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July 8, 1998

I support the Proposal for Creation of the Low-power FM - FCC RM-9242 before the Federal Communications Commission.

For your information, I am enclosing a copy of my reply-comments to the Federal Communications Commission regarding RM-9242.

I urge you to act to create opportunities for individuals, minorities, women, small businesses and others with limited financial means to own low-power FM broadcast stations throughout America by supporting RM-9242.

Sincerely,

Michael Calderon
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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 Michael Calderon

I support the Proposal for Creation of the Low-power FM - FCC RM-9242.

The needs of more than 100,000 Hispanics in the Kansas City area are not being served by the current system governing radio broadcasting. More than 100,000 individuals are being denied a voice, a forum, a source for information and education. THIS public is not being served by a governmental system whose stated intent is to serve the public interest. Unbelievably, the current system, and by extension the government, is responsible for denying freedom of speech to more than 100,000 of its citizens. This situation is all the more inconceivable when viewed from the perspective that this is taking place, not in some third world tyrannical society in power during the mid 20th century, but in the heart of the United States on the brink of the 21st century.

The creation of low-power radio stations would ameliorate the situation for the Kansas City Hispanic community and countless other minority groups and community interests throughout this country. The availability of a low-power frequency would allow me to provide programming for the Kansas City Hispanic community and would open up the airwaves to individuals/organizations wishing to establish small locally-owned and operated FM stations to provide community-based programming throughout the country.

As one moves up and down the AM and FM dials, one finds very little commitment to "serving the public interest, convenience and necessity" as radio stations are charged to do in the Communications Act establishing the FCC. I attempted to provide Spanish programming in 1997 as a public service for the Kansas City Hispanic community broadcasting at a low-power of 65 watts on the FM frequency of 107.9. From May, 1997 to November, 1997, I was broadcasting without a license and operating at my own expense to raise awareness of our need for a voice in our community. My thirteen years of attempting to acquire a license have been frustrated at every turn. Thirteen years of non-action in the form of assistance from the FCC. However, the FCC was expeditiously responsive to the protests of a radio giant broadcasting at 100,000 watts with complaints of interference and terminated my broadcasting by confiscating my equipment in a most timely manner. Historically, acts of civil disobedience herald the

need for a change in the law. When laws pander to the interests of an elite group to the exclusion of all others, when laws are discriminatory and punitive, when laws do not serve the public interest, they are no longer viable and must be changed.

Through press release information being dispensed by FCC representatives and in written responses sent out as a result of legislators' and individual's inquiries, the agency has assumed the position of a champion of the law through publicly denouncing my actions as an illegal act. Let's visit the illegalities surrounding my personal situation. In July, 1985, I engaged the Ralph C. Johnson and Company and industry consultant, Mr. Bill Rusch, to perform a feasibility study for a new low-power class A FM radio license for Olathe, KS. All of the requisites for license application set forth by the FCC were met and submitted. The available frequency was designated a minority set-aside. The license was subsequently awarded to a woman, and I was informed that more weight was given to the minority status of woman than to other minority groups. The license was never utilized by this individual to broadcast; it was simply used as an instrument in a financial transaction. The license was sold to a non-minority interest. Licensing approval is controlled by the FCC. Why would approval of the sale of a minority set-aside frequency to a non-minority interest be granted? Is this yet another example of a governmental agency believing its actions to be above the rules and regulations, a mind-set whose time has passed? Is this a legal act? Has the FCC silenced every non-licensed station in the nation? Have all been treated equally? Of course, the answer is NO. How does a democratic process justify selective enforcement from its agents? Are inequitable treatment and discriminatory action legal?

I am aware that comments are being sought from all interested parties. The National Association of Broadcasters has submitted a lengthy document--impressive in size, if not in content. Input from the NAB should be recognized as biased and its intent questioned. This organization and its members have a vested interest in maintaining the status quo. I would like to address a few of the comments credited to the National Association of Broadcasters. Its claims that creation of low-power FM would be "inefficient use of spectrum" translates to continuation of "inequitable use of spectrum". Efficient use means greatest diversity of voices. The NAB's claim of interference is just not accurate. There have been 460 full-power FM stations (grandfathered short-spaced stations) operating on 2nd and 3rd adjacent channels for many years, nationwide, with no interference complaints. If these more powerful full-power FM stations don't cause interference using the 2nd and 3rd adjacent channels, then low-power FM stations certainly will not cause interference either. In the FCC Report & Order FCC 97-276, released August 8, 1997, the FCC agreed that the use of the 2nd and 3rd adjacent channels by grandfathered short-spaced full-power FM stations would not cause interference. And the NAB's comments designed to invoke fear to perpetuate monopolistic practices and protect its purulent interests go on and on. The NAB

constitutes a powerful lobbying force wielding self-proclaimed expertise in the area of broadcasting to promote its position. Are the regulations to be crafted by the regulated? I should think not, as this would be analogous to permitting convicts, experts in criminology, to draft the rules and regulations for the penal system.

An attempt is also being made to severely limit low-power stations to power levels that are ineffective. Sufficient power to be able to succeed with low power FM is imperative. Existing low-power television service have sufficient power levels to provide 15-20 mile coverage. The RM-9242 low-power FM petition is flexible enough to provide power levels in the range from 50 watts up to 3,000 watts, adequate power levels to provide the same coverage as LPTV.

In today's political climate, catering to wealthy special interest groups and bureaucratic interests is not a politically astute course of action. Sophisticated voters are demanding a course of action that serves the greater good. Permitting the National Association of Broadcasters and the FCC, none of which are elected public officials, to dictate lawmaking policy constitutes a breach in public trust. Continuation of the restrictive laws which perpetuate an anti-competitive climate is disgraceful. It is time for our **legislators** to act to create opportunities for individuals, minorities, women, small business and others with limited financial means to own low-power FM broadcast stations throughout America. Localism must be put back into broadcasting. A vote for RM-9242 is in order.

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CERTIFICATE OF SERVICE

I, Michael Calderon, do hereby certify that a true and correct copy of the foregoing "Reply-Comments on RM-9242" was sent via first class mail, this 8th day of July, 1998 to the following parties:

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Notary Public - State of Missouri
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My Commission Expires Oct. 23, 1998

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