DOCKET FILE COPY ORIGINAL

Cascade Range Radio Corporation
P.O. BOX 695, STAYTON OR 97383
Ph: (503)-769-2886

May 21, 1998

RECEIVED
MAY 26 1998
FCC MAIL ROOM

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

In Re: **Reply Comments -Petition for Rule-Making #RM 9242**

I, John L. Zolkoske, representing Cascade Range Radio Corporation respectfully submits reply comments regarding the above mentioned petition. Please find enclosed an original and nine copies of the submitted comments.

Sincerely,

John L. Zolkoske
President
Cascade Range Radio Corporation
(503)-769-2886

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

DOCKET FILE COPY ORIGINAL

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

RECEIVED

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 (FCC)

Reply-Comments of John L. Zolkoske,
President, Cascade Range Radio Corporation
May 21, 1998

This reply is made in comment to concerns expressed by various parties regarding the establishment of Low Power FM (LPFM) service as noted in RM-9242. I wish to reiterate that I believe a modification needs to be made to present FCC rules to allow for small business people and diverse voices to be allowed access to the aural broadcast spectrum. It is, in my opinion, that with implementation of the telecommunications act of 1996 and the resulting consolidation, opportunities for smaller entities to enter the broadcast industry have declined to the point of being unfair and contrary to the FCC mission of providing for competition in the marketplace. I view LPFM as the only currently viable alternative to alleviate this inequity. I will address concerns of those opposed to the establishment of LPFM.

Technical Aspects:

First, it is commonly realized that allocation of broadcast spectrum must be limited. However, it currently is limited beyond technical reason.. It is indeed important that the technical integrity of the FM band be preserved, but what is in place currently does not make best use of good usable spectrum. While it seems unlikely that with implementation of LPFM, virtually everyone who wants a broadcast signal in their desired location will be able to have one, I believe the issue is

more one of making the most efficient use of available spectrum. I do not believe the LPFM proposal will increase interference that will economically effect anyone, and even if some slight interference zones exist, the benefits of more diverse broadcast voices far outweighs any negative effects. I believe to allow potentially useful spectrum to go unused is not an efficient use of the resource.

As was pointed out in my previous comments regarding RM#9242, I do find it important that the FCC eliminate unrealistic contour protections to existing primary service stations, who can use the current rules to prevent establishment of secondary services in the public interest and necessity. Please refer to BPFT-960624TB for an outstanding example of usage of present FCC rules to prevent establishment of a secondary broadcast service.

Regarding digital broadcasting, and concerns of interference raised by the National Association of Broadcasters (NAB). Logically, by its very nature, I cannot perceive that digital broadcasting will be more prone to interference than current analog broadcasts. If it is proven that digital In-Band-On-Channel (IBOC) may be more susceptible to adjacent channel interference than existing analog, I recommend that IBOC *not* be implemented. It is well proven that second and third adjacent channel broadcast causes little if any undesired reception characteristics in today's modern analog receiver. I have observed this condition myself. I cannot believe that digital receivers will be any less selective.

Power Levels:

I support power levels which allow for economic viability. There must be stability to this service. To provide for only very low power levels will not provide economic incentive to continue to broadcast, and stations may come and go. This would confuse listeners, and reduce

the perceived respectability of the radio broadcasting industry among the general populous. There are certainly more rural areas in which up to 3-KW LPFM-1 would be able to be implemented. However, I believe more commonly applied for would be the power levels as called for in LPFM-2 (up to 50 watts) due to spacing restrictions in more congested regions. Therefore, I see usefulness for both LPFM-1 and LPFM-2, but realistically see implementation of LPFM-2 as the most vital requirement of this proposal in the vast majority of cases.

Preference of License Issuance:

This is a difficult issue. I am somewhat sympathetic to comments made by the American Community AM Broadcasters, Inc. (ACAMBA). There are certainly many small-market AM broadcasters who have struggled with inadequate facilities and who would find it a financial benefit to have an FM outlet. There are many 'local' AM stations that do provide a community service and whose owners in fact themselves exist at lower-income levels. However, there are also many AM stations that are group owned, or financially successful. I do not own, or have any interest in, any AM station. However, I deal with many people in the broadcast industry across the nation. There are some struggling AM stations (stand-alone, single owner) that would be harmed by increased competition. I do, also believe that many of the ills of smaller broadcast entities are brought on by the 'artificial scarcity' of broadcast spectrum. I will explain below:

In the past, have attempted to purchase a small AM station only to find that the asking price (and attached conditions) was well over what any small-business person could pay and still establish a viable operation. This was simply due to the fact that there are fewer broadcast signals than people who wish to purchase them. If I had purchased the above mentioned AM station, paying more than it was realistically worth, I would perhaps be in a very bad financial situation now trying to service the debt.

Instead, I have saved my money waiting for the right opportunity. I am opposed to giving preference to an existing AM operator who perhaps made a bad business decision. I would indeed be very upset to find that the small group entity that purchased the AM station in my community might be given some type of preference over my entity, which exercised good business sense. Indeed, I support the concept of preference of LPFM license issuance to non-primary license-holders in most cases, as there are many more start-up costs involved for an entirely new facility. Separate ownership will also increase diversity of programming in a community. Of course, this does not take into consideration the stand-alone small AM owner who has exercised financial restraint and has tried his or her best in their community, but due to circumstances (inadequate facility, competition, etc.) is in desperate financial condition. I support establishment of some relief for those in these circumstances (but not at the expense of new entrants).

Pirate Broadcaster Amnesty:

It is with frustration with the current system that many citizens have turned to pirate broadcasting. I do not condone, nor support the activities of pirate broadcasters. I think this provision of RM-9242 needs to be looked at on a case-by-case basis. There are many who have performed 'illegal' operations in the interest of technical research, as a youthful pursuit, or to make a 'statement' about the current oppressive broadcasting licensing situation. I feel these individuals are basically harmless and deserve a chance at LPFM. On the other hand, I do not have sympathy for those who have been officially warned by the FCC and continue to operate illegal transmitters in situations where public safety has been determined to be at risk (i.e. interference to aircraft navigation or emergency communications). In this case, I believe these individuals have shown by their actions they are unsuitable for issuance any broadcast license.

Drain on FCC Resources:

I believe LPFM can be self-sustaining on a financial basis for the FCC. The costs involved with processing applications and administering the program can be passed along to applicants and license-holders. These costs may be somewhat higher than the proposed application and annual fees in RM-9242. Unfortunately, some, by their lack of financial resources may not be able to obtain a license at a particular time. Still, I believe higher user fees are preferable to denial of the service due to 'lack of resources'. Also, it is important to state that the power levels provided should be sufficient to allow financial success of LPFM, in order that any required annual fees will be able to be paid by the licensees.

Summary:

I believe the arguments made against RM #9242 are insufficient to outweigh the benefits its implementation would provide. I urge the FCC to implement LPFM in order to allow the most efficient use of the FM spectrum, and allowing the greatest diversity of ownership. Doing so will provide the greatest opportunity correct the inequities of increasing consolidation and exorbitant pricing of broadcast licenses. Hopefully, entities such as my own will soon have the ability to participate in broadcasting. I again urge the FCC not to cater to the anti-competitive nature of the opposition and implement LPFM.

Sincerely,

John L. Zolkoske
President
Cascade Range Radio Corporation
P.O. Box 695
Stayton, OR 97383
Phone: 503.769.2886
E-mail: automate@wvi.com

CERTIFICATE OF SERVICE

I, John L. Zolkoske, do hereby certify that a true and correct copy of the foregoing "Reply-Comments on RM-9242" was sent via first class mail, this 21st day of May, 1998, to the following parties:

Henry L. Baumann
Executive Vice-President and General Counsel
NATIONAL ASSOCIATION OF BROADCASTERS
1771 N Street, NW
Washington, D.C. 20036

Counsel for State Broadcasters Associations
Richard R. Zaragoza
David D. Oxenford
FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.
2001 Pennsylvania Ave., N.W., Suite 400
Washington, D.C. 20006-1851

Counsel for USA Digital Radio, L.P.
Robert A. Mazer
Albert Shuldiner
VINSON & ELKINS, L.L.P.
1455 Pennsylvania Ave., N.W.
Washington, D.C. 20004-1008

American Community AM Broadcasters, Inc. (ACAMBA)
Bryan Smeathers, President
P.O. Box 973
Central City, KY 42330

RM-9242 Petitioner
J. Rodger Skinner, Jr. / President
TRA Communications Consultants, Inc.
6431 NW 65th Terrace
Pompano Beach, FL 33067-1546

Signed this 21st day of May, 1998:

John L. Zolkoske
President
Cascade Range Radio Corporation