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Come On Senator We are Waiting for you to get the FCC to pass LPFM RADIO ASAP 1 to 50 Watts thats all.Its all legal:

AND Congressman and Lady's:

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

FCC MAIL R

As Robert McChesney, a professor at the University of *Wisconsin-Madison stated in his affidavit for Stephen Dunifer's legal* case, "By failing to accommodate the creation and use of new micro radio technologies that are simple and inexpensive to operate, the FCC has failed to meet its obligation to establish a licensing scheme that meets the public interest." The FCC has never presented a good reason why micropower stations should not be licensed. There is, however, a good reason why they should: it's called the First Amendment.

Before the
Federal Communications Commission
Washington, D.C. 20554

FCC MAIL

In the Matter of
Microstation Radio Broadcast Service Petition for Rulemaking)
) RM No. 9208,9242,9246
)
Comment of National Lawyers Guild Committee on Democratic Communications Filed on behalf of itself and the below listed micro broadcasters and concerned individuals and organizations.

A. INIRODUUCTION

The Committee on Democratic Communications of the National Lawyers Guild (CDC) on behalf of itself and the undersiggied organizations and individuals, submits this response to the Federal Communications Commission's (FCC) Notice of Proposed Rulemaking RM-9208, issued February 5, 1998.

We strongly support the need for a rulemaking in this area and the need for a new non commercial low power radio service. The enormous surge in "micropower" radio in the past few years is overwhelming evidence of the need for such a service. The FCC's decision in 1979 to refuse to license radio stations under 100 watts has proven shortsighted. An administratively simple, low-cost, low power radio system is clearly called for. It will give voice to the thousands of Americans who wish to provide truly local broadcast information and entertainment for their neighborhood or community, but are legally barred from doing so under the present overly restrictive regime. It will provide to the community a diversity of ideas and culture now missing from the airwaves.

B. PROPOSAL

1.Non-commercial service, 2.Only one station per owner. 3.Ownership must be local, no absentee owners. 4.Stations shall be locally programmed. However recorded materials such as music, poetry, documentaries, features etc. may be used. Sharing of program materials and resources among micro and community stations is strongly encouraged. 5.Owners may be individuals, unincorporated associations, or non-profit organizations. For-profit corporations, partnerships, joint ventures, or other organizations may not be owners. 6.Stations may be established on any locally unused frequency within the FM broadcast band down to 87.5.1 Second adjacent channel would be the closest spacing allowed. 7.Maximum power shall be 50 watts urban and 100 watts rural. In the event of interference due to power level2 a station shall have the option to reduce power to remedy the situation or else be shut down. 8.A microstation shall fill out a simple registration form, and send one copy with an appropriate registration fee to the FCC, and a second copy to a voluntary body set up by the local or regional micropower broadcast community to oversee micropower stations. 3 9.Equipment shall meet a set of basic technical criteria in respect to stability, filtering, modulation control) etc. 10.Registration shall be valid for four years. 11.There shall be no specific public service requirements imposed by the FCC. 12.Problems, whether technical or otherwise, shall be first referred to the local or regional voluntary micropower organization for technical assistance or voluntary mediation. The FCC shall be the forum of last resort. 13.When television stations are converted to digital, leaving Channel 6 free, it shall be allocated as an extension to the bottom of the FM band strictly for the low power community FM service. 4 Radio receivers manufactured or entering the country after that allocation must meet this band extension. 14.Microbroadcasting of special events (demonstrations, rallies, festivals, concerts, etc) do not need to be registered, but are encouraged to meet all technical specifications.

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A. ANALYSIS

The first amendment had to be added to the Constitution before it could be ratified to insure that the United States would have a robust democracy. A robust democracy requires broad channels of discussion and debate on all of society's issues and concerns. It requires a media system which is open to the widest possible range of views and in which all citizens can effectively express and communicate their ideals, thoughts and concerns, as well as receive and consider the thoughts, ideas and concerns of their fellow citizens.

1. The First Amendment Rewards Diversity of Voices and Ideas. Not Efficiency.

The United States Supreme Court has held that the First Amendment calls for "the widest possible dissemination of information from diverse and antagonistic sources."6

In another case: "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which the truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee... It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged by either Congress or by the FCC"7

In the Commission's ruling in the case of Stephen Dunifer8 the FCC said:
"In particular, we do not authorize low power FM radio broadcast stations because they cannot adequately serve communities and mobile audiences, and because they would preclude the establishment of more efficient, stable, full powered stations." (emphasis added.)

In the First Amendment realm, efficiency has little, if any constitutional value. Even in the purely economic realm, public policy in the U.S. does not value "efficiency" above all else. The anti-trust laws of the United States make it clear that, even where merely fungible goods are at issue, efficiency must still be balanced by diversity.