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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 Constance A. Sarvay

The goal of petition RM-9242 is 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, something lost when big corporations with distant owners buy up hundreds of stations, as is now being done. Under this plan an applicant must live within 50-miles of the proposed antenna site and not own any other "primary service" stations. This is to keep the large companies from usurping these channels. Adequate safeguards must be included to enable those with limited financial resources to be able to own stations. One such measure could be to give new bidders who do not own any other radio or television stations or print media the first priority to bid on new LPFM stations at a discounted rate. Without adequate safeguards, it is feared these channels will go to the highest bidder at FCC auctions, thereby depriving those of limited financial means a voice on the airwaves.

Deletion of the 2nd and 3rd adjacent channel restrictions, as proposed in RM-9242, will make channels available in nearly every city across America, freeing up many channels for use in large markets where none are available now due to unnecessary 2nd and 3rd adjacent channel restrictions. Vast improvements in receiver designs have been implemented since the rules were created decades ago, making it possible to do away with 2nd and 3rd adjacent channel restrictions. The NAB's claim of interference is just not true. 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 LPFM stations certainly will NOT cause interference either! Likewise no interference will result in the future use of In-Band-On-Channel (IBOC) digital broadcasting. 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. That's a matter of record that the NAB cannot refute.

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It is hoped that thousands of small "locally owned and operated" FM radio stations will give a voice and power back to the average American. These small community stations are vital to the exchange of views and information within communities across the nation. Too many of the radio stations now owned by the Wall Street types are interested only in "profits" and are ignoring the needs and desires and interests of the local communities in which they operate. Local owners of LPFM stations can address issues of local interest in a manner which the larger stations cannot, since larger stations are attempting to serve much greater coverage areas. RM-9242 would facilitate the creation of locally owned and operated stations.

In comments filed April 23, 1998 at the FCC, RM-9242 has been amended to provide also for non-commercial stations in the NCE reserved section of the band (88-92 mHz). This will allow commercial operation in the commercial section of the band and allow for non-commercial stations in the non-commercial section of the band, the same bandplan as now used for full-power FM stations. This amendment should be accepted as written.

There should also be some type of amnesty given to those that operated "pirate radio" stations in the past in order that they not be barred from applying for a legal LPFM station. Operating a pirate radio station today is an act similar to the sit-ins at lunch counters in the South in the 1960's during the civil rights movement. These are acts of civil disobedience that point out that the laws (FCC rules in this case) need changed. To deny "pirate operators" a chance to apply for a LPFM license, would be like refusing to serve the minorities that were arrested for a sit-in at a lunch counter after the law was changed to allow them to sit at that lunch counter! Although I do not condone illegal broadcasting, I can understand the acts of civil disobedience occurring today by "pirate radio" station operators. Most of the operating pirates would own an operating license if given the ability to obtain one. Giving amnesty should not be viewed as "legalizing pirates", as some have said, but rather an opening of the airwaves to promote "local ownership" of radio stations, sorely needed since the consolidation of the radio industry. If the new LPFM service is given only token "very low power" the "pirate radio" problem would not be cured and may even be exasperated exponentially. The power levels put forth in RM-9242 would serve the public interest in this regard.

Sufficient power limits, as outlined in RM-9242, should be given to the new LPFM stations. "Very low power levels" will prevent LPFM from being economically viable. Sufficient power must be mandated to enable operators to succeed with a LPFM. The existing "Low Power Television" service has reasonable power levels, which provide 15-to-20 miles coverage! LPFM should be able to cover up to 15-miles, the same as LPTV. This will enable those stations to cover a broad enough area to serve a reasonable area in the local community they serve. The RM-9242 Low Power FM petition is the only one that allows this amount of coverage. Do not limit LPFM to power levels that are ineffective. This petition, RM-9242, is the only one <u>flexible</u> enough to provide power levels in the RANGE from 50-watts UP TO 3,000 watts. That way the broadcaster can pick a power level to suit their needs. The other petitions filed want to limit the power of LPFM rendering it economically unviable and ineffective at reaching a reasonable portion of the community. At least 50-watts for LPFM-2 stations and up to 3-KW for LPFM-1 stations should be legal. This is what is proposed in RM-9242.

The FCC should initiate this far reaching proposal, RM-9242, culminating in issuance of a Notice of Proposed Rulemaking (NPRM) to create this new broadcast service LPFM. In this way a segment of the radio bandwith in each community will be used by local owners to serve their local community.

July, 15 1998

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CERTIFICATE OF SERVICE

I, Constance A. Sarvay, do hereby certify that a true and correct copy of the foregoing "Reply-Comments on RM-9242" was sent via first class mail, this 15th day of July, 1998, to the following parties:

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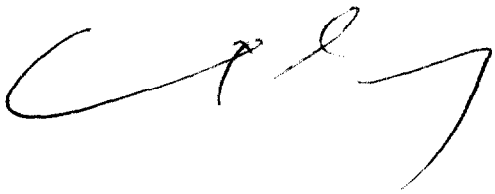
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