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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

From: "Joseph D'Alessandro" <jdman@magpage.com>
To: A7.A7(SFOX)
Date: 7/5/98 10:29am
Subject: ?

PASS LPFM RADIO RULE RM-9242

Don't Let Them
N.A.B.
Our Airwaves Americans believe our constitution guarantees our rights of free speech and press. Without access to the means of mass
communication, these rights exist in name only. Our so-called free press is not free. It is owned by powerful corporate interests
who use the public airwaves to enrich themselves at our expense. These interests are represented by the N.A.B. - The National
Association of Broadcasters.
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The NAB versus Free Radio: Who's the "pirate" here?
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The NAB may well be the most powerful lobby in the US. The US Congress dares not cross them. The Federal Communications Commission
(FCC) which is supposed to regulate the equitable use of the public airwaves, serves as their police force. In 1996, Congress
passed the Telecommunications Act which legalized the theft of the public airwaves by the NAB. The Act lifted restrictions which
severely limited the number of radio and television stations any one entity could own. The FCC, whose officials often get
lucrative employment in the industry upon leaving government service, was told by the NAB that if it opposed the 1996 legislation,
the NAB would see to it that the FCC would be disbanded. Campaign finance reform provisions which would have mandated free airtime
for political candidates, and thus benefitted candidates not backed by big money, were also squashed by pressure from the N.A.B.

Americans are resisting this stranglehold on our ability to communicate freely. In the forefront of this battle is the Free Radio
movement which works to put low-powered and inexpensive radio transmitters in the hands of local communities broadcasting in the
public interest. These radio stations are presently illegal as the FCC will not license them. However, as recently as the 1978, it
was possible to get a low cost license for a non-commercial stations under 100 watts. Pressure from the N.A.B. and from National
Public Radio, which wanted to control the non-commerical band, resulted in the FCC eliminating these low-power licenses. Now,
licensing costs are in the neighborhood of $250,000 dollars, even for non-profit broadcasters, and frequencies are selling for
millions of dollars, beyond the reach of all but the wealthy.

Who are the real pirates here?
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The NAB Declares War on Free Radio
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This resolution was passed on January 12th, 1998 by the NAB Radio Board:

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List ABCDE

The Radio Board of Directors of the National Association of Broadcasters is concerned about the continued proliferation of
unlicensed, illegal "pirate" radio stations throughout the country. These unlicensed broadcast facilities undermine the
Communications Act of 1934 and often cause interference to broadcast and other radio services, such as air navigation. We commend
the enforcement efforts of the FCC and Department of Justice and urge additional enforcement activities including the creation of a
task force within the D.O.J. We stand ready to support the goverment's effort to eliminate unlicensed radio broadcast stations in
the United States.

The government's "effort" has consisted of seizing the property of broadcasters, levying of five-figure fines, armed raids and in
some cases, imprisonment for exercising our constitutional rights to free speech on "our" airwaves. In spite of this, the number of
Free Radio stations continues to increase.

In the face of this mass civil disobedience, the FCC is now considering re-legalizing low-power broadcasting. The NAB is fighting
legalization every step of the way. Below is a FAX from the Minnesota Broadcasters Association, outlining the NAB's plan of attack.

MINNESOTA BROADCASTERS ASSOCIATION
3517 Raleigh Avenue, P.O. Box 10630 - St. Louis Park, MN 55416-0030
(612) 926-8123 - fax (612) 926-9761
MN Toll Free 1-800-245-5838

TO: Station Managers
FR: Jim du Bois
DT: April 27,1998
RE: Microbroadcasting Comments

*****Important: Please Read Immediately*****

The FCC is currently accepting comments on several proposals to establish a low-power "microbroadcasting" radio service. Under the
guise of the First Amendment, proponents of this service argue that current licensing procedures deny free speech rights to the
thousands of individuals who desire a broadcasting station but cannot acquire one. Many of the individuals also argue that
consolidation in the radio industry is severely limiting the diversity of programming and is contrary to the public interest.

The Washington, DC-based law firm of Fisher Wayland Cooper Leader & Zaragoza has drafted comments opposing microbroadcasting on
behalf of several state broadcasting associations, including the MBA. These comments are being filed with the FCC today.

Attacking the arguments of the microbroadcasting advocates, the comments warn of the danger of creating a vast new category of
hobby "broadcasters" who would jam the airwaves and potentially cause interference to full-power broadcasters and aviation
frequencies. Creating a microbroadcasting service would, according the comments, amount to the "CB-ization" of radio and would

create a regulatory nightmare for the FCC.

Broadcasters need to watch this issue closely. FCC Chairman Bill Kennard is sympathetic to the would-be microbroadcasters' cause,
and he may have an ally in Commissioner Harold Furchtgott-Roth. You may wish to file your own comments regarding this proposal.
Correspondence sent to the FCC after today should be labled [sic] as "reply comments" in reference to FCC File RM-9208 and RM-9242.
Send your comments to FCC, Room 222, 1919 M Street, NW,
Washington, DC 20554.

You may also want to educate your members of Congress on this issue. Consult the MBA's March and April newsletters for more
information on the various microbroadcasting proposals. You should avoid arguments suggesting that the proposed new service would
create more competition; rather, you should emphasize the interference and regulatory problems microbroadcasting would certainly
generate. Please forward your FCC comments or any correspondence with your congressional delegation to the MBA office.

Thank you for your cooperation.

[Note* - we have learned that since writing this message above, the author Jim Du Bois lost his job -- as a result of media
consolidation! Media workers, make no mistake, your bosses don't give a damn about you, and will throw you out in a heartbeat if it
profits them to do so. No matter how loyal you are, they have no loyalty to you.]

Greed meets Arrogance :
National Public Radio Joins the NAB
in Opposing the Legalization of Micro-broadcasting

"Microradio Proposals at FCC Opposed by NPR and NAB"
PUBLIC BROADCASTING REPORT
May 8, 1998

Citing a crowded spectrum and possible adoption of In-Band, On-Channel (IBOC) digital radio, broadcasters such as NPR and NAB
opposed 2 petitions for rulemaking at FCC. The petitions promote microradio and low-power radio, respectively, but both involve
low-watt broadcasting that might cover mile or so of ground. FCC Chmn. Kennard has expressed enthusiasm for the idea and is seen
by some to be promoting it as way to increase diversity in mass media. That position was echoed by many who filed in favor of
petitions, but NPR challenged the notion that microradio automatically would mean increase in diversity.

NPR and its stations support "fostering a diversity of broadcast voices," it said in April 27 filing. However, it said "it
is neither self-evident nor established" in the 2 petitions that "diversity of media voices" will result from low-power radio. What
is clear, NPR argued, is that "the broadcast spectrum in many portions of the country is now severely congested," and squeezing in
microradio broadcasters undoubtedly would cause even more interference than already occurs. The problem would be exacerbated with
the adoption of IBOC, it said, and would "undermine the transition to digital radio broadcasting." Microbroadcasters would be
occupying the very spectrum radio licensees would need to provide their IBOC digital signal, it said. The FCC also would also be

undertaking burdensome regulatory duty with microradio, NPR said. The FCC not only would have to register untold numbers of licensees, then monitor how those licenses changed hands, but microradio would have "profound implications" for agency's content regulations. Content regulation would be required for every microbroadcaster, it said, as "it makes no practical difference to the listener whether the source of the content is a low-power station transmitting from a mile away or a full-service station transmitting from 5 or 10 miles away." The filing suggested that if the goal is to provide a means for broadcasting diverse content, that function already is being served by Internet.

NAB argued in filing that the FCC has "firmly established" that low-power radio isn't efficient use of the spectrum and that microradio would "create small islands of usable coverage in an ocean of interference." Assn. said that allocating "hundreds -- or even thousands -- of new low-power stations" would undermine digital transition. Another drawback, it said, is that microradio wouldn't be available in most instances to mobile audiences, and, "more importantly, the FCC should not establish a new service...in order to curb the proliferation of pirate broadcasters." At NAB conference last month, FCC Comr. Furchtgott-Roth said that while pirate radio "is simply illegal and must be dealt with," microradio rulemaking "does not in any way, shape or form compromise" rights of licensees. Kennard made similar remarks there: "Let's not confuse pirate radio with microbroadcasting... We are going to... make sure that anything we do does not undermine the technical integrity of the broadcast airwaves."

Some 2 dozen individuals filed comments, all but 2 in favor of microradio proposals. Some cited consolidation in commercial radio following the Telecom Act as reason to promote microradio, with many echoing diversity arguments. InterNet Assn. said outdated interference protections for full-power stations no longer are needed because of technical advances.

The joint filing by 42 state broadcaster associations and P.R. said microradio "is so technically inferior that the proposed service makes a mockery of the word broadcast... This 'CB-ization' of radio broadcasting stands the Communications Act on its head." States also cited enforcement problems, which would be "catastrophic for the FCC and the nation's courts."

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Fight Back! Ways to hit them where it hurts, in their wallets
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* Identify major advertisers on the NAB member station near you, educate them about the NAB's opposition to free speech and tell them to withold their advertising dollars from NAB member stations. If they don't, then organize boycotts of those advertisers and demonstrate in front of their facilities until they do. *If you subscribe to a National Public Radio station, cancel your subscription and tell them why -- and that you won't subscribe until NPR takes a stand in support of legalization of micro-radio.
If your local community radio station takes NPR programs, tell them you want them to boycott NPR until NPR supports Free Radio. Ask your local station to endorse Free Radio. Try to get on the air and talk to the listeners about supporting boycotts of NAB and NPR.
*Demonstrate at stockholder's meetings of your nearest media conglomerate. Put pressure on stockholders to divest their holdings.
Cause embarassment by mounting a public picket outside. Let the listeners of NAB member stations know that the

station they listen
to doesn't support free speech.

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Fight Back! Help Build the Free Radio Movement
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*Support the Committee for Democratic Communications proposal for the legalization of a low-power, non-commercial FM frequency allocation --contact the FCC and your members of Congress. *Support your local micro-power station or start your own. Encourage your local elected officials to support free radio in your community. *Give the FCC hell every time they act against a free radio station. Support the micropower bust response network. Come out to demonstrations in support of free radio. * File legal challenges to the broadcasting licenses of NAB member stations based upon their lack of public access and community service

Watch this page: we will be publishing resources to help you target NAB broadcast chains. Coming soon -- a campaign to target the 300+ station Capstar chain, which is buying local stations, downsizing workers and turning formerly locally operated stations into robot-controlled profit machines. Capstar = Fake Radio. Their expressed goal, to buy up as many stations as possible so they can offer more lucrative advertising packages. Please be clear, these people are NOT broadcasters, they are adverstising sellers, and couldn't care less about you and your community, except as a "market." We are targeting Capstar for a particular reason other than their "broadcasting" practices -- they have recently purchased the frequency which is being used by Micro KIND Radio in San Marcos, Texas. KIND is the only station providing local service to the town of San Marcos. The FCC, of course, would not grant a license to KIND (though they applied), but it did grant a license to Capstar, which will beam 50,000 watts of computerized, mass-produced garbage from 60 miles away, wiping out KIND's signal. This is a great example of the comtemptible practices of the FCC, and it makes clear once again that they have violated their charter to regulate the airwaves in the public interest. We are planning a many-pronged attack on Capstar nationwide -- an injury to KIND is an injury to all. We need your help.