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From: "Joseph D'Alessandro" <jdman@magpage.com>  
To: "Susan Jordan" <SJORDAN@fcc.gov>  
Date: 6/13/98 1:26pm  
Subject: Re: Comments to the Chairman -Reply -Reply

RM-9242

Dear Chairman Kennard, and Commissioner's:

Please File FOR LPFM RULE RM-9242

thank you  
Mr. D'Alessandro  
94 Angola Estates  
Lewes, Delaware 19958

RECEIVED  
JUN 15 1998  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Olga has no problem filing for 100 watt or more, do you no problem she has, the FCC has priced her out of the market with the Dictatorship type amount of the entry fee only the rich with absolute power can apply, and afford, it is imperative that you give her, and Woman, Blacks, and Minorities a opportunity to own a Radio Station LPFM, Dont let the NAB etc Rule you, and the air ways for greed, and nothing more.

The Politics of Policy

The FCC has another more subtle reason for its refusal to allow the existence of low-power radio: the near-total policy vacuum regarding community radio in the U.S. This vacuum has ensured that the development of community radio in this country has only been allowed within the limits determined by the existing public radio establishment. This is largely responsible for the legal difficulties low-power radio advocates are now facing. In the late 1970s and early 1980s, organized political pressure on the FCC regarding community radio did not come from grassroots activists, but from an institutional alliance between National Public Radio (NPR) and the National Federation of Community Broadcasters (NFCB). Laboring under the impression that the available slots on the FM band were rapidly disappearing, the NPR/NFCB alliance pushed for what they called the "professionalization" of public and community radio. In 1978 both organizations convinced the FCC to constrict the activities and number of 10-watt stations and give preferential treatment to their wealthier higher-wattage counterparts. To accomplish this policy triumph, NPR and the NFCB presented a series of recommendations to the FCC regarding the future of community radio. In their 1980 book, Radio in the Television Age, Peter Fornatale and Joshua Mills note the content of these suggestions:

- "(1) stations of less than 100 watts will be required to move to the commercial spectrum, if any room is available. If not, they will be allowed to stay in the non-commercial band only if they can prove that they will not interfere with any other stations.
- (2) Low-power stations will no long be protected from interference, in effect losing all practical spectrum-use rights.
- (3) Low-power stations must operate at least 36 hours a week and at least 5 hours a day.
- (4) Stations broadcasting less than 12 hours a day will be required to share their frequencies in agreements created and enforced

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by the FCC. As has been noted elsewhere, the FCC has gone well beyond even these strident provisions. "

The most unexpected consequence of the attempted consolidation of non-commercial radio in the U.S. has been the low-power radio movement. A movement was created comprised of precisely those operations whose existence the public radio establishment aimed to prohibit, founded by those whose interests this same establishment repeatedly claimed to serve. Most interesting is the adoption by the FCC in the Dunifer case of the core concept which propped up the arguments used by the public radio alliance in their palace coup: spectrum scarcity. Representatives of NPR and the NFCB argued that since FM frequencies were scarce, the limited space in the noncommercial portion of the FM band should not be taken up by "unprofessional" operations with the kind of limited range and (implicitly) limited appeal of low-power radio. Of course, spectrum scarcity, where it can be said to exist at all, is not a natural condition, but an imposed one. It has been created by the spectrum management and use policies of the FCC, not by the activities of 10-watt broadcasters.

More specifically, it has been the deregulatory policies the FCC has followed since 1980 which have put the most pressure on remaining frequencies.

Deregulation has resulted in drastic over-licensing of the FM band and a subsequent and predictable wave of station bankruptcies. These are convenient facts those who are now building continental networks by scooping up large number of stations at bargain-basement prices from overextended entrepreneurs trying to get out of a business in which monstrous economies of scale predominate. The most important fact understand in relation to the arguments of spectrum scarcity adopted by the NPR/NFCB alliance is that, as deregulation began in earnest 1980, those claiming to represent public and community radio did not fight the policy or offer any practical alternatives for the independent development of non-commercial radio, but instead enter into a tactical alliance with the FCC and in the end became beneficiaries of a disastrous policy. The legal inadmissibility of low-power radio is not due to any potent interference problems that might arise or a crowded radio spectrum. It is due to the self-interest those who are most able to divide non-commercial spectrum space between themselves and influence policy-makers to transform this self-interest into law.

In contrast the Canadian experience with unlicensed and low-power radio has been made possible only by an arduous decades-long process of policy development, refinement and implementation, a process that early unlicensed experiments helped to initiate. The result has been a community radio sector which has steadily expanded from a few stations the late 1960s to several hundred today. More importantly true public access community radio has been legitimized by the state as despite the occasional factional domination of one station or another and the chronic financial difficulties many stations face, community radio is legally recognized, clearly defined, and firmly established in almost every region of the country. The process of policy development has not occurred in the United States and recent developments have made any possibility of a workable policy defining and solidifying the limits of the community radio even more remote.

The main lesson for U.S. activists to take away from Canadian community radio is that nothing is as important as a

clear and practical working definition which sets the terms through which community radio can find its voice and govern its everyday operations. This definition doesn't necessarily have to be sanctioned by the state nor must it be enshrined in law, but it must exist and it must sooner or later come to define the agreed-upon limits of the form. The kind of collective definition found in Canada has allowed for change based on consensus, not force and this, in turn, has built solidarity between stations. All stations who have accepted the general definition of community radio are now implicitly allied with one another. If one station is attacked all stations are attacked; what happens to one can happen to all. The range of possible responses to the inevitable encroachment of blind power and destructive capital is wider and stronger. With this in mind it becomes less difficult to imagine a series of low-power storefront radio operations across the U.S. whose only responsibilities are to register for the use of regional frequencies set aside for community access and to reflect and record the needs and desires of their participants, listeners, or detractors.

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> From: Susan Jordan <SJORDAN@fcc.gov>  
> To: jdman@magpage.com  
> Subject: Re: Comments to the Chairman -Reply -Reply  
> Date: Monday, June 08, 1998 3:20 PM  
>  
> Please re-send your comments. There were none  
> attached to this e-mail.  
>  
> Thank You