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From: Carolyn Green <cgreen@eurekagreen.com>
To: A7.A7(WKENNARD)
Date: 5/25/98 12:20am
Subject: Micropower broadcasting

Please restore the air waves to the people, for they belong to us. We are tired of harrassment from the government concerning what is rightfully ours, i.e., sharing information, news, music, events and ideas with others in our communities through low-wattage radio.

I urge you to accept the proposal from the Committee on Democratic Communications of the National Lawyer's Guild.

Thanks.

Carolyn Green
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MAY 26 1998

FEDERAL COMMUNICATIONS COMMISSION
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RM-9208

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

DIRECTED TO:

Hon. William Kennard, Chairman

Hon. Susan Ness, Commissioner

Hon. Harold Furchgott-Roth, Commissioner

Hon. Michael Powell, Commissioner

Hon. Gloria Tristani, Commissioner

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FEDERAL COMMUNICATIONS COMMISSION
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IN THE MATTER OF PUBLIC INTEREST
COMMENTS TO RULE MAKING PROPOSAL RM-9208

The term Micro-Power Broadcasting refers to individuals and organizations operating transmitting equipment under the provisions of Part 15 of the F.C.C. Rules. Many of this operations are at this time out of the provisions of this rule and are operating illegal. For the Commission those operations are called Pirate Operations for their operators Micro-power Broadcasting.

Micro-power Broadcasting had extend and all states and territories of the nation have tens of those operations. The owners, that believe are broadcasters had create organizations to support their operations and oppose the F.C.C. to shut down them. Many of those micro-power stations are serving communities once served by local stations and that they have the need for local service.

All of us we have to accept that changes in the Commission's ownership rules was the birth of micro-power broadcasting. The rules have permitted one owner to have several stations in one market, to own stations with overlapping contours. All of this have created that many small local stations serving communities be own by big networks leaving those small communities from a primary service. It is a reality that communities leaders do not have the community service their station provided. Probably the owners have other commercial priorities and do not have any interest in serving that small community. Business of the area can not put their commercial spots, they can not pay the high price of the big network. It is a reality that F.C.C. rules are deviating away from protecting the Common Interest. But also we have to accept that today commercial broadcast stations are more expensive to operate than ten years ago. At this time many broadcaster will not survive by the income generated from the community they serve, but there must be a way to serve those communities.

An excellent example is the City of Ponce, Puerto Rico with its assigned Television Channels 7, 9, 14, 20, 26, 48 even that all of the are licensed to the City none of them operate from the city, at present they operate as

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satellite stations. Channel 7 is an originating network but its studios and Master Control are at San Juan. The controlling interest is channel 11 at San Juan. Channel 9 operates as a satellite station for channel 11 in San Juan. Channel 14 operates as a satellite station for channel 4 in San Juan. Channel 20 operates as a satellite station for channel 24 in San Juan. Channel 26 operates as a satellite station for channel 40 an educational station in San Juan, and finally channel 48 operates as a satellite of channel 18 in San Juan. As you can notice Ponce does not have any local television service. Ponce has lost 3 of its 4 FM stations and if the Commission approves a change of ownership the fourth will be lost also. In this same city a similar situation is showing up in the AM band. By a good luck the publist Station WEUC-FM , which have fill that empty space for Ponce and many other parts of the Island of Puerto Rico. This situation is not happening only in the City of Ponce. Also similar situations are happening im the cities of Mayaguez and Arecibo.

We have also to accept that many of the educational F.M. Stations as in the case of Puerto Rico are operated by religious and other unique groups and serve only their members that is a small percent of the community for which are they license.

Because of the above situation Micro-power broadcasting is growing rapidly. The Commission have made all efforts to ban those illegal operations by the application of administrative measures and by the imposition of fines. But all those measures has not stop the growth of those pirate operations. At this moment every State have tens of those stations and every day a new one start broadcasting. The reality is that many of them are supported by communities leaders from communities once served by local broadcasters. Also they are supported by business persons that can not pay a commercial spot on the network stations.

All the above situation is witnessed by a peculiar case before the **United States District Court for Northern California, Case no. C94-03542 CW,** ***United States of America vs. Stephen P. Dunifer*** in which a U.S. District Court has raised serious questions about the role of F.C.C. Regulations in regard to the protection of the Public Interest and the effort to bring broadcast service within the reach of communities and how the Commission have modify its regulations to protect the big broadcast interests, probably by the pressure from Broadcast Associations such as National Association of Broadcasters and by other local state broadcast associations. An example is the Puerto Rico Broadcast Association which groups the broadcasters which have are the owners of the big networks. We understand that they need to protect their huge investments in the acquisition of small local broadcast stations, but where is the Public Interest and the service to communities.

If we look a little further this same situation is repeated with the ruling to go into Digital Television many of the small educational and commercial Television Stations can not economically afford the change. This case can create precedent in the United States and can become a serious drawback in the regulatory power of the Commission in reference to broadcast services. All this can end into a deregulating matter similar to CB Radio a few years ago. But this is very serious this can affect licensed broadcaster. We must accept that Micro-power FM operators have a valid argument that is to provide service to communities that at this time does not have a local

service and sooner or later something must be done to serve those communities. But at the same time illegal operations in violation to F.C.C. Rules should not be allowed. And as per understanding the Court went to far away.

Rule Making proposal RM-9208 is not the solution to this problem unless a ruling comes out that will screen the serious applicants from Amateur Broadcasting applicants. That same ruling must protect the economic interest of full broadcast stations and technically can not affect their operation.
Also the grant of Micro-power broadcast stations should not limit the grow of regular commercial and educational broadcast stations allocations. If this operation is approved it should not become an economic burden to the Commission, it is understand that at this time the Agency does not have the budget to implement a service of this type which can turn into an expense with no income.

But there are other ways this regulation be possible with the minimum burden to the Commission, this will work very similar to the regulating system of Amateur Radio by using local committees that will coordinate and evaluate the need of service to the community and technical matters affecting its operation.

I respectfully present some suggestions that can be incorporated into a Rule Making Proposal in order to regulate FM micro-power broadcasting.

) Legal and Licensing Matters:

. Those stations should be licensed as Experimental Stations with a license period of 2 years. The grant should be limited to the following conditions: there should not be any right for the use of any specific channel, the station must prove that serves the community, in the case cause interference to any licensed service it should discontinue operation until the problem is corrected if the problem continues should cease operation permanently.

. Only one individual or institution should own one station.

. The stations should not be allow to broadcast material live from any other broadcast station or any other micro-power station.

. The station must provide at least 8 consecutive hours of local origination. The stations must be license in blocks of 8 hours of operation, two stations may share a broadcast day.

. The station must maintain a Program Log to show compliance to provide local service to the community to be serve.

. Commercial matter must not exceed 6 minutes in an hour block of broadcasting.

. The transmitter must be at the studio and no auxiliary license or STL will be allowed.

. The stations must be only licensed to communities with no primary service excepted are non-profit institutions but must agree to serve the general interest of the community of license.

. The licensee must be subject to the determinations of the Local Licensing Committee that will be firm and final.

) Technical Standards:

. The 1 mv. Contour should not extend more than 2 miles from the transmitter location.

. The transmitting antenna should not exceed more than 20 ft. Above any man made structure and in no event the radiating center of the antenna should not exceed more than 100 ft above average terrain. Average terrain should be computed taking into consideration 8 radials spaced 45 deg. And computed taking average terrain 2 to 10 miles from the transmitter site.

. The authorized power should be limited to a maximum of 10 watts ERP. An the operating power be limited to comply to the 1 mv contour limitation.

4. The following protection must be given to licensed stations:

) Co- channel not permitted.

) First adjacent channel, ratio of desire to undesired 9 db.

) Second adjacent channel, ratio desire to undesired 6 db.

. Frequency tolerance must be maintained within .0005%, Modulation deviation should not exceed 75 kHz. For 100 % modulation. Stereo operation will be allowed, but no other sub-carrier or auxiliary operation be permitted.

. Modulation must be monitored continuously by a suitable instrument and calibration be checked every 30 days.

. The transmitter must meet the following criteria in regard to second harmonic content and spurious emissions. (Referenced to carrier level).

) Second harmonic at least -62 db down.

) Spurious emissions from 50 MHZ. To 330 MHZ. At least -70 db.

. The licensee must maintain a transmitter log with the following information:

On initial installation:

) Transmitter output power

) Transmission line loss

) Antenna gain

) Effective radiated power

) Field strength measured at 8 azimuth points 45 deg apart measured to 2 miles from the transmitter location.

) Transmitter frequency, modulation, 2nd harmonic and spurious content.

Once a month:

) Transmitter frequency.

) Transmitter output power

) Calibration of modulation monitoring equipment.

) Field strength measurements.

) Spurious emissions.

) Local Committee:

It must be composed of legal, technical personnel and must have the following functions:

) Evaluation applications for the need of service, provide frequency coordination.

) Verification of Engineering Statements considering frequency congestion and probability of interference to full time stations.

) Send of applications to the F.C.C. for filling.

d) Inspection of stations for compliance and report to the F.C.C.

e) Investigate complains.

) The members of the committee will be appointed by the local Field Office.

Also it is recommenced that before any final Regulations there should be an experimental period in some area of the country to study how this will work. Puerto Rico is an excellent technical are this island is 100 miles long times 36 miles wide and have one of the heaviest congestions of FM stations. Also there will be all kind of topographic situations.

Respectfully submitted today May 26, 1998.

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