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

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

FCC RM-9242

Comments of Mark D. Minor

Sirs:

Let me make my comments brief, as you will undoubtedly have very many to consider on this matter. I am not an expert, nor do I have a technical background in radio, but I trust my comments on these matters will be given equal consideration by you as those who are experts. I do have a great interest in seeing the FCC once again license low-power FM, as a means of extending use of the FM radio spectrum--a public resource--back to the portions of the public that have been excluded from it, due mostly to economic reasons. The unprecedented consolidation of broadcast ownerships, and the elimination of Class D licenses has denied FM access to a great number of individuals, especially those of minority background and those living in the less prosperous rural areas. I feel very strongly that it should be the mandate of your agency to facilitate use of the broadcast spectrum in an equitable and safe manner to the greatest number of citizens, and NOT to protect it from competition for a cabal of private ownership. In this manner I feel you have failed the populace of this country, while I fear, acting to the influence of the broadcast industry. Radio is the easiest means of public address in this country--everybody owns one, everybody uses one--and far from being a difficult and excessively expensive proposition for a community or group to utilize it, it should be accessible in means of reasonable cost and regulation.

I have read the Skinner proposal, labeled RM 9242, and while I have problems with it, I must say that I absolutely support the idea of Low Power FM, especially when done in a manner that insures: 1) a reasonable power level, 2)local ownership, and most importantly, 3) a non-commercial format. I feel that RM 9242, as written, opens the door to smaller scale commercialism, which certainly has it merits on the "mom and pop" level, but I feel corrodes what should be an overriding condition of LPFM: that it be entirely not-for-profit. Only in this manner can it be protected from what most certainly would become a "land grab" by commercial interests. If no money is to be made, only the true supporters will be interested. And since LPFM should be not-for-profit, its licensing should be as inexpensive as possible, facilitating its use by as of now unempowered communities and groups, shut out by the now unreasonable costs of obtaining FCC licensing as it currently exists. As a citizen of a rural area, I must also add that I feel the rural areas of this country would be the easiest to adopt LPFM,

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as very typically there is very little demand on the existing FM bandwidth in these regions.

I am particularly worried about the advent of digital broadcasting, and the fact that, as I understand it (as a layman), the US is the only nation moving towards use of a digital standard that will *not* move broadcasts to a differing spectrum, which should open up existing FM frequencies to uses such as LPFM. The precision of digital technology should allow far more broadcasters on a given bandwidth, even if the existing FM bandwidth is utilized. Again, an opportunity for more non-profit, community access--what this medium should and can be about. But to the contrary, from what I read, the broadcast industry seems to steadfastly maintain that during any period of transition, they will require EVEN MORE of the bandwidth, commandeering adjacent channels to simultaneously broadcast digital and non-digital signals, so to reach "customers" with both older and newer technology radios. This can only be seen as a means to prevent competition, to protect a resource by limiting potentially competitive users. In my mind, this is a flagrant misuse of a public resource, and to condone or facilitate it becomes an egregious failing of the FCC's mandate. Having read e-mail postings where National Association of Broadcasters members are urged to comment on LPFM to the FCC *without* mentioning the potentially competitive nature of LPFM to commercial broadcasters strikes me as an indication that the industry does view this as a competition issue, but realizes, rightly, that to argue against LPFM on these grounds can never be successful. If we, as a nation, are pursuing the transition to digital broadcasting in a method that will not keep us at pace with the rest of the world, and are doing so as a means to protect what one industry feels is its own resource, then we all lose in the end, and, I submit, you as a regulatory body are failing with respect to your obligation to the people.

I urge you to approve some form of Low Power FM licensing, and to do so in a manner that is realistic--suggestions I have read promoting a 1-watt license are truly absurd, and would be a lose-lose situation, both for your agency (in terms of regulation load) and the licensees, which would be granted a basically useless means to utilize what should be the property of the public--the radio spectrum. No, consider LPFM in a realistic sense, at 25 or 50 watts, a level that could reliably cover an entire community. For that is what this issue should be about: giving a voice to communities that now have none. They will find their voice legal or not, and will not go away, as evidenced by your agencies recent shut-downs of illegal operations. Most of these individuals, contrary to romantic portrayals, are not interested in being outside the law, and I feel would be the first to stand up and obtain legitimate licensing, *if it were only available.* Before granting the injunction against Stephen Dunifer in Berkeley, judge Claudia Wilken acknowledged that there may indeed be Constitutional problems with the regulatory structure the FCC has created with regard to licensing requirements and public access. If need be, I hope that this question sees its day in the legal sun. But that is a costly, time consuming, and probably divisive scenario for our country. I hope you, as a regulatory body, will do the right thing and create a legitimate and realistic low power license. That would be a win-win situation for all of us.

Sincerely,

Mark D. Minor
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