policing by having the same incentive to abide by regulations.

Mike Hoyer requests that the proposal for low power stations be seriously considered as described in Section VI of this document which is similar to RM-9242. Mike Hoyer does not agree with the proposals for RM-9208 and RM-9246.

III. REPLY COMMENTS ON **AMERICAN COMMUNITY AM BROADCASTERS**

Mike Hoyer disagrees that FM translators should be used as fill-in service for AM stations, because translators are a secondary service and a primary service can throw away a secondary service.

Mike Hoyer agrees that RM-9242 does include a proposal to provide amnesty for pirates and opposes all though for any amnesty for illegal broadcasters and urges the FCC to refuse amnesty proposals for pirate broadcasts.

Mike Hoyer agrees that no favoritism or special consideration should be granted illegal broadcasters.

Mike Hoyer disagrees that AM radio will feel the impacts on a competitive basis more than any other broadcast service if LPFM is created and allowed to operate. Providing low power stations as described in Section VI in this document will have little to no impact on AM radio. AM radio is great for talk, sports, news, and music for a 50+ audience, whereas FM is great for all types of music. Most if not all FM radio stations focus most of their programming around music rather than talk, sports and news. Therefore, AM and FM stations have identified each others' niches.

IV. REPLY COMMENTS ON **STATE BROADCASTERS ASSOCIATIONS**

Mike Hoyer agrees that the petitioners would have the Commission feel morally and legally compelled to give a broadcast microphone and transmitter to virtually anyone who wanted one, however, Mike Hoyer states that the Commission should feel morally and legally compelled to grant a broadcast license to those who show proof of full compliance of existing rules and regulations and those outlined in Section VI of this document. Mike Hoyer disagrees that the 'system' continues to work well to ensure that all communities and thus their citizens are not left uninformed. If this were the case, I wouldn't be writing this document and I wouldn't have to propose low power FM as described in Section VI. The Commission should, therefore, take further action in this proceeding, a proceeding which requires very little effort from the Commission and the Commission's regulatory regime.

Mike Hoyer states that the fundamentally local nature of radio broadcasting is lacking and has been altered by the sales of stations to group owners. For example, group ownership in the Madison, Wisconsin metro area is served by several FM radio stations, however many of them are redundant, for example there are four secular rock stations, four secular contemporary stations, two secular country stations, and only one traditional Christian station. Most of these stations are owned by two or three large corporations that own many other stations in other areas of Wisconsin and other states, therefore dominating the mainstream media. The Telecommunications Act of 1996 and the Bill signed in August of 1997, which forces the FCC to auction mutually exclusive applications, has caused a severe decrease in the diversity of ownerships and formats industry-wide to the point that desperate measures need to be taken as soon as possible to provide exactly what FCC Chairman Bill Kennard has requested, as stated in Radio World April 15, 1998 (mentioned and repeated previously).

It is pointed out that one petitioner asserts, "many families and neighborhoods are in a state of deterioration or collapse" and that microstation broadcasters can help "energize" them to "survive and prosper." Mike Hoyer disagrees that microstation

broadcasters are the answer, because they don't provide mobile listenership and a reasonable listening area, however, the low power station proposal as stated in Section VI, does provide a means of "energizing" communities, including their families and neighborhoods since the proposal provides reasonable coverage area, and the vital requirement of allowing access to the FM band as stated by FCC Chairman Bill Kennard, "so that small businesses and churches and community groups can use the airwaves to broadcast to their communities.", since it is impossible under current regulations. The Commission should take note the proposal as stated in Section VI of this document will not add tens of thousands of new "stations", but more like one or two thousand new regulated stations.

The proposal as stated in Section VI will not threaten to overwhelm the Commission's resources, exacerbate enforcement issues, hinder the implementation of digital radio, and undermine other present and future rulemakings. Therefore, Mike Hoyer urges the Commission to continue this proceeding now by seriously considering to legalize the proposal for low power FM as outlined in Section VI of this document.

Mike Hoyer disagrees that the petitions should be denied because the petitioners have utterly failed to demonstrate the need to create a new broadcast service. The need has been justified not only in this document but by the petitioners and by FCC Chairman Bill Kennard, as stated in Radio World April 15, 1998. Kennard is interested in creating a low-power radio service, "so that small businesses and churches and community groups can use the airwaves to broadcast to their communities." In a world in which most Americans get most of their news from broadcasting, Kennard asked, "How can America have a strong democracy when most stations are concentrated in the hands of only a few?" The answer to that question is provided in Section VI of this document (similar to RM-9242) and at the same time it maintains the well-founded Commission policies. The low power radio service as described in Section VI of this document establishes a more efficient use of the spectrum while maintaining and

exceeding the minimum power levels as described within the code of federal regulations for telecommunications Title 47, Part 73.211 which is mentioned within Section VI of this document. Therefore, the low power radio service as described in Section VI of this document (similar to RM-9242) would further the Commission's goals in providing stable, efficient and diverse radio service to the public.

Mike Hoyer disagrees with the statement that the possible addition of any new service will cause the Commission to be overwhelmed with allocating tens of thousands of more stations. Mike Hoyer's proposal, similar to RM-9242, will not allocate tens of thousands of more stations but more like one or two thousand, therefore it will not 'crush the Commission staff beneath a flood of applications'.

Mike Hoyer disagrees that when full Part 73 regulation is applied to such stations, the Commission's resources will literally be overwhelmed. The possibility of adding another one or two thousand radio stations only creates another 15% more FM radio stations nationally, which will not overwhelm the Commission's resources. Any additional resources that are required, can be paid for by standard application fees and licenses of the additional FM radio stations. Since this matter is resolved, consideration for legalizing the proposal listed in Section VI of this document should begin.

Mike Hoyer does agree that the creation of 'unregulated service' will undermine the public service programming of existing broadcasters. Therefore, the low power radio stations proposed in Section VI of this document should adhere to existing and additional rules as outlined in Section VI of this document.

Mike Hoyer disagrees that disseminating news of events of particular community groups by low power radio stations will be redundant, endlessly repeating announcements or fill up airtime with material similar to that already programmed by existing broadcasters. Mike Hoyer states that there is a significant amount of information from small businesses, churches and community groups which is missed by the existing broadcasters. Since these small businesses, churches and community

groups are not being serviced, the existing stations will see minimal competition for the local advertising and community dollar. Mike Hoyer also disagrees that financial pressure will in turn spur more consolidation whereas the proposal in Section VI of this document suggests that owners of low power radio stations should be those without ownership in standard full power radio stations so as to maintain diversity among ownership and programming.

Mike Hoyer disagrees with the statement that permitting many low-power transmitters is a less efficient way to allocate this resource than permitting fewer transmitters broadcasting at a higher level. Mike Hoyer states that the proposal in Section VI of this document suggests that a frequency allotment proposal should always be allocated to the highest class of power within the guidelines of current rules and regulations and those stipulated within the proposal in Section VI. The low power radio service as described in Section VI of this document establishes a more efficient use of the spectrum while maintaining and exceeding the minimum power levels as described within the code of federal regulations for telecommunications Title 47, Part 73.211 which is mentioned within Section VI of this document. Therefore, the low power radio service as described in Section VI of this document (similar to RM-9242) would further the Commission's goals in providing stable, efficient and diverse radio service to the public.

Mike Hoyer agrees that the proposals made by the petitioners regarding the removal of current spacing requirements would threaten or make impossible the digital radio technology hence Mike Hoyer makes the proposal for low-power FM in Section VI of this document which will keep the spacing requirements intact and not cause a threat to the digital radio technology.

Mike Hoyer does not agree that the existing radio broadcast industry meets the needs of their communities as described previously in this document. Therefore the

Commission should move forward and take further action to legal the proposal made in Section VI of this document.

V. REPLY COMMENTS ON USA DIGITAL RADIO, L.P.

Mike Hoyer disagrees that the Commission should defer consideration of any proposal for LPFM. Since the proposal in Section VI of this document maintains the interference regulations in Part 73 of the FCC rules and adds to them to maintain the capability of IBOC, then the Commission should proceed in considering the legalization of the proposal in Section VI of this document for low power FM. Mike Hoyer does agree that any proposal to abolish the interference regulations should be deferred from consideration since it will have an effect on the capability of IBOC.

Mike Hoyer states that the proposal for low power FM in Section VI of this document is for primary service status therefore protecting the station from displacement. In addition, the proposal in Section VI of this document requests for continuation of interference regulations stated in Part 73 of the FCC rules and adds to them in order to maintain the capability of IBOC. Therefore, the proposal in Section VI of this document will not cause a significant delay in the development of rules for digital radio broadcasting and therefore no consideration should be made to freeze the introduction of a new service for low power FM.

VI. THE NEED FOR LPFM AND MIKE HOYER'S PROPOSAL FOR LPFM

A. THE NEED FOR LPFM SERVICE

Quote From Radio World Trade Publication April 15, 1998:

"According to Duncan's Radio Comments, radio is experiencing listening loss...Duncan's studied the spring 1997 Arbitron ratings and found what it terms a small year-to-year decline in the mean Average Persons Rating, or APR, which is the percentage of the population that is listening to radio in any average quarter hour

(Monday-Sunday, 6am to midnight, age 12+). The current rate is 15.94 percent. This marks the fourth straight year of decline, and the first time since 1981 it has dipped below 16 percent....Duncan's offers several reasons for the trend: Less money is being spent on marketing and promotion, thanks in part to consolidation and the resulting domination of a market segment. Some listeners may have gone elsewhere because we took away their favorite station -- the report cites the examples of the commercial classical and easy listening formats, claiming their listeners are lost to radio, which is "offering less and less to listeners outside the 'golden' 25-54 demo." A third reason is what the report calls a disturbing trend away from "localness". This is a biggie. Radio's forte has been our ability to connect with the listener like no other medium. Duncan's calls this local identification bond "radio's long-term insurance policy". The article above is just another of the many indications as to why LPFM is needed as indicated in RM-9242.

B. MIKE HOYER'S PROPOSAL FOR LPFM

Mike Hoyer proposes that two classes of radio stations, Class A1 and Class A2 be added to the FCC rule books as shown below.

TITLE 47, PART 73.207 SHOULD ADD THE FOLLOWING ITEMS LISTED:

73.207 Minimum distance separation between stations.

(b) The distances listed in Tables A, B, and C apply to allotments and assignments on the same channel and each of five pairs of adjacent channels...

(1) Domestic allotments and assignments must be separated from each other by not less than the distances in Table A which follows for class A2 and A1 stations:

Table A - Minimum Distance Separation Requirements In Kilometers (Miles)

Relation	Co-Channel	200 kHz	400/600 kHz	10.6/10.8 MHz
A1 to A2	71 (44)	45 (28)	19 (12)	5 (3)
A1 to A1	82 (50)	52 (32)	23 (14)	6 (4)
A1 to A	102 (63)	65 (40)	28 (17)	8 (5)
A1 to B1	122 (76)	78 (48)	34 (21)	10 (6)

A1 to B	150 (92)	94 (58)	41 (25)	11 (7)
A1 to C3	122 (76)	78 (48)	34 (21)	10 (6)
A1 to C2	150 (92)	94 (58)	41 (25)	11 (7)
A1 to C1	180 (111)	113 (70)	49 (30)	15 (9)
A1 to C	203 (125)	128 (79)	55 (34)	16 (10)
A2 to A2	61 (38)	39 (24)	16 (10)	5 (3)
A2 to A	89 (55)	57 (35)	24 (15)	6 (4)
A2 to B1	112 (69)	71 (44)	31 (19)	8 (5)
A2 to B	139 (86)	89 (55)	37 (23)	11 (7)
A2 to C3	112 (69)	71 (44)	31 (19)	8 (5)
A2 to C2	139 (86)	89 (55)	37 (23)	11 (7)
A2 to C1	168 (104)	107 (66)	45 (28)	13 (8)
A2 to C	190 (117)	120 (74)	52 (32)	15 (9)

(2) Under the Canada-United States FM Broadcasting Agreement...U.S. Class A2 and A1 allotments and assignments are considered to be Class A.
(3) Under the Mexico-United States FM Broadcasting Agreement...U.S. Class A2 and A1 allotments and assignments are considered to be Class A.

TITLE 47, PART 73.211 SHOULD ADD THE FOLLOWING ITEMS LISTED:

73.211 Power and antenna height requirements:

(a) Minimum requirements.

(1) FM stations must operate with a minimum effective radiated power (ERP) as follows:

(viii) The minimum ERP for Class A1 and A2 stations is 0.1 kW.

(2) No minimum HAAT is specified for Classes A1 and A2 stations.

(3) Class A1 and A2 stations may have an ERP less than 100 watts provided that the reference distance, determined in accordance with paragraph (b)(1)(i) of this section, equals or exceeds 6 kilometers.

(b) Maximum limits.

(1) Except for stations located in Puerto Rico of the Virgin Islands, the maximum ERP in any direction, reference HAAT, and distance to the class contour for A1 and A2 FM station classes are listed below:

Station Class	Maximum ERP	Reference HAAT meters (feet)	Class contour distance kilometers (miles)
A2	1.5 kW	100 (328)	14 (9)
A1	3.0 kW	100 (328)	20 (12)

Mike Hoyer proposes these two Classes of radio stations based on experience: First my story. I tried to start a contemporary Christian radio station in Madison, WI. I surveyed the area churches, worked at the area churches, talked to many of the pastors, and congregations, etc.. and identified that contemporary Christian radio is an extremely

needed medium in Madison, WI. I started the business in 1991, performing many hours, days, weeks and months of hard work doing research, and spending lots of money on lawyers, engineering teams, books, and filing petitions to the FCC to allocate 93.1 FM Class A to DeForest, WI a town approximately 10 miles northeast of Madison, WI. The FCC decided after much debate to allocate the frequency in 1995. Then despite the fact that I spent thousands and thousands of dollars and several years of hard work and research in getting to this point, all of a sudden the local newspapers publish on the front page of their local sections about the frequency, that all of a sudden came about, and that people and companies should sign up and take advantage of this opportunity, hence, companies and people come out of the wood work and filed an application for a construction permit in September-October of 1995. Unfortunately, Bill Clinton decided to hold a federal auction if the 8 applicants including myself didn't settle this among ourselves by January 30th 1998. So, I knew that I couldn't win against some of the companies who were applicants with millions and millions of dollars at a federal auction so I had to settle for some money and go back to square one. I knew and I'm sure everyone else did too, that this was the last frequency available under current rules and regulations in the Madison area so the Madison community's desire for a contemporary Christian radio station was over....until now, there may be hope with LPFM!

Another example of the frustration with the lottery (or auction) system: Just imagine if you and I are looking for a piece of land to buy and we do research and finally find exactly what we want. Then we purchase the land and spend lots of time, hard work and money on creating a business plan for this land/community and decide based on the business plan to put some roads, landscaping, and a couple of buildings on the land. Then, we get ready to move forward on siting a area for the roads, landscaping, and buildings and we notify the community about our plans for this piece of land. The community says o'k, you have a good plan, but before it is accepted, we need to

publicly announce on the front page of the local paper and throughout the community this proposal and request counter proposals for this land/building so everyone can try to put in a proposal just like you so we can hold a lottery to choose who really should get the opportunity to build. That would be insane. How can anyone develop a business plan, and move forward with their plan, only to have someone force you to sell the land and have them build on it instead of you. That is exactly what has been happening in radio. People seriously (like myself) have tried to start a radio station and after years of hard work, allocating a frequency which takes, time, hard work, lots of money, FCC attorneys, corporate attorneys, and engineers, the FCC decides that other people should be granted your property which you worked so hard for.

In Conclusion: Since the first day of this planet earth, all frequencies were made available to everyone and anyone. Hence the allotment table is really a table that has always existed with all said frequencies available from the beginning of this planet. Therefore, if anyone is truly serious about starting a radio station, then ONLY the person petitioning the FCC for the allotment of a frequency should be considered for the construction permit. There is not one reason to open a window because it was open for anyone and everyone before allotment of the frequency. If anyone else really wanted to start a radio station, they could have just as easily filed the same petition to allot the frequency at step 1. However, if and ONLY IF the initial person's construction permit application is not in good order, then, AND ONLY THEN, should the frequency be opened up to the next allotment applicant in line (time wise) just like it is when buying a piece of land, first come, first serve.

The only purpose I see for a lottery system, is when the first and second person filing a petition to allot a frequency is mailed and received by the FCC on the same exact day and that is extremely rare if not close to impossible. So I suggest that the method

mentioned above for allocation and construction permit filing be used to address the following concerns:

i) Eliminate non serious radio owners

ii) Speed up the process for allocation and construction permits

iii) Reduce FCC involvement of having to hold lotteries, auctions, comparative hearings, etc..

iv) Encourage serious radio owners to move forward with their business plans without worrying about people on the side hoping to file a construction permit once a frequency becomes available so they can later sell the station for a profit. Believe me, I know several people in Madison, WI that do this for a living and I'm tired of them pushing me aside for their own monetary gain.

Note 1: Any applicant applying and currently an owner of a full-power radio license or has been an owner in the past of a full-power radio license should be ineligible to apply for a LPFM or Class A1 or Class A2 as previously stated.

Note 2: If no frequencies are available within the non-commercial band, then a non-profit/non-commercial organization should be allowed to allocate a frequency within the commercial band when no more frequencies are available within the non-commercial band.

Again, Mike Hoyer would like to state that a lottery should only be used when more than one applicant petitions FCC to allocate a frequency. If lottery is used cause more than one person on the same day petitioned FCC to allocate frequency then lottery should be followed as described by RM-9242.

Also, no filing window is needed, however applicants should be reviewed for completeness.

VII. GENERAL BACKGROUND OF MIKE HOYER

SUMMARY

Mike Hoyer's over 20 years of radio experience includes (but is not limited to) remote live radio broadcasts, equipment installations, sales and marketing of radio, development of extensive radio business plans, an FCC petition for frequency allocation, application for a construction permit and live radio announcing on various AM and FM radio stations. Mike also holds a Bachelors Degree in Electrical Engineering and has held positions such as Quality Assurance Manager, Product Marketing Manager and Marketing/Applications Specialist. The following is an outline of his education, experience and community involvement as an engineer and also as a radio professional.

EDUCATION

Bachelor of Science, Electrical Engineering
New York Institute of Technology, Old Westbury, New York
GPA 3.0/4.0 in major, Graduated May 1987.

Associates in Engineering Science
State University of New York, Farmingdale, New York
Deans List, Graduated August 1984.

SUMMARY OF ENGINEERING EXPERIENCE

Nicolet Instrument Corporation, Madison, Wisconsin
Product Marketing Manager, June 1991 to Present

Responsible for developing new products and bringing them to the market place worldwide to solve customer data acquisition needs in research and development. This process includes but is not limited to market analysis, product design, product marketing, sales and training worldwide.

Customers include but are not limited to Boeing, Breed Automotive, Caterpillar, Chrysler, Ford, General Motors, Morton International, NASA, Ontario-Hydro, S&C Electric, Sandia, plus worldwide support of entire sales force including regional managers, distributors and representatives.

Hi-Techniques, Incorporated, Madison, Wisconsin
Sales/Marketing/Applications Specialist, September 1990 to June 1991

In charge of maintaining current and future clientele for the entire US territory, by providing solutions for various research, development and test applications using data acquisition and analysis instrumentation.

Typical customers were Allen-Bradley, Allied Signal, Barber-Colman, Beech Aircraft, Caterpillar, Cooper Power Systems, Eaton, Harley Davidson, J.I. Case, John Deere, Kodak, Kohler Company, S&C Electric, Xerox and Zenith.

Leader Instruments Corporation, Hauppauge, New York
Applications/Product Marketing Manager, April 1989 to September 1990
In charge of the oscilloscope product line for the entire US territory regarding technical product information and support, advertising, public relations, trade show supervision, market trends, literature, training sessions and instruction manuals.

Provided technical product information and support to customers such as General Electric, General Instruments, Honda, Panasonic-Technics, Sony and to regional managers and distributors.

Cortronic Corporation, Ronkonkoma, New York
Electrical Engineer/Quality Assurance Manager, May 1986 to February 1989
Implemented Quality Assurance Program for manufacturing arterial pressure monitor.

Supervised technical personnel to provide a quality analysis of the entire manufacturing process. Assisted/reviewed engineering department on new and current project builds per UL544, CSA and FDA codes for medical manufacturing company; utilizing various technical equipment.

RADIO EXPERIENCE

93.1 FM, DeForest-Madison, Wisconsin
FCC Petition To Start A Radio Station, December 1991 to Present
Petitioned FCC to start a radio station in DeForest-Madison, WI. Details on this matter appear later in this document.

WMMM, 105.5 FM, Verona/Madison, Wisconsin
On Air Talent, December 1991 to Present
On Air Talent for Madison's New Rock Choice.
Play variety of rock music, gave away prizes, on weekend day and morning shifts.
Regulary performed shifts: Saturday/Sunday 2pm-6pm, and 6am-10am.

WBLI, 106.1 FM, Patchogue, Long Island, New York
On Air Talent, July 1986 to September 1990
On Air personality for Long Island's Number 1 Hit-Radio Station.
Played Top-40 music, gave away cash and prizes, on weekend day and night shifts.
Regulary performed shifts: Saturday/Sunday 6am-11am, and 3pm-7pm.

WGLI, 1290 AM, Babylon, Long Island, New York
On Air Talent, December 1982 to July 1986
On Air personality for Long Island's Number 1 Oldies Station.

Played oldies music, gave away cash and prizes, on weekend day and night shifts. Regularly performed shifts: Saturday/Sunday 6am-12pm, 12pm-5pm, and 8pm-12am.

Christian Music Broadcast, Babylon, Long Island, New York
On Air Talent/Programmer/Producer, October 1982 to February 1983
Programmer, Producer and On Air Talent of 13 week contracted Live Christian Music Show.
Obtained sponsors to pay for on-air time on radio station, produced sponsor's commercials, programmed and hosted an exclusive full hour Christian Music Show, aired live every Sunday on 1290 AM, WGLI from 3:30pm to 4:30pm.

Assembly of God Live Radio Service, Bay Shore, Long Island, New York
On Air Announcer/Sound Engineer, June 1979 to February 1983
On Air Announcer and Sound Engineer of Live weekly remote radio program.
Announced and sound engineered entire live church service on Long Island's Contemporary Christian Radio Station, WLIX, 540 AM. Installed equipment used at the remote facility.

COMMUNITY INVOLVEMENT

High Point Church, Madison, Wisconsin
Sound Engineer, 1994 to Present
Engineer and consultant regarding the sound in the auditorium and recordings for Sunday services and live Christmas and Easter performances.

Lake City Church, Madison, Wisconsin
Sound Engineer, September 1991 to 1994
Engineer and consultant regarding the sound in the auditorium and recordings for Sunday services and live Christmas and Easter performances.

Smithtown Gospel Tabernacle, Smithtown, Long Island, New York
Sound Engineer, September 1987 to September 1990
Engineered the sound in the auditorium for Sunday morning and evening services, live Christmas and Easter Performances and Christian concerts. Installed equipment used at the church.

Bay Shore Assembly of God, Bay Shore, Long Island, New York
Sound Engineer, June 1979 to February 1983
Engineered the sound in the auditorium, on the radio and the recordings for all services, Christmas and Easter performances and Christian concerts. Installed equipment used at the church.

References are available upon request.

RECENT/CURRENT 93.1 FM FCC PETITION

I'm strongly in favor of LPFM as long as it is placed into the FCC rule books specifically in favor of small business and community owners hence keeping out medium and large businesses who wish to apply and sell construction permits and who already own existing radio stations. I say this from experience as described below:
1991-1992: Mike Hoyer surveyed the Dane County area churches and communities and concluded, without a doubt, that contemporary Christian radio was a lacking and essential component in the community which focuses on the age group 18 to 44. Hence, a vision was born to create a contemporary Christian non-profit radio station in Dane County, financially supported by the local community and area churches, in order to meet the essential spiritual needs of the community. Consequently, after extensive research and the development of a detailed business plan, it was concluded that the birth of a contemporary Christian non-profit radio station, focusing on the 18 to 44 age group, was the best method to fulfill this essential component. Therefore, Mike Hoyer formed DeForest Broadcasting and filed a petition with the FCC to allocate 93.1 FM to DeForest, Wisconsin.

1993-1995: Many petitions (more than the usual) were filed against the allocation of 93.1 FM. After much prayer and exhaustive effort due to the filing of many additional petitions to the FCC by DeForest Broadcasting, in September of 1995 the FCC announced the allocation of 93.1FM to DeForest, Wisconsin. In response, DeForest Broadcasting submitted Form 301 (application for a construction permit) to the FCC. DeForest Broadcasting noted that seven applicants, in addition to DeForest Broadcasting, submitted Form 301 to the FCC for 93.1 FM. Despite and fully aware of the fact that the current process to allocate and apply for a construction permit is no where near logical, DeForest Broadcasting was and is still quite disturbed about additional applicants appearing last minute. For if any of the applicants had any genuine desire to start a radio station, they could have at any time in the past, petitioned the FCC to allocate 93.1 FM. But it wasn't until DeForest Broadcasting started the process of researching the community by petitioning the FCC, and successfully allocating the frequency, did the additional applicants 'jump on the band-wagon'. Hence the only alternative was for DeForest Broadcasting to wait for the FCC to finish re-writing the rules for comparative hearings and attend a hearing.

1997: DeForest Broadcasting received several pleas to surrender to one of the other applicants and join their partnership plan which calls for the buying out of the remaining applicants in the future, including DeForest Broadcasting. The applicant

proposing the partnership did not share in the same vision as DeForest Broadcasting, hence this would have eliminated the vision to bring contemporary Christian radio to Dane County and would have not met the essential spiritual needs of the people in the community. Therefore, DeForest Broadcasting was faced with two options in the attempt to continue the vision as follows:

Option Number 1:

As a kind gesture on behalf of DeForest Broadcasting to help the additional applicants recover their costs of submitting Form 301, DeForest Broadcasting proposed to pay each of the additional seven applicants the amount equal to the costs incurred to submit Form 301, not to exceed $10,000 per applicant, providing that each applicant agreed to dismiss their application. Payment to all applicants would have been made, in full, when the FCC's grant of the DeForest Broadcasting application had become "final".

Option Number 2:

Wait to hear from the FCC.

Mike Hoyer personally paid for all professional services and spent an enormous amount of time and effort on this project since 1991. Hence, Mike Hoyer 'paid' for the frequency since step one which includes the following major steps:

1991: Identify need, research methods to fulfill need
1992: Frequency search via engineering team
1992: Business Plan via extensive research into all avenues of starting and operating the business over a 5 year period
1992: Petition to FCC via attorney
1993: Several additional petitions to FCC via attorney and engineering teams
1995: Form 301 Filing via attorney and engineering teams

These steps were taken to meet the needs of the youth and young families of the Dane County community and not to line my own pockets. However, the ideas of the additional applicants only consisted of money, money, money with no concern for Mike Hoyer's extensive plea for helping the Madison Community. To make matters worse, in August 1997, a federal auction was mandated by the federal government unless matters were settled privately by January 30th, 1998. Naturally, Mike Hoyer didn't have millions of dollars (like some of the other applicants who owned numerous radio stations) to win a federal auction for the Madison community, therefore, Mike Hoyer was forced to give up the radio frequency that he so earnestly started by giving into to a private settlement by one of the other applicants. Finally by 2pm, January

30th, 1998, all applicants agreed to a private settlement with an applicant that already indirectly owned and operated many radio stations in Madison, Wisconsin and throughout the Midwest. It was a losing battle. Now, after years of hard work and money, Mike Hoyer is back to square one in trying to solve this serious Madison community problem. Question is: Will LPFM be the answer? The answer will only be yes, IF the big money maker applicants who own existing radio properties are kept out.

VIII. CONCLUSION

The only way to make this rule making effective will be to legalize the information that is stated within Section VI of this document which is designed to satisfy the vital needs of the communities across the United States as stated by FCC Chairman Bill Kennard in Radio World April 15, 1998. Kennard is interested in creating a low-power radio service, "so that small businesses and churches and community groups can use the airwaves to broadcast to their communities." In a world in which most Americans get most of their news from broadcasting, Kennard asked, "How can America have a strong democracy when most stations are concentrated in the hands of only a few?" The answer to that question is provided in Section VI of this document (similar to RM-9242) and at the same time it maintains the well-founded Commission policies. The low power radio service as described in Section VI of this document establishes a more efficient use of the spectrum while maintaining and exceeding the minimum power levels as described within the code of federal regulations for telecommunications Title 47, Part 73.211 which is mentioned within Section VI of this document. Therefore, the low power radio service as described in Section VI of this document (similar to RM-9242) would further the Commission's goals in providing stable, efficient and diverse radio service to the public.

Prepared by: Mike Hoyer, 509 Walnut Grove Drive, Madison, WI 53717
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Signed: _____ Date: 5/23/98
Michael E. Hoyer - President of DeForest Broadcasting Company, Inc.

CERTIFICATE OF SERVICE

I, Mike Hoyer, do hereby certify that a true and correct copy of the foregoing "Reply-Comments" was sent via first class mail, this 23rd day of May, 1998, to the following parties:

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Signed: _____ Date: 5/23/98

Michael E. Hoyer - President of DeForest Broadcasting Company, Inc.