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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

FCC RM-9242

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To: Federal Communications Commission

REPLY COMMENTS

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Introduction

Whenever many thousands of people gather for an event, special communications needs arise which can be best met by on-site radio. FM radio, in the hands of talented and innovative communicators, has the unique ability to foster community and enable those community members to quickly solve their own problems. Wherever people gather, event-radio can add to the entertainment value or social purpose of the event through enhanced interactivity, multilingual features, and a greater sense of "belonging" to a unified group. Large events often exceed the capacity of public address systems to disseminate messages to all locations. Event-radio would be a cheap and "user-friendly" means of reaching persons on the fringes of a large event: new arrivals in the parking lot, parents back at camp with the kids, boaters and hikers, individuals relaxing in vehicles or RVs, or otherwise out of earshot of conventional public address systems or out of view of event security personnel.

Of equal importance to its value as a mode of entertainment and free expression is the parallel role that event-radio can play in the relaying of essential health and safety messages. On-site radio is the ideal medium to disseminate a stream of messages, from the routine (found kids, scheduling changes, fire danger) to the sudden emergency (fire, medical emergency, lost child, power outages, evacuations, etc). Event radio also can be a clearinghouse for attendees, vendors, and others to quickly get the word out about matters of interest to the local gathering.

Besides serving these immediate needs, a well-programmed even-radio service can educate first-time attendees to the unique environmental issues the gathering poses for the event grounds and how to minimize human impact (traffic, noise, fire hazard, water pollution, etc.). In summary, most human problems are communication problems, and effective event-radio can be a powerful agent for staging large, safe, peaceful and enjoyable events.

NAB Claim: "Current radio broadcasting services serve virtually every need" (NAB p.25)

This remark is is wholly inapplicable to event-radio. One can scarcely imagine a conventional station abandoning its format for several days to super-serve the needs of one event in a fraction of its service area. Even sports coverage is tailored to the needs of a general audience, not the people attending the event. This is not a question of one format over another, it is a matter of whether specialized -- in this case temporary -- communities can use radio to effectively serve their own unique needs.

Also, we should note that many events are ill served because they are located in remote areas without any conventional broadcast coverage available.

NAB Claim: "Adding new stations would likely decrease the overall service to the public" (NAB p.27). This thin rationale could hardly be stretched to cover event-radio. On those occasions where a station chooses to broadcast live from a large event (e.g. rodeo or concert) its economic purpose is to promote the station and help draw attendees to the event. Once they are on site, event patrons are often poorly served by the broadcast which may not even penetrate the venue due to geographic or archetectural obstructions. Whatever service to the public might be provided by the the large broadcaster prior to or during the event, is of a very different nature than that of a highly-localized LPFM-3 which would address its messages only to event attendees.

Even though they would not likely hear the actual LPFM-3 signal, members of surrounding communities would benefit indirectly from lessened environmental impacts of a well-managed event (traffic, fire, noise, pollution, litter, etc.). Because of LPFM-3's potential to mitigate health and safety risks, it will likely come to be considered as a basic infrastructure requirement of any well-planned major event, along with event security, paramedics, firefighting equipment, traffic control, sanitary facilities, and so on. The health and safety benefits would accrue primarily to the event attendees and secondarily to the sponsors, site owners and surrounding community which all must bear the cost of tragedies or catastrophes when they occur due to poor on-site communication.
Because a properly certified LPFM-3 station would cause no interference to existing broadcast coverage, the public would enjoy a net gain in public service value by the inclusion of event-radio.

How such a modest and effective service could place a "severe economic and financial stress" (NAB p. 27) on any other broadcasters is unimaginable, especially in light of the fact that LPFM-3 stations would be temporary in nature. Our prediction is that through high-spirited innovation, LPFM-3 will spark a greater public interest in radio -- many hundreds of thousands of new portable and "walkman-type" devices will pour into circulation helping all broadcasters year-round.

NAB Claim: "A full-power station has the ability to best serve the public" (NAB p.27)
We would respond that this remark a) does not apply to super-serving specialized events, and b) is an excellent argument for assuring that LPFM-3 applicants are permitted adequate power to provide a strong, clean signal to all attendees.

NAB Claim: "Micro...stations would not be able to serve communities as well as larger stations." (NAB p.28)
In the case of temporary communities such as music festivals, racing events, etc., the exact opposite is true. Larger stations are poorly equipped to serve specific events. What constitutes "news" and "traffic" at an event of several thousand boating or golfing enthusiasts is completely

different than what conventional broadcasters would provide. It is far more likely that operators of an LPFM-3 station would have close ties to on-site emergency personnel so that the station would be far more in tune with the local emergency needs at the event.

NAB Claim: "Event Radio is not for Mobile (in car) Listeners"

The NAB (NAB p.28) claims that LPFM is inefficient because it would serve only very small communities and would not be able to effectively serve mobile listeners. This is precisely the intent of LPFM-3. A relatively small audience (thousands) gathered in one park or fairgrounds would not be traveling at high speeds on streets or highways, but rather would be stationary, entering parking areas or moving around on foot over the event grounds. Use of a market-wide conventional broadcast signal would be a highly inefficient and ineffective means by which to reach persons attending such an event. Yet a LPFM-3 signal, heavily promoted at the event itself, would serve as an excellent single source of official information and rumor control. Attendees would be far more likely to hear an important announcement on "their" station than on one of many unrelated large stations (even if one were to broadcast the message). On-site emergency personnel would have immediate access to an outstanding communications channel to all areas including parking, gate, camps, trails, boats, stages, vendors, and so on.

We Believe Technical Quality Should be the Hallmark of LPFM-3 Stations

All people, listeners and broadcasters alike, should be concerned about the introduction of low-quality broadcast signals to the airwaves. We believe that the FCC can answer this concern by making available LPFM-3 permits with the provision that all RF components be type-certified. We agree with those commenters who have said that LPFM-3 licenses should be required to obtain appropriate certification to broadcast (to address spectrum congestion issues) , and should be held to a high technical standard (to assure technical excellence and freedom from harmonic interference to air traffic communications, etc.)(Skinner 27). These two simple aims can be accomplished in a straightforward and streamlined fashion by requiring that event broadcasters use properly calibrated type-certified RF equipment and operate under the 24-hour supervision of a qualified engineer. Additionally, we would recommend that event radio broadcasts be coordinated through local frequency coordinating committees as an additional assurance against interference.

We believe that for the sake of accountability that at all time of operation there must be an operator in control of the transmitter, and there must also be a rapid means for the local frequency coordinating committe to contact the operator and/or supervising engineer (via phone, pager, etc.).

We do not support the idea of allowing homemade or otherwise substandard RF equipment. If anything, freed from the constraints of excessive compression and other commercial broadcast

techniques, LPFM-3 holds the potential for advancing the art of radio. As most semi-pro source equipment (CD, mixer, etc.) today meets or exceeds the broadcast standards of just a few years ago, we believe that this portion of the LPFM-3 operation should be unregulated as applicants are likely able to deliver excellent audio quality with minimal effort or expense. This is a roadmap for appropriate and reliable public service, not the "recipe for chaos" that the NAB portrays (NAB p.29).

STAs Are Not an Appropriate Substitute for LPFM-3

The NAB claims that Special Temporary Authorizations have been used and should be used to fulfill the need for event-radio. In our combined 49 years of commercial and public broadcast experience we have never heard of such an STA event-broadcast taking place, nor have we been able to find any documented reference to such an occurrence (outside of some obscure experimentation with CDMA ham radio repeaters). STA provisions are intended to allow existing stations to make special arrangements in the event of equipment damage, emergency or war, or for technical experimentation. If the Commission were to routinely issue STA permits to event-radio broadcasters, we would be only partially satisfied with this arrangement. In some event locations there are no other broadcasters nearby to "sponsor" event-radio. And more importantly, we do not think existing broadcasters should be the gatekeepers for new entrants. Absentee group owners or local broadcasters (who may have cultural or political differences with the event promoters) would be able to unfairly block event-radio opportunities. This would be just as unacceptable as if new broadcasters or publishers, even leafletters, were required to co-venture with the established local newspaper in order to operate.

Commission Oversight

Contrary to NAB remarks (p.30), the original proposed rulemaking (Skinner 27, p.12) was very clear in proposing how LPFM-3 applicants would inform the FCC of their plans and certify non-interference. A small filing fee would defray administrative expense. The entire certification process could also be subcontracted to a non-profit agency in much the same way that Network Associates registers all Internet domain names.

NAB Claim: "Other outlets are available without resorting to establishing a new service." (NAB p.30) In the case of LPFM-3 this completely misses the point. LPFM-3 is an especially powerful concept because it would make use of ubiquitous, cheap, high quality FM radios. A mom camping with three kids at a music festival is not going to have ready access to streaming Internet audio or any other specialized type of communications media. At a time when Americans are struggling to reach out and build community, LPFM-3 provides just the tool they need to make rapid on-site community connections while helping assure their own public safety.

Conclusion

The opposing comments by the NAB and other industry players do not provide a strong rationale against the Skinner LPFM-3 proposal. LPFM-3 event-radio will not interfere with existing or future stations, and it will be accountable and easily regulated. And with type-accepted RF equipment and good engineering practices, it will be technically clean and unobtrusive while delivering an important public service.

We respectfully request that the commission institute a new LPFM-3 class of temporary service at the power levels listed in RM-9242.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

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