D. The Licensee Must Live Within the Community of License and Must be Directly Involved in the Day to Day Management of the Station.

Because the only reason to create a microradio service is to create a system that will serve geographically-delimited niche communities, the specialized programming needs of those communities will better be served by stations that are owned by individuals who live in and have roots in that community. Stations will be more likely to present issues of particular relevance to the community if their owners have experienced first hand the importance of these issues in their own and their neighbors' lives.

Mandating that the owner be involved in the day-to-day management of the station would ensure that the needs of localism are met by preventing licensees from manipulating the residential requirement. Requiring the owner to operate a microradio station would guard against the possibility of a licensee hiring a member outside of the community to oversee the station.[13]

E. The Commission Should Place Limits on the Transfer and Sale of Microradio Stations.

Microradio stations are intended to be low-cost entities that meet the unmet needs of niche communities. While they certainly should be permitted to make money, they should not be commodities that are swapped for profit by entrepreneurs who are not committed to serving those communities.

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[13]*Bechtel, supra*, discussed at n.9, does not preclude the Commission from imposing there requirements. The *Bechtel* court struck down the Commission's credit for owner operation ("integration") because it found that 1) the Commission did not adequately demonstrate how integration resulted in the particular benefits the Commission claimed and 2) requiring integration of ownership and management meant little if a licensee could simply sell the station to a non-integrated licensee after a year. Here, however, the Commission could satisfy *Bechtel* by: 1) justifying these requirements based on the need for increased diversity and local programming outlined in Sections II and III, *supra*, and 2) adopting MAP/CME's requirement that microradio licenses are given and sold only to local residents who will own and operate the station.

For these reasons, MAP/CME believe that microradio stations should not be transferable by sale. If an owner is unable or unwilling to continue the operation of a station, the owner should be required to return the license to the FCC. Nevertheless, should the Commission determine that it cannot or will not prohibit sales of microradio stations, it should: 1) require that the any proceeds above a certain amount be placed in a fund for local noncommercial programming and 2) prohibit a station to be sold for 5 years after it has been licensed.[14] This "antitrafficking" rule is critical to ensuring that the station is operated by an individual or entity that is dedicated to being a broadcaster, and not simply interested in the profits that it can derive from a quick sale of a station.

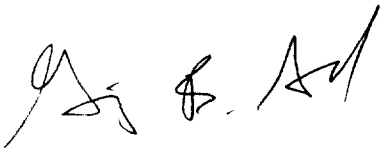
CONCLUSION

The Commission is faced with an opportunity in this matter to rethink the way it protects full power incumbent broadcasters at the expense of diversity and localism. The risk of some interference from low power radio stations is a small price to pay for the gain in niche local service that is almost non-existent on the radio airwaves today. The Commission should issue a Notice of Proposed Rulemaking proposing that a microradio service be established in accor-

[14]If a licensee no longer wishes to operate the station before the five year period is finished, it would have the option of turning in its license to the Commission.

dance with the guidelines MAP/CME have detailed above.

Respectfully submitted,



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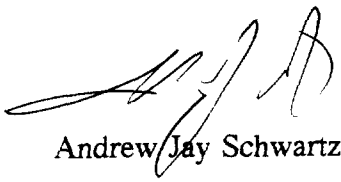
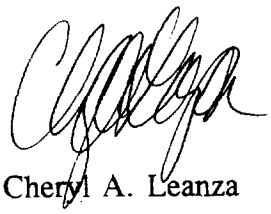


Andrew Jay Schwartzman



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