Indiana Broadcasters Association

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April 14, 1998

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OFFICE

The Honorable William Kennard
Chairman
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

RECEIVED
JUL - 7 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Chairman Kennard:

The Board of Directors of the Indiana Broadcasters Association, in their March 1998 meeting, has gone on record as unanimously opposing your proposed rulemaking concerning the creation of a new class of micro low power FM radio stations. The Indiana Broadcasters Association represents over 250 members of the broadcast industry in Indiana.

As you know, through an earlier ruling, the Commission created "Docket 8090" which added approximately 800 additional radio stations to an already overcrowded FM radio band. The result of "Docket 8090" brought about economical hardship, in many instances, to a number of individual radio stations and markets as the economical advertising base to support these new properties just did not exist. Over 50 percent of the radio broadcast industry, during that time period, ran at a deficit.

As you know, the FCC attempted to address this situation in the mid 1990's by allowing in-market stations to LMA other radio properties in a given market. The Commission also continued to increase the number of properties an individual company could own on a nation-wide basis to help stabilize the industry.

Again, as you know, Congress further addressed the overcrowding problems of the radio industry and moved to help stabilized it with the passage of the Communications Act of 1996. In addition to assisting in the development of new technologies, the Act allowed radio broadcasters to bring about limited consolidation to individual radio markets and to develop "economies of scale" like all other industries in the country. The result is now just beginning to bring some stability to the radio industry and as a result the public has been better served.

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With your proposed micro low power FM radio rulemaking, the Indiana Broadcasters Association believes the radio industry is looking at moving back to the instability of the late 80's and early 90's. In addition, serious interference problems with currently operating FM radio stations could come about as a result of the implementation of your proposal. FCC and congressional legal scholars also believe the FCC, under the new Communications Act, lacks the authority to unilaterally bring about this change to the FM band without the approval of Congress.

Because of the above stated reasons, the Indiana Broadcasters Association would respectfully urge you to re-evaluate your proposed rulemaking and to rescind your proposal.

Sincerely,

John Newcomb

John Newcomb
President