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

In the Matter of
Proposal for Creation of the Low Power FM
(LPFM) Broadcast Service

RECEIVED

FCC RM-9242 JUL 22 1998

To: Federal Communications Commission

FCC MAIL ROOM

I am commenting on RM-9242 as a citizen. I do not work in any way in the broadcast medium but I believe that my comments will be of value to the Commission. The value is that I want to broadcast like a lot of citizens but cannot due to the way things are right now.

I support the intentions of the application for the rule change as outlined by Mr. Skinner. However, I believe that he is too ambitious in his proposal. I believe that the Commission should limit itself to the issue at hand: What to do about the "gray area" in the law as surrounds radio stations of less than 100 W power. Since the successful completion of the Government's case against *Dunifer*, it could be argued that there is no need for any rule changes. The courts have rendered the whole issue moot. There is no "gray area" and citizens are restricted from broadcasting without proper licensing. However, I believe that the issues will not die down with the Court's decision. As I see it, the FCC can either change the rule to say that the current licensing structure includes all stations from 0-100,000,000 watts (thereby eliminating any citizens from seeing a "gray area") or they can implement a new rule that deals with station licensing of under 100 W. This is where I differ from Mr. Skinner. He would have the FCC implement a new licensing structure for low power stations to range up to 3 KW. Since stations from 100 W-3 KW are already regulated, I don't see where his proposal buys the FCC anything except a lot of headaches.

What I am proposing is a "non-profit" license for citizens to be allowed to broadcast at 100 W or less of power. I have no recommendations for tower height and etc. - the FCC can determine those regulations. My proposal is simple: eliminate the profit motive from these low-power stations. That way, I believe you can address several issues that could turn low-power licenses into a headache:

- Since the license would be for non-profit stations, the government would not need to worry about *diversity* (a government code word for racial set-asides and quotas).
- The NAB fears the rapid proliferation of these small stations, destroying the economic viability of the existing stations. If they were "hobby" stations, the expansion of these low-power stations would be limited to those that had the money to spend on a hobby. It is anybody's guess how many people would carry through with the license application if there were no profit involved. Certainly, the FCC could limit the number and location of these stations through the granting of licenses. In

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addition, the licensees would "police" their local channel. If any unlicensed stations started broadcasting, I believe the FCC would hear about it. There's nothing like owning something of value to make a person want to guard it. Furthermore, their claims of "CBization" being a real problem are a red herring. What really happened? For a brief period, a lot of people tried it out. Then, they gave it up. For a while, things were "chaotic". In a democracy, that sometimes happens!

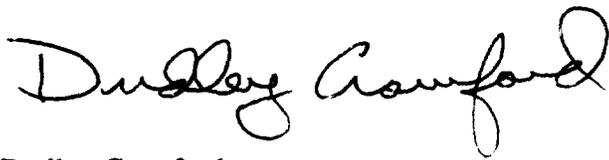
- Mr. Skinner talks a great deal about "local elements" in his proposal. I believe that he is correct in perceiving the evils of the current consolidation of radio ownership. If a person were to be broadcasting out of their home, what could be more "local"?
- In the Skinner proposal there is a call for more regulation as an answer to the "consolidation fever" caused by deregulation. Deregulation is something that the government should be strenuously pursuing. The free market is something that all US citizens believe in as the foundation of our society. The current consolidation is simply the free market responding to the economic situation. Let the consolidation continue. I argue that the current consolidation contains the seeds of a future turn against consolidation. This is the way of the market. I also believe that it is the duty of the Government to stay out of the economic process as much as possible. There are always unintended results when the Government tries to make economic policy with their regulatory power. There is no regulatory/economic action taken by the Government that has stood the test of time. (Child labor laws you contend? Send the manufacture of shoes overseas where they don't care.) If the FCC is an *economic* regulatory commission, then *fewer* stations is what makes the most sense. Fewer stations making more money each.
- I am reminded of dinosaurs that are fighting over a carcass while the comet passes overhead when I see the NAB, ACAMBRA, et al resisting the rule change so strongly. The comet that will change the radio landscape is the Net. As soon as the bandwidth carries sound properly and as soon as the Net is available in mobile situations (cars, planes, trains, etc.) the NAB and the FCC will pretty much be out of business. It will happen sooner than most people think. Ask the AM folks what happened to their industry when people preferred FM to AM. When people prefer the Net to FM, the same thing will happen. Do we have as long as 10 years? Perhaps. In that time, how many people will begin a non-profit radio station? Will it be as many as the NAB fears? Put the same perspective to the arguments they make about the expense of moving to digital signals and possible problems with interference. Economically, it doesn't make sense to invest a lot of time and money in the conversion. If the timeline is 10 years to Net takeover, will digital make a significant difference in the quality of the broadcasts? Will digital FM stop people from moving to free broadcasts on the Net?
- The basis for existence of any Government agency is in their love of regulation. This is what puts the smile on their face when they wake up. It is the God they pray to when they go to bed. This is not a bad thing. It is the natural order for Government to take away freedom and for citizens to fight to regain them. This is what our history is all about for thousands of years. Sometimes, the citizens are so fed up, they change all the rules. These eruptions are called civil wars and revolutions. Other times, the citizens want to change only a few things. Under our system, when citizens want to change only a few things, sometimes they elect a new platform of officials to office.

Other times, they simply ignore the law until Government can only throw in the towel and change the law. I call your attention to such things as Prohibition and the recent changes in the speed limits. The NAB is in the wrong to argue that the rule change should be disallowed because it would be legitimizing illegal activities. What a bag of moonshine! What other purpose does a Government have than to do what its citizens indicate they believe is the right thing to do?

- The NAB argues that the extra amount of regulation would be a real headache for the FCC. Another bag of moonshine! The real focus here is that any Government agency derives its budget monies from the amount of work it has to do. I suggest that the FCC look to its future. What better guarantee of staff expansion do you have than the vast numbers of people (according to the NAB) waiting to start up their stations? If you buy into the NAB argument, then you *must* approve the rule change because more radio stations mean more rule making and you have to love that.
- The NAB argues in its comments that the radio industry has never been stronger and it has never served the communities so well as it is doing now. I argue that the seeds of its demise are contained in the false sense of security that the industry has right now. In my town of Houston, there are many FM stations (the AM stations are mostly "talk radio" and fading fast) but there are essentially only 8 "sub-types" of stations (Black, Hispanic, Jazz, Classical, College, Oldies, Soft rock and Country). I argue that there is really only 1 "type" of station. That is a station that will stick to the main stream of its sub-type in an effort to make money - stick to the middle to get better ratings to get bigger advertising monies. What is happening is that many local bands, many local types of music, the more innovative types of music are being squeezed out. The marketplace of ideas is coming down to one idea - the blander the better. I believe that the primary thing that a station does is broadcast music. The NAB can argue night and day about weather, news, traffic reports, public service announcements but the main reason people turn on a radio is to hear music. Therefore, I challenge the NAB to conduct a poll of 1 question. "Are you satisfied with the local radio in your town?" Most people I know, no matter their listening preference, say that the radio in their town "sucks". I argue this is precisely why the Net will blow radio apart. People can hardly wait to listen to the music they want to listen to. Without commercial interruption. Without a lot of talking. I claim the NAB is precisely at their weakest at this moment - not at their strongest. The FCC is listening to a straw man, not a muscle man. What we are seeing is the tyranny of the majority. Any person who wants to listen to music not in the Grammy pipeline is not being served at all. I believe that the competition of the smaller stations may cause the bigger conglomerates to re-evaluate their corporate policies. In any event, competition is at the heart of capitalism. Does the NAB have a problem with the "American Way"? (Loosen up, guys! Cable didn't kill "free" TV - it just made it better.)
- "Bigger is better" seems to be the path the FCC has taken in the past. Boost the power of the stations so that they can serve their entire community. So, when a town like Houston covers almost 2000 square miles, how high do you go to allow a station to cover its broadcast area? The logical end of such a policy is absurd. One station covers the entire US because the community stretches from coast to coast! Better to *reduce* the power of existing stations if you want to increase competition. In fact, isn't

the interference issue really one of the big, powerful stations occupying many adjacent channels simply because of the power they are allowed to use? I can "hear" a strong station all over the dial. A low-power station goes out maybe 3-5 miles according to the literature. If you can detect interference from these stations on an adjacent channel, you must have a pretty good radio. (By the way, I can't pass up a comment on the pretty picture someone came up with showing how a large station covers an area better than a bunch of small stations. Duh! Is the NAB contending that the small stations would all cluster on one single channel? How much effort went into this silly picture?)

I feel much better now, thank you!

A handwritten signature in cursive script that reads "Dudley Crawford". The signature is fluid and somewhat stylized, with the first letters of "Dudley" and "Crawford" being prominent.

Dudley Crawford
2935 Kennesaw Drive
Missouri City, TX. 77459
(281) 438-9677

CERTIFICATE OF SERVICE

I, **Dudley Crawford**, do hereby certify that a true and correct copy of the foregoing "Reply-Comments on RM-9242" was sent via first class mail, this 16th day of July, 1998 to the following parties:

Henry L. Baumann
Executive Vice-President and General Counsel
NATIONAL ASSOCIATION OF BROADCASTERS
1771 N Street, NW
Washington, D.C. 20036

Counsel For State Broadcasters Associations
Richard R. Zaragoza
David D. Oxenford
FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.
2001 Pennsylvania Ave., NW, Suite 400
Washington, D.C. 20006-1851

Counsel for USA Digital Radio, L.P.
Robert A. Mazer
Albert Shuldiner
VINSON & ELKINS, L.L.P.
1455 Pennsylvania Ave., NW
Washington, D.C. 20004-1008

American Community AM Broadcasters, Inc. (ACAMBRA)
Bryan Smeathers, President
PO Box 973
Central City, KY 42330

RM-9442 Petitioner
J. Rodger Skinner, Jr. / President
TRA Communications Consultants, Inc.
6431 NW 65th Terrace
Pompano Beach, FL 33067-1546



Dudley Crawford
2935 Kennesaw Drive
Missouri City, TX 77459
(281) 438-9677