EX PARTE OR LATE FILED

ORIGINAL

9242

From: Joseph D'Alessandro <jdman@magpage.com>
To: A4.A4(BKENNARD)
Date: 9/8/98 10:53am
Subject: Comments to the Chairman

Joseph D'Alessandro (jdman@magpage.com) writes:

Stop Playing Games Mr.Kennard,and put into action NPRM:
I Hope To Take You Guys To Court Soon,Over My License And All Your Abuse

Date: September 07, 1998 at 14:32:20
From: JOEY,

WE WANT TO SUPPORT YOU THIS ELECTION
AND FUTURE ELECTION'S

RECEIVED

SEP 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Date: September 05, 1998 at 10:32:10
From: Mr.D'Alessandro,
Subject: Cut FCC you Cut Taxes

Dear Senators,and Congressma

Have The FCC ENACT NPRM THIS MONTH SEPTEMBER,NOT NOI,There Stalling,:

Cut FCC You Cut Taxes

STOP FCC FROM SPENDING OUR TAX DOLLARS>

Congress needs to make cuts at the FCC they spend Millions Chaseing Micro Radio Operaters,Who Are Legal,the Courts are,finally comming to understand the FCC's rules and Regulations are UN-CONSTITUTIONAL.

PASS LPFM BROADCAST SERVICE,The FCC IS STALLING:

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,
Case number 97-CV-73527
v.
Honorable Julian Abele Cook, Jr.

ANY AND ALL RADIO STATION
TRANSMISSION EQUIPMENT, et al., LOCATED
AT 2903 BENT OAK HIGHWAY, ADRIAN,
MICHIGAN,
Defendant,

RICK STRAWCUTTER,

Claimant.

ORDER

No. of Copies rec'd 0+1
List A B C D E

On June 9, 1998 the Plaintiff, the United States of America (the Government), filed a motion for a summary judgement under Fed.R.Civ.P.56 in this in rem asset forfeiture action that had been filed pursuant to the Communications Act of 1934 (Communications Act),(*1) as amended, 47 U.S.C. Sec. 157-614. For the reasons that will be set forth below, the Governments motion is denied and this cause of action is dismissed without prejudice.

I.

The present cause of action involves an unlicensed FM micro-broadcasting station, known as Radio Free Lenawee, in Adrian, Michigan. The Claimant, Rick Strawcutter, is the owner and operator of the radio station, as well as the pastor of the Church of the Lord Jesus Christ, in Adrian, Michigan. Strawcutter describes the format of his radio station as being primarily Christian and politically oriented, asserting that he encourages the presentation of divergent religious and political opinions by inviting persons with opposite viewpoints to appear on the radio broadcasts.

The existence and operation of Radio Free Lenawee was brought to the attention of the Federal Communications Commission (FCC) office in Detroit, Michigan between November 4, 1996 and November 13, 1996 as the result of numerous telephone calls, several newspaper clippings, and letters from approximately seven persons. On November 12, 1996, the FCC received a telephone from the manager of a licensed FM broadcast translator station in Toledo, Ohio (*2) who complained that his translator signal was receiving interference from a station which identified itself as Radio Free Lenawee. Two days later, the FCC sent a field agent and an engineer to investigate the complaint. As a result, the FCC determined that an FM station (to wit, Radio Free Lenawee) was broadcasting on a 97.7 MHZ frequency from a building at 2903 Bent Oak Highway, Adrian, Michigan (*3) without authorization (*4).

WE WANT TO SUPPORT YOU
R & B GROUP HARMONY ASSOCIATION
LEWES,DELAWARE
THANK YOU
SINCERLY
Mr.D'Alessandro URGENT
COMMERCE COMMITTEE

Honorable Sentor and Congressman:
I have been asking for your help,remenber this is my Government you have been placed and elected to run it for Me,and Fellow Citizens across the United States.
As you know i am relentless in haveing you push the FCC to Establish a LPFM BROADCAST SERVICE,the FCC keeps Stalling,and putting it off.
As i Stated before i Respect you,(i need you to have the FCC before the end of September,to enact NPRM,)as i stated in previous e-mails and letters,i am starting a WORLD WIDE WEB PAGE AND YOU KNOW I WILL BE RELENTLESS,I AS A CONSTITUENT,WILL CAMPAIGN AGANIST THOSE SENATORS AND CONGRESSMAN WHO DO NOT SUPPORT LPFM BROADCAST SERVICE,WHICH IS FREE SPEECH,AND MY,CONSTITUTION OF THE UNITED STATES.
THIS LPFM is not going to go away in November,it will be here until you pass and enact this SERVICE you may Get Relected In November but Remember You Have To Run Again In Serveral Years.
Please Help ME
4th request please send me a re-ply by mail before the end of September

Sincerly
Mr.D'Alessandro
94 Angola Estates
Lewes,Delaware 19958
302-945-1554

Date: September 04, 1998 at 02:56:33
From: Joseph D'Alessandro
URL: LPFM website
Subject: Call To Action / LPFM

The FCC has been studying the large volume of comments and reply comments filed regarding RM-9242, the proposal calling for creation of a Low Power FM radio
broadcast service nationwide. We have word from a reliable source, who shall remain unnamed for the moment, that the comments filed on RM-9242 have been overwhelmingly positive, so the next step should be a Notice of Proposed Rulemaking (NPRM) from the FCC setting forth the proposed rules for a LPFM service.

However, late word is that the FCC will release a Notice of Inquiry (NOI) in early November,instead of a Notice of Proposed Rulemaking . A NOI, which requests comments from the public, is usually issued to test the waters to see if there is enough support for a rulemaking on a subject. The enormous volume of public comments and reply-comments filed at the FCC supporting RM-9242 and calling for creation of a LPFM service has clearly shown the need for such a service.
Releasing a NOI instead of a NPRM is merely a method to delay the LPFM proceeding.

It now appears that the FCC may be bowing to pressure from the NAB, who wishes either to squash the LPFM movement or at least delay its implementation. It is imperative that we all contact our Congressman and Senators and have them DEMAND that the FCC issue a NPRM and not a NOI on LPFM. We should make it clear to our Congressman and Senators that we wish to see a NPRM before their November elections and if they let us down on this matter it could cause us to let them down in the voting booth come November! I urge everyone who has been working so hard for LPFM to not let down their guard now at the 11th hour. We still have the support of Chairman Kennard, but we must not let the FCC issue only a NOI, which will serve only to delay issuance of the needed NPRM, which will set forth the proposed rules for a LPFM service.

Call/fax/write/visit your Congressman and Senators and ask for their support in getting the FCC to issue a NPRM, instead of a NOI, on RM-9242 and LPFM. When calling your elected officials ask to speak with the legislative assistant who advises the Congressman/Senator on telecom matters. If you can speak with the Congressman/Senator himself /herself, so much the better but most rely on
their legislative assistants to gather information on issues. Thanks to all the wonderful folks from all
across America who have been working tirelessly to help create this much needed new broadcast service. We must now continue the struggle with even greater fervor. So let's get back to work...
fax/phone/write/visit your Congressman and Senators right away! Don't expect someone else to do your work. You may wish to email each of the five FCC Commissioners asking for a NPRM and not a NOI. Their email addresses are on my website. You can play an important part in creating the much needed LPFM service by diving in and doing it TODAY! And remember to ask for coverage

similar to that allowed in the Low Power TV service (up to max. of 15 miles). Please drop me an email and tell me about your contacts with your elected officials. I love hearing about all the positive support that you are receiving from all across the country. Keep up the good work. It's NOW or never!

Server protocol: HTTP/1.0
Remote host: 208.222.91.48
Remote IP address: 208.222.91.48