EX PARTE OR LATE FILED

99-25

From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Fri, Feb 26, 1999 12:47 PM
Subject: ?

Office of the Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Date: 2-26-99
From: Mr.Joseph D'Alessandro
94 Angola Estates
Lewes,Delaware 19958
302-945-1554
Subject:Member # 8512 7568 1596 4858 ACLU

Honorable Senators and Congressman:
Honorable Ed Fritz and John Earnhardt of The NAB:
Honorable Chairman Kennard Of The FCC
Honorable FCC Commissioners:

Ed Fritz and the NAB,try to Sneak in Back Door With there NAB Minority Fund.
Minority = Woman/Blacks/Hispanics/Disabled/Native Americans/Orientals/ and The Less Fortunate/ Which Includes all Minoritys/and Peoples of The Republic Of The United States:Meaning 99% Of the American Public is a Minority,and Less Fortunate In Wealth, Finances,Authority and Power,as Compared to the NAB and Radio Conglomerates: All Americans Who Want to Enter The Free Enterprise of LPFM Broadcast Community Service and Business,As Proposed by The FCC in NPRM Docket MM 99-25 Has a Legal Title To The NAB Minority Fund:

Minoritys =
The lesser part:
The smaller number:
Less Then Half:
A Racial Or A Religious Group:
A Political and or Non-Political group that is part of,but differs from a larger Controlling Group:
The period and or State of Being Under Full Legal Age:

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List A B C D E

Date 2-24-99

Dear Chairman Kennard:
Dear Commissioners:
Dear Ed Fritz of The NAB,and Radio Conglomerates:

Second request for a Grant from the NAB's Minority Fund For the Following:
Woman
Blacks

Hispanics
Disabled
Minoritys
Less Fortunate:

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Applicant: Olga D'Alessandro
Address: 94 Angola Estates,Lewes Delaware 19958
Phone: 302-945-1554
Employment: Part Time L.L.Beam Co Lewes,Delaware
Husband: Joseph Disabled Chronic Pain Syndrome Concurrent Symptoms
Reason: To Start a 100 Watt Broadcast Station For the Community.
Amount: $100,000.00 Thousand Dollars.

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Please Send Check To Following Address:
Mrs.Olga D'Alessandro
94 Angola Estates
Lewes,Delaware 19958
302-945-1554

Thank You Sincerly
Mr. Joseph D'Alessandro

Dear Chairman Kennard:
Dear Commissioners:

Re: The NAB NAB OFFERS $10 M FOR MINORITY PLAN
Issue: Ownership
Don't be Deceive by this,That $10 Million Dollars is a Drop in the Bucket, to make it work for everyone it has to be Several Billion Dollars:
Dear John Earnhardt And Ed Fritz of The NAB:
This Publicity Stunt You call NAB Fund is a Another Scam,the major Recipients will be Hand Picked,it is not going to fly.

For this not to be Unreasonable,Bias,Detrimental,Racist,and or Prejudice,and with No Age Barrier.Every American who wants to Partake in the American Free Enterprise,of LPFM Broadcast Service as Proposed by the FCC NPRM DOCKET MM 99-25,Must be Included Unequivocally,or another Civil Rights Issue Will Emerge Out Of This Action.

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

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99-25

From: Harris E. Maulden <n5qje@flash.net>
To: K1DOM.K1PO1(BKENNARD)
Date: Mon, Mar 8, 1999 6:46 PM
Subject: Comments to the Chairman

Harris E. Maulden (n5qje@flash.net) writes:

Chairman Kennard,

Please keep up the excellent work, time and effort on LPFM.
I have always been a silent partners in things, but this
service is probably one of the most beneficial goals for
local communities, that I have ever known. I have been studying
this for a little over 3 years now and I hope it becomes
a Fcc license available venture for small cities and towns.

Thanks,
Harris E. Maulden
Pearland,Tx.
pop est: 35k
(281) 431-4412

Server protocol: HTTP/1.0
Remote host: 209.30.246.189
Remote IP address: 209.30.246.189

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From: Rodger Skinner <radiotv@cris.com>
To: K1DOM.K1PO1(BKENNARD)
Date: Thu, Mar 11, 1999 6:44 PM
Subject: Comments to the Chairman

EX PARTE OR LATE FILED 99-25

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OFFICE OF THE SECRETARY

Rodger Skinner (radiotv@cris.com) writes:

Dear Chairman Kennard:

I was very glad to see the Notice of Proposed Rulemaking on LPFM, released January 28th.

I was appalled at the letter sent to you from Rep. Billy Tauzin regarding LPFM and have been working along with many others to garner Congressional support for LPFM.

I am proud to report that a letter will be sent to you on March 16th signed by many Congressmen, supporting the decision by you and the other Commissioners who voted 4-1 to release the LPFM Notice of Proposed Rulemaking (MM 99-25).

You have support from the public and on Capitol Hill!

Best regards,

Rodger Skinner
RM-9242 LPFM Petitioner

Server protocol: HTTP/1.0
Remote host: 207.155.150.217
Remote IP address: 207.155.150.217

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List A B C D E

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From: <JoxAreDumb@aol.com>
To: K1DOM.K1PO1(FCCINFO),K2DOM.K2PO1(GTRISTAN,MPOWELL,...
Date: Tue, Mar 9, 1999 4:56 PM
Subject: Re: NPRM # FCC 99-6, MM Docket # 99-25 & #95-25

99-25

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

I urge you to adopt rules for licensing Low Power FM radio that prioritize the needs of under-served and under-financed communities. Your office has the power and the mandate to ensure that ordinary people can claim a piece of the pie that big corporations have dominated and controlled for years. I am confident you agree that broad citizen access to information and culture is at the heart of a democratic society.

To support this vision, I urge you to legalize microradio with the following concerns in mind:

1. There should be completely non-commercial service. The current radio spectrum is dominated by commercial media. LPFM licenses should go to non-commercial community groups who want to use radio to communicate to the constituents and their neighbors, not to make a profit.

2. Licenses should be held locally, be non-transferable, affordable to all communities, easy to apply for and limited to one per license holder; they should NOT be businesses.

3. Power levels should be up to 100 watts in urban areas and up to 250 watts in rural areas.

4. NO secondary status should be allowed.

5. Microbroadcast pioneers who have suffered government seizure and fines should receive amnesty, have their property returned, and be prioritized for new licenses.

6. Problems, technical or otherwise, should be referred to the local voluntary micropower organization for assistance or mediation (e.g. the Ham radio model). The FCC should be the forum of last resort.

7. LPFM must be included in the future of digital radio.

8. If the FCC intends to license some commercial stations, they must be licensed last. In this instance, there should be a 2 year "headstart" for non-commercial licenses. The right of citizens to communicate is protected by the Constitution and the FCC's mandate. The right to make money through local radio is not a protection under the FCC's mandate. Thank you for your time and your consideration of these vital issues.

Sincerely,

Andrew Berger-Gross
5900 Arlington Ave., Apt. 16B
Bronx, NY 10471
joxaredumb@aol.com

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EX PARTE OR LATE FILED

From: Dan Jaffee <dsjaffee@facstaff.wisc.edu>
To: K1DOM.K1PO1(FCCINFO),K2DOM.K2PO1(GTRISTAN,MPOWELL,...
Date: Sun, Feb 28, 1999 2:41 PM
Subject: Low Power FM Licensing

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Federal Communications Commission
Attn: NPRM # FCC 99-6
445 12 Street, S.W.
Washington, D.C. 20554

Re: NPRM # FCC 99-6, MM Docket # 99-25 & #95-25:

To Whom It May Concern:

I am heartened to see that the FCC is moving toward establishing licensing for low-power FM stations. I urge you to adopt rules for licensing Low Power FM radio that prioritize the needs of underrepresented and underserved communities, and those with limited access to capital. I am confident you agree that broad citizen access to information and culture is at the heart of a democratic society.

To support this vision, I urge you to proceed with the legalization of "micro-radio," with the following concerns in mind:

1. There should be completely non-commercial service. The current radio spectrum is dominated by commercial media. LPFM licenses should go to non-commercial community groups who want to use radio to communicate to the constituents and their neighbors, not to make a profit.

2. Licenses should be held locally, be non-transferable, affordable to all communities, easy to apply for and limited to one per license holder; they should NOT be businesses.

3. Power levels should be up to 100 watts in urban areas and up to 250 watts in rural areas.

4. No secondary status whatever should be allowed.

5. Problems, technical or otherwise, should be referred to the local voluntary micropower organization for assistance or mediation (e.g. the Ham radio model). The FCC should be the forum of last resort.

6. LPFM should be included in the future of digital radio.

7. If the FCC insists on licensing some commercial stations, they must be licensed last. In this instance, there should be a 2 year "headstart" for non-commercial licenses. The right of citizens to communicate is protected by the Constitution and the FCC's mandate. The right to make profit through local radio is not guaranteed under the FCC's mandate.

Thank you for your time and your consideration of these vital issues. I will appreciate your prompt response to these concerns.

Yours Sincerely,

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Daniel Jaffee
1151 Rutledge St.
Madison, WI 53703

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From: <amartin@macalester.edu>
To: K1DOM.K1PO1(FCCINFO),K2DOM.K2PO1(GTRISTAN,MPOWELL,...
Date: Tue, Mar 2, 1999 10:05 PM
Subject: Community Powered Radio for all!

99-25

Federal Communications Commission
Attn: NPRM # FCC 99-6
445 12 Street, S.W.
Washington, D.C. 20554 (202) 418-0260
Email: wkennard@fcc.gov; sness@fcc.gov; hfurchtg@fcc.gov; mpowell@fcc.gov; gtristan@fcc.gov; fccinfo@fcc.gov

RECEIVED

MAR 16 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: NPRM # FCC 99-6, MM Docket # 99-25 & #95-25:

I urge you to adopt rules for licensing Low Power FM radio that prioritize the needs of under-served and under-financed communities. Your office has the power and the mandate to ensure that ordinary people can claim a piece of the pie that big corporations have dominated and controlled for years. I am confident you agree that broad citizen access to information and culture is at the heart of a democratic society.

To support this vision, I urge you to legalize microradio with the following concerns in mind:

1. There should be completely non-commercial service. The current radio spectrum is dominated by commercial media. LPFM licenses should go to non-commercial community groups who want to use radio to communicate to the constituents and their neighbors, not to make a profit.

2. Licenses should be held locally, be non-transferable, affordable to all communities, easy to apply for and limited to one per license holder; they should NOT be businesses.

3. Power levels should be up to 100 watts in urban areas and up to 250 watts in rural areas.

4. NO secondary status should be allowed.

5. Microbroadcast pioneers who have suffered government seizure and fines should receive amnesty, have their property returned, and be prioritized for new licenses.

6. Problems, technical or otherwise, should be referred to the local voluntary micropower organization for assistance or mediation (e.g. the Ham radio model). The FCC should be the forum of last resort.

7. LPFM must be included in the future of digital radio.

8. If the FCC intends to license some commercial stations, they must be licensed last. In this instance, there should be a 2 year "headstart" for non-commercial licenses. The right of citizens to communicate is protected by the Constitution and the FCC's mandate. The right to make money through local radio is not a protection under the FCC's mandate.

Thank you for your time and your consideration of these vital issues.

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Sincerely,

Amanda Martin
Macalester College
St. Paul, MN
amartin@macalester.edu

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From: "Joseph K." <lepoopy@hotmail.com>
To: K1DOM.K1PO1(FCCINFO),K2DOM.K2PO1(GTRISTAN,MPOWELL,...
Date: Tue, Mar 2, 1999 9:53 PM
Subject: Low-Powered FM Radio

99-25

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NPRM # FCC 99-6, MM Docket # 99-25 & #95-25:

Dear sirs,

I urge you to adopt rules for licensing Low Power FM radio that prioritize the needs of under-served and under-financed communities. Your office has the power and the mandate to ensure that ordinary people can claim a piece of the pie that big corporations have dominated and controlled for years. I am confident you agree that broad citizen access to information and culture is at the heart of a democratic society.

To support this vision, I urge you to legalize microradio with the following concerns in mind:

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7. LPFM must be included in the future of digital radio.

8. If the FCC intends to license some commercial stations, they must be licensed last. In this instance, there should be a 2 year "headstart" for non-commercial licenses. The right of citizens to communicate is protected by the Constitution and the FCC's mandate. The right to make money through local radio is not a protection under the FCC's mandate.

Thank you for your time and your consideration of these vital issues.

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Sincerely,
Joe Keady
Malverne, NY

Get Your Private, Free Email at http://www.hotmail.com

From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Thu, Feb 25, 1999 9:19 PM
Subject: ?

EX PARTE OR LATE FILED

99-15

Date 2-24-99

Dear Chairman Kennard:
Dear Commissioners:
Dear Ed Fritz of The NAB,and Radio Conglomerates:

Second request for a Grant from the NAB's Minority Fund For the Following:
Woman
Blacks
Hispanics
Disabled
Minoritys
Less Fortunate:

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Applicant: Olga D'Alessandro
Address: 94 Angola Estates,Lewes Delaware 19958
Phone: 302-945-1554
Employment: Part Time L.L.Beam Co Lewes,Delaware
Husband: Joseph Disabled Chronic Pain Syndrome Concurrent Symptoms
Reason: To Start a 100 Watt Broadcast Station For the Community.
Amount: $100,000.00 Thousand Dollars.

Please Send Check To Following Address:
Mrs.Olga D'Alessandro
94 Angola Estates
Lewes,Delaware 19958
302-945-1554

Thank You Sincerly
Mr. Joseph D'Alessandro

Dear Chairman Kennard:
Dear Commissioners:

Re: The NAB NAB OFFERS $10 M FOR MINORITY PLAN
Issue: Ownership
Don't be Deceive by this,That $10 Million Dollars is a Drop in the Bucket, to make it work for everyone it has to be Several Billion Dollars:
Dear John Earnhardt And Ed Fritz of The NAB:
This Publicity Stunt You call NAB Fund is a Another Scam,the major Recipients will be Hand Picked,it is not going to fly.

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For this not to be Unreasonable,Bias,Detrimental,Racist,and or Prejudice,and with No Age Barrier.Every American who wants to Partake in the American Free Enterprise,of LPFM Broadcast Service as Proposed by the FCC NPRM DOCKET MM

99-25,Must be Included Unequivocally,or another Civil Rights Issue Will Emerge Out Of This Action.

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

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99-25

From: <JWehler@aol.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Tue, Mar 9, 1999 1:18 PM
Subject: radio

Dear Sir,
I am asking as a concerned citizen that you allow low power radio stations to exist in this country on OUR airwaves. The corporate powers have gone too far in taking over the medium with their brain numbing programming.

Thank you,
Mr and Mrs. John Wehler
Minneapolis, MN.

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From: John Decker <jpdecker@primenet.com>
To: K1DOM.K1PO1(BKENNARD)
Date: Wed, Mar 3, 1999 4:17 PM
Subject: Comments to the Chairman

John Decker (jpdecker@primenet.com) writes:

Chairman Kennard,

I have been following the debate over low-power FM broadcasting, although not closely I admit. I have an idea for the process to make life a little easier for all of those that already have a conventional licensed station that are worried about the little guys cutting into their profit margins. Make the low-power FM allocations available to those who want to use the service for a non-commercial purpose. I feel that the biggest problem with radio today is that the stations are only doing it for the almighty dollar. It defeats the entertainment value if there are 8 spots every other tune. While the big broadcasters have to do this because of high overhead,(expensive equipment, land, electricity, etc.) the LPFM's can't and shouldn't be able to claim such overhead expenses. If this issue remains, all we will have is a lot more of a smaller version of what we have now. Station licenses owned by greedy business people, who don't want to do real radio. Thank you for listening, and!
good luck. John Decker

Server protocol: HTTP/1.0
Remote host: 209.234.176.180
Remote IP address: 209.234.176.180

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From: Michael Dunn <medunn@ovis.net>
To: K1DOM.K1PO1(BKENNARD)
Date: Fri, Mar 5, 1999 9:22 AM
Subject: Comments to the Chairman

Michael Dunn (medunn@ovis.net) writes:

Please pass docket MM 95-25 to allow low power FM service in communities.

Server protocol: HTTP/1.1
Remote host: 207.0.147.73
Remote IP address: 207.0.147.73

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From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Sat, Mar 6, 1999 2:39 PM
Subject: ?

99-25

The Congress of the United States House of Representatives:
The Congress of the United States House of The Senate:
Date:March 6,1999

Honorable Representatives:
Honorable Senators:

To Chairman Kennard:
To Commissioners:

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OFFICE OF THE SECRETARY

This Is Very Serious You Need To Take Action and Investigate Thoroughly,here is Perfect Example of Ed Fritz and The NAB and there support from Billy Tauzin to Establish a Fascist Type Government and Remove or Constitutional Rights,Free Speech,Freedom Of Expression and our Bill Of Rights.

This
Needs To Be Addressed,By You Congress,Who Predicates Freedom Of Expression,and Free Speech.

FIRED FOR SHOWING SUPPORT FOR LPFM Docket MM-99-25

Author Topic: Had job, spoke favorably about LPFM, need job...
hawkfm<Picture>posted 03-06-99 10:38 GMT/UTC

OK, I asked for this. I have made the mistake of mentioning the fact that I suuport LPFM (not very vocally, either) at work and, within 24 hours, was sent home. No job, no severence, not even a final paycheck.
In fact, a friend, at work, says that I'm "ending your career by supporting that low power thing... they'll never let you work again!"
Two things: They left me with $3.00 in my pocket, a wife, two children, rent due, and no paycheck, so I need a job BADLY!
And, if you EVER work for Citadel Communications, Corporation, NEVER EVER even casually mention that you are for LPFM within earshot of their PD's!!!
It's sudden DEATH!
E-Mail Him At: hawkfm@radiolink.net.

Perfect Example of The NAB and its Fascist Type Distinctive Trait an Behavior,
to impede our Civil Rights and Freedom of Expression.Evidently This Action is Endorsed by Rep.Billy Tauzin La. As he Supports The NAB.in all of it Corrupt Behavior.

Citizens Alert:
Mr.D'Alessandro
94 Angola Estates
Lewes,Delaware 1995
1-302-945-1554

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99-15

From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Tue, Mar 9, 1999 6:58 AM
Subject: ?

Commissioner Harold Furchtgott-Rot
Read Sanders vs.FCC

Community Interest First:Not The NAB
You Tauzin,And Ed Fritz all go Hand in Hand
Read Your Constitution:

Dear Congress Of The Republic Of The United States:

Dear Honorable Officals,Elected To Office By The People Of The Republic Of The United States:

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Sanders vs. FCC 1940 . The Federal Court Judgments render the Tellecommunications Act Of 1996 Void:

The Court Granted a FCC License On Three Main Issues:
A.Free Enterprise,The Basis Of Our Economy:
B.No Exclusive Control of a Commodity or service in a given Market.No Monopoly or Monopolys:
C.To Serve The Needs Of Your and or A Community,The Publics Interest First:

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

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From: Jeff Ferris <jferris@us.oracle.com>
To: K1DOM.K1PO1(BKENNARD)
Date: Thu, Mar 4, 1999 9:08 PM
Subject: Comments to the Chairman

EX PARTE OR LATE FILED

Jeff Ferris (jferris@us.oracle.com) writes:

I wanted to thank you for making it possible for micro-broadcasters to open up listeners choices in radio stations. My hopes are that you can make it as easy as possible for micro-broadcasters it get licenses. My comments would be that the large broadcasters do not address everyone‡s listening tastes as they say. Also, you could lower the cost to a more reasonable price than $2500. Licensing of the 50 watt area would also be advisable.

Thanks again,
Jeff Ferris

The opinions expressed above are not necessarily those of the Oracle Corporation.

Server protocol: HTTP/1.0
Remote host: 205.227.43.15
Remote IP address: 205.227.43.15

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99-25

From: Anne Phyfe Snedeker <phyfe@wolfenet.com>
To: K1DOM.K1PO1(FCCINFO),K2DOM.K2PO1(GTRISTAN,MPOWELL,...
Date: Fri, Feb 26, 1999 11:38 PM
Subject: Low Power Radio

>Federal Communications Commission
>Attn: NPRM # FCC 99-6
>445 12 Street, S.W.
>Washington, D.C. 20554 (202) 418-0260
>Email: wkennard@fcc.gov, sness@fcc.gov, hfurchtg@fcc.gov, mpowell@fcc.gov,
>gtristan@fcc.gov, fccinfo@fcc.gov
>Regarding NPRM # FCC 99-6, MM Docket # 99-25 & #95-25:
>I urge you to adopt rules for licensing Low Power FM radio that prioritize
>the needs of under-served and under-financed communities. Your office has
>the power, and the mandate, to ensure that ordinary people can claim a piece
>of the pie that big corporations dominate and control. I am confident you
>agree that broad citizen access to information and culture is at the heart
>of a democratic society.
>To support this vision, I urge you to legalize micro-radio with the
>following concerns in mind:
>1. There should be completely non-commercial service. The current radio
>spectrum is dominated by commercial media. LPFM licenses should go to
>non-commercial community groups who want to use radio to communicate, not to
>make a profit.
>2. Licenses should be held locally, be non-transferable, affordable to all
>communities, easy to apply for, NOT businesses, and limited to one per
>license holder.
>3. Power levels should be up to 100 watts in urban areas and up to 250 watts
>in rural areas.
>4. NO secondary status
>5. Microbroadcast pioneers who have suffered government seizure and fines
>should receive amnesty, have their property returned, and be prioritized for
>new licenses.
>6. Problems, technical or otherwise, should be referred to the local
>voluntary micropower organization for assistance or mediation (eg the Ham
>radio model). The FCC should be the forum of last resort.
>7. LPFM must be included in the future of digital radio.
>8. If the FCC intends to license some commercial stations, they must be
>licensed last. In this instance, there should be a 2 year "headstart" for
>non-commercial licenses. The right of citizens to communicate is protected
>by the Constitution and the FCC*s mandate. The right to make money thru
>local radio is not.
>Thank you for your time and your consideration of these vital issues.
>Sincerely,
Anne Phyfe Snedeker
330 24th Ave E
Seattle, WA 98112
206-324-0749

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OFFICE OF THE SECRETARY

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EX PARTE OR LATE FILED

99-15

From: Harris E. Maulden <n5qje@flash.net>
To: K1DOM.K1PO1(BKENNARD)
Date: Fri, Feb 26, 1999 12:00 AM
Subject: Comments to the Chairman

Harris E. Maulden (n5qje@flash.net) writes:

Mr. Chariman Kennard on LPFM Real Audio discussion

Mr Kennard. Keep up the great job your doing for all parties on LPFM.

If you ever need support in the Houston/Pearland area, call. I can list many items, which I have to various newsgroups, on why local communities would benefit from LPFM that the big megga Houston station dont care about providing.

RECEIVED
MAR 16 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

If NAB is worrying about LPFM running a local business ad commercial, that goes to show that local community and business needs can't be accomplished by the big stations due to MONEY cost.

When could our community of Pearland call up a local licensed station and ask that a local football, soccer, baseball, basket-ball, craft show, fund raiser, etc event could be scheduled for a live broadcast during that event or advertised ahead of time to let your community know about such events.

Ive been following LPFM for about 3 years now, even in the pirate radio stages and I sure hope local communities have an oportunity to have this capability to better server the public in which we live.

Let me know if I can do anything, support, voice, interviews, etc.

Harris E. Maulden (42yoa)
(281) 431-4412
3511 Rosharon,Tx. 77583 (next to Pearland actually)

History:
Worked for City of Pearland:
Police Dept
Fire Dept / Arson Investigator
Radio Technician (we still have 670kc info AM station on the air, but no one listens)
and still for them Communications

Thanks, Harris

Server protocol: HTTP/1.0
Remote host: 209.30.247.120
Remote IP address: 209.30.247.120

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List A B C D E

From: Mike Hoyer <mhoyer@midplains.net>
To: K1DOM.K1PO1(BKENNARD)
Date: Thu, Feb 25, 1999 8:05 AM
Subject: Comments to the Chairman

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mike Hoyer (mhoyer@midplains.net) writes:

FOR IMMEDIATE RELEASE, February 1999
Contact: Mike Hoyer, mhoyer@midplains.net

LPFM NPRM FCC MM Docket 99-25 MUST CONTINUE!

Madison, WI - The current LPFM NPRM MM Docket 99-25, Low Power FM Notice of Proposed Rulemaking MM Docket No. 99-25 issued by the FCC, is designed to obtain comments for improved methods of serving the public's best interest.

Rep. Billy Tauzin, R-La. has expressed great interest in halting this proposed rule-making. Halting the LPFM NPRM would only cause the FCC to turn its' back on the public's best interest. If Mr. Tauzin has any comments then he, like everyone else, should submit comments as outlined under the FCC rules.

The LPFM NPRM MM Docket 99-25 does not institute LPFM, it only asks for comments, however, Mr. Tauzin has lashed out against the public's best interest as if LPFM has already law. In addition, Mr. Tauzin has lashed out at the public calling them "skinheads" and has stated that the FCC has committed a "grave sin". There is no reason for such lashing out at the public and the FCC. This is very unprofessional behavior.

Again, if Mr. Tauzin or anyone has comments on the LPFM NPRM MM Docket 99-25, then please submit them in writing so they can be reviewed in the months to come. However, if Mr. Tauzin insists on holding hearings on LPFM in an attempt to squash it, then let it be known that the massive public which are strongly in favor of LPFM will push their elected officials to include a hearing on the Telecom Act of 1996 and will have them roll back the ownership limits to 1-AM and 1-FM per market, as it used to be. There is no legitimate reason for a company to own 5-FM and 3-AM stations in one market as allowed now. The massive public negative backlash against consolidation is sure to carry a lot of weight during any such hearings and the big corporate broadcasters risk losing more than they could gain by squashing LPFM.

The recent consolidation of broadcast stations has run wild over the radio industry and it has produced massive negative effects such as fewer programming choices, loss of local programming, loss of jobs, etc. Let's move forward with the LPFM NPRM MM Docket 99-25 so the FCC can serve the public's best interest.

--
Mike Hoyer
P.O. Box 45208
Madison, WI 53744-5208
E-Mail: mhoyer@midplains.net
--

Server protocol: HTTP/1.0
Remote host: 156.46.17.95
Remote IP address: 156.46.17.95

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From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Thu, Feb 25, 1999 7:24 AM
Subject: ?

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99-25

Dear Mr. Fritz and The NAB:and FCC COMMISSIONERS:
Re: $100,00.00 Dollar Grant For My Wife To Start a 100 watt Station to meet all FCC and NAB Requirements,I request this Grant from your NAB Minority Fund:
My Occupation =I am Disabled
Suffer Chronic Pain Syndrome,Concurrent Symptoms:
My Wife =Employed
Part Time At LL Beam Co.

Please Send Check To Following Address:
Mrs.Olga D'Alessandro
94 Angola Estates
Lewes,Delaware 19958
302-945-1554

Thank You Sincerly
Mr. Joseph D'Alessandro

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Dear Chairman Kennard:
Dear Commissioners:
Re: The NAB NAB OFFERS $10 M FOR MINORITY PLAN
Issue: Ownership

Don't be Deceive by this,That $10 Million Dollars is a Drop in the Bucket, to make it work for everyone it has to be Several Billion Dollars:

Dear John Earnhardt And Ed Fritz of The NAB:

This Publicity Stunt You call NAB Fund is a Another Scam,the major Recipients will be Hand Picked,it is not going to fly.

For this not to be Unreasonable,Bias,Detrimental,Racist,and or Prejudice,and with No Age Barrier.Every American who wants to Partake in the American Free Enterprise,of LPFM Broadcast Service as Proposed by the FCC NPRM DOCKET MM 99-25,Must be Included Unequivocally,or another Civil Rights Issue Will Emerge Out Of This Action.

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

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99-25

From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Wed, Feb 24, 1999 5:15 PM
Subject: ?

Dear Chairman Kennard:
Dear Commissioners:

Don't be Deceive by
this,That $10 Million Dollars is a Drop in the Bucket, to make it work for everyone it has to be Several Billion Dollars:

Dear John Earnhardt And Ed Fritz of The NAB:

This Publicity Stunt You call NAB Fund is a Another Scam,the major Recipients will be Hand Picked,it is not going to fly.

For this not to be
Unreasonable,Bias,Detrimental,Racist,and or Prejudice,and with No Age Barrier.Every American who wants to Partake in the American Free Enterprise,of LPFM Broadcast Service as Proposed by the FCC NPRM DOCKET MM 99-25,Must be Included Unequivocally,or another Civil Rights Issue Will Emerge Out Of This Action.

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

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99-25

From: "Sa'id Mosteshar" <SM@Mosteshar.com>
To: "Email:"; <sness@fcc.gov>; <hfurchtg@fcc.gov>; <mp...
Date: Sun, Feb 28, 1999 3:05 PM
Subject: ?

Re: NPRM # FCC 99-6, MM Docket # 99-25 & #95-25:

I urge you to adopt rules for licensing Low Power FM radio that prioritize the needs of under-served and under-financed communities. Your office has the power and the mandate to ensure that ordinary people can claim a piece of the pie that big corporations have dominated and controlled for years. I am confident you agree that broad citizen access to information and culture is at the heart of a democratic society.

To support this vision, I urge you to legalize microradio with the following concerns in mind:

1. There should be completely non-commercial service. The current radio spectrum is dominated by commercial media. LPFM licenses should go to non-commercial community groups who want to use radio to communicate to the constituents and their neighbors, not to make a profit.

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2. Licenses should be held locally, be non-transferable, affordable to all communities, easy to apply for and limited to one per license holder; they should NOT be businesses.

3. Power levels should be up to 100 watts in urban areas and up to 250 watts in rural areas.

4. NO secondary status should be allowed.

5. Microbroadcast pioneers who have suffered government seizure and fines should receive amnesty, have their property returned, and be prioritized for new licenses.

6. Problems, technical or otherwise, should be referred to the local voluntary micropower organization for assistance or mediation (e.g. the Ham radio model). The FCC should be the forum of last resort.

7. LPFM must be included in the future of digital radio.

8. If the FCC intends to license some commercial stations, they must be licensed last. In this instance, there should be a 2 year "headstart" for non-commercial licenses. The right of citizens to communicate is protected by the Constitution and the FCC's mandate. The right to make money through local radio is not a protection under the FCC's mandate.

Thank you for your time and your consideration of these vital issues.

Sincerely,

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From: Tiffany Tuttle <tiffany@techresource.org>
To: "'wkennard@fcc.gov'" <wkennard@fcc.gov>, "'sness@f...
Date: Sat, Feb 27, 1999 1:05 PM
Subject: Regarding NPRM # FCC 99-6, MM Docket # 99-25 & #95-25:

I urge you to adopt rules for licensing Low Power FM radio that prioritize the needs of under-served and under-financed communities. Your office has the power, and the mandate, to ensure that ordinary people can claim a piece of the pie that big corporations dominate and control. I am confident you agree that broad citizen access to information and culture is at the heart of a democratic society.
To support this vision, I urge you to legalize micro-radio with the following concerns in mind:
1. There should be completely non-commercial service. The current radio spectrum is dominated by commercial media. LPFM licenses should go to non-commercial community groups who want to use radio to communicate, not to make a profit.
2. Licenses should be held locally, be non-transferable, affordable to all communities, easy to apply for, NOT businesses, and limited to one per license holder.
3. Power levels should be up to 100 watts in urban areas and up to 250 watts in rural areas.
4. NO secondary status
5. Microbroadcast pioneers who have suffered government seizure and fines should receive amnesty, have their property returned, and be prioritized for new licenses.
6. Problems, technical or otherwise, should be referred to the local voluntary micropower organization for assistance or mediation (eg the Ham radio model). The FCC should be the forum of last resort.
7. LPFM must be included in the future of digital radio.
8. If the FCC intends to license some commercial stations, they must be licensed last. In this instance, there should be a 2 year "headstart" for non-commercial licenses. The right of citizens to communicate is protected by the Constitution and the FCC's mandate. The right to make money thru local radio is not.
Thank you for your time and your consideration of these vital issues.
Sincerely,

Tiffany Blayne Tuttle

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99-15

From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Tue, Mar 9, 1999 12:20 PM
Subject: ?

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Commissioner Harold Furchtgott-Roth:

If you are So Worried About Ed Fritz and The NAB and Rep. Tauzins Concerns About Interference,You have the Authority Cut all Stations Back to 6KW.

Dear Congress Of The Republic Of The United States:

Dear Honorable Officals,Elected To Office By The People Of The Republic Of The United States:

Sanders vs. FCC 1940 . The Federal Court Judgments render the Tellecommunications Act Of 1996 Void:

The Court Granted a FCC License On Three Main Issues:
A.Free Enterprise,The Basis Of Our Economy:
B.No Exclusive Control of a Commodity or service in a given Market.No Monopoly or Monopolys:
C.To Serve The Needs Of Your and or A Community,The Publics Interest First:

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

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09-25

From: <Bsamaritan@aol.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Thu, Mar 4, 1999 2:32 PM
Subject: Coments RM-9242

Dear William Kennard:

We, the constituents of South Florida, would like to begin by thanking you for proposing and supporting low power FM community based radio stations. We, as you do, understand the importance of a unified community. Through the use of low cost radio-communication we will help bridge the gaps between local groups and neighborhoods. In addition, low power FM radio stations could act as the voice for a community by providing fund raising activities, police awareness announcements, and so much more!

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So many politicians talk about helping the people and here is their chance of actually doing it. Low power radio stations can be use as a powerful tool to improve the community.

The future of the diminishing homes and communities today need something or someone to look to.

Once again we would like to thank you for not letting this opportunity pass you by.

Sincerely,

Melquiades Urgelles
Senior Pastor

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From: Berne Broudy <berne@together.net>
To: K2DOM.K2PO1(WKENNARD,SNESS,MPOWELL,GTRISTAN),K2DOM...
Date: Wed, Mar 3, 1999 1:25 PM
Subject: ?

99-25

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Federal Communications Commission
Attn: NPRM # FCC 99-6
445 12 Street, S.W.
Washington, D.C. 20554 (202) 418-0260

Regarding NPRM # FCC 99-6, MM Docket # 99-25 & #95-25:
I urge you to adopt rules for licensing Low Power FM radio that prioritize the needs of under-served and under-financed communities. Your office has the power, and the mandate, to ensure that ordinary people can claim a piece of the pie that big corporations dominate and control. I am confident you agree that broad citizen access to information and culture is at the heart of a democratic society.
To support this vision, I urge you to legalize micro-radio with the following concerns in mind:
1. There should be completely non-commercial service. The current radio spectrum is dominated by commercial media. LPFM licenses should go to non-commercial community groups who want to use radio to communicate, not to make a profit.
2. Licenses should be held locally, be non-transferable, affordable to all communities, easy to apply for, NOT businesses, and limited to one per license holder.
3. Power levels should be up to 100 watts in urban areas and up to 250 watts in rural areas.
4. NO secondary status
5. Microbroadcast pioneers who have suffered government seizure and fines should receive amnesty, have their property returned, and be prioritized for new licenses.
6. Problems, technical or otherwise, should be referred to the local voluntary micropower organization for assistance or mediation (eg the Ham radio model). The FCC should be the forum of last resort.
7. LPFM must be included in the future of digital radio.
8. If the FCC intends to license some commercial stations, they must be licensed last. In this instance, there should be a 2 year "headstart" for non-commercial licenses. The right of citizens to communicate is protected by the Constitution and the FCC*s mandate. The right to make money thru local radio is not.
Thank you for your time and your consideration of these vital issues.
Sincerely,

Berne Broudy

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09-25

From: "Valerie J. Willer" <Valerie_J._Willer@xcomnatl.com>
To: K1DOM.K1PO1(FCCINFO),K2DOM.K2PO1(GTRISTAN,MPOWELL,...
Date: Wed, Mar 3, 1999 9:43 AM
Subject: ?

I urge you to embrace rules for licensing Low Power FM radio that prioritize
the needs of underprivileged communities. Your office has the power and the abilities
to assure that ordinary people can have the same oppurtunities that big corporations have
had control over for years. I am positive you concur that a wide scope of citizen access
to knowledge and cultivation is the base for a democratic society.

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To support this vision, I urge you to legalize microradio with the following concerns in mind:

1. There should be completely non-commercial service. The current radio spectrum is dominated by commercial media. LPFM licenses should go to non-commercial community groups who want to use radio to communicate to the constituents and their neighbors, not to make a profit.

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through local radio is not a protection under the FCC's mandate.

Thank you for your time and your consideration of these vital issues.

Sincerely,

V. Willer

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EX PARTE OR LATE FILED

From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Mon, Mar 8, 1999 7:02 AM
Subject: ?

Tauzin Resign

The Congress of the United States House of Representatives:
The Congress of the United States House of The Senate:
Date:March 7,1999

Honorable Representatives:
Honorable Senators:

Chairman Kennard of The FCC:
Commissioners of The FCC:

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Congressman Billy Tauzin Must Resign do to His Attempt with Ed Fritz and the Radio Conglomerates to Overturn the Federal Courts Judgment in Sanders vs.The FCC 1940 Free Enterprise:

Rep. Billy Tauzin of Louisiana said the Federal Communications Commission plan for so-called LPFM Broadcast Service FCC Docket MM-99-25 WOULD REDUCE THE AUDIENCE AND ADVERTISING REVENUE OF CURRENT STATIONS,And Told Chairman Kennard Of The FCC To Stop This NPRM Docket MM-99-25 For Free Enterprise.

The Court also Found Judgement that Impeding Free Enterprise would cause Exclusive Control of a Commodity or service in a given Market.

FN8 SEE SEC. 311, 47 U.S.C. SEC. 311, RELATING TO UNFAIR COMPETITION
AND MONOPOLY.

Sanders vs. The FCC Free Enterprise: 1940

Ed Fritz Of The NAB and Rep. Billy Tauzin Want to Impede LPFM Broadcast Community Service as Proposed by the FCC in Docket MM-99-25:
There Main Reason is That LPFM Stations will take There Profit Away???,and Interference, The FCC will Control the Interference Integrity,At this Time there is No Problem Except Fritz and Tauzin want to keep there Wallets Full of the American Publics Money:
And Impede The American Peoples Free Speech and Free Enterprise,and Constitutional Rights:

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From the U.S. Government Printing Office via GPO Access

Case: COMMISSION V. SANDERS RADIO STATION

Case #: 309US470

NO. 499. ARGUED FEBRUARY 9, 1940. - DECIDED MARCH 25, 1940. - 70 APP. D.C. 297 - 106 F.2D 321, REVERSED.

1. A FUNDAMENTAL QUESTION AS TO THE FUNCTION AND POWERS OF THE FEDERAL COMMUNICATIONS COMMISSION WAS RAISED IN THIS CASE AND, ON THE RECORD, IS OPEN HERE. P. 473.

2. RESULTING ECONOMIC INJURY TO A RIVAL STATION IS NOT, IN AND OF ITSELF, AND APART FROM CONSIDERATIONS OF PUBLIC CONVENIENCE, INTEREST, OR NECESSITY, AN ELEMENT WHICH THE FEDERAL COMMUNICATIONS COMMISSION MUST WEIGH, AND AS TO WHICH IT MUST MAKE FINDINGS, IN PASSING ON AN APPLICATION FOR A BROADCASTING LICENSE. P. 473.

3. A LICENSEE OF A BROADCASTING STATION, OVER WHOSE OBJECTION - OF ECONOMIC INJURY TO HIS STATION - THE COMMUNICATIONS COMMISSION GRANTED A PERMIT FOR THE ERECTION OF A RIVAL STATION, IS, UNDER SEC. 402(B)(2) OF THE ACT, A "PERSON AGGRIEVED OR WHOSE INTERESTS ARE ADVERSELY AFFECTED" BY THE DECISION OF THE COMMISSION, AND ENTITLED TO APPEAL THEREFROM. P. 476.

4. AN ORDER OF THE COMMUNICATIONS COMMISSION GRANTING A PERMIT TO ERECT A BROADCASTING STATION HELD SUPPORTED BY THE FINDINGS. P. 477.

5. THE CONCLUSION OF THE APPELLATE COURT THAT THE COMMUNICATIONS COMMISSION HAD NOT USED AS EVIDENCE CERTAIN DATA AND REPORTS IN ITS FILES - WHICH AN INTERVENING PARTY HAD BEEN DENIED AN OPPORTUNITY TO INSPECT - ACCEPTED HERE. P. 478.

FEDERAL COMMUNICATIONS COMMISSION V. SANDERS BROTHERS RADIO STATION.

CERTIORARI TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

CERTIORARI, 308 U.S. 546, TO REVIEW A JUDGMENT WHICH SET ASIDE AN ORDER OF THE FEDERAL COMMUNICATIONS COMMISSION GRANTING A PERMIT TO ERECT A BROADCASTING STATION.

MR. JUSTICE ROBERTS DELIVERED THE OPINION OF THE COURT.

WE TOOK THIS CASE TO RESOLVE IMPORTANT ISSUES OF SUBSTANCE AND PROCEDURE ARISING UNDER THE COMMUNICATIONS ACT OF 1934, AS AMENDED. FN1

JANUARY 20, 1936, THE TELEGRAPH HERALD, A NEWSPAPER PUBLISHED IN DUBUQUE, IOWA, FILED WITH THE PETITIONER AN APPLICATION FOR A CONSTRUCTION PERMIT TO ERECT A BROADCASTING STATION IN THAT CITY. MAY 14, 1936, THE RESPONDENT, WHO HAD FOR SOME YEARS HELD A BROADCASTING LICENSE FOR, AND HAD OPERATED, STATION WKBB AT EAST DUBUQUE, ILLINOIS, DIRECTLY ACROSS THE MISSISSIPPI RIVER FROM DUBUQUE, IOWA, APPLIED FOR A PERMIT TO MOVE ITS TRANSMITTER AND STUDIOS TO THE LAST NAMED CITY AND INSTAL ITS STATION THERE. AUGUST 18, 1936, RESPONDENT ASKED LEAVE TO INTERVENE IN THE TELEGRAPH HERALD PROCEEDING, ALLEGING IN ITS PETITION, INTER ALIA, THAT THERE WAS AN INSUFFICIENCY OF ADVERTISING REVENUE TO SUPPORT AN ADDITIONAL STATION IN DUBUQUE AND INSUFFICIENT TALENT TO FURNISH PROGRAMS FOR AN ADDITIONAL STATION; THAT ADEQUATE SERVICE WAS

BEING RENDERED TO THE COMMUNITY BY STATION WKBB AND THERE WAS NO NEED FOR ANY ADDITIONAL RADIO OUTLET IN DUBUQUE AND THAT THE GRANTING OF THE
TELEGRAPH HERALD APPLICATION WOULD NOT SERVE THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY. INTERVENTION WAS PERMITTED AND BOTH APPLICATIONS WERE SET FOR CONSOLIDATED HEARING.

THE RESPONDENT AND THE TELEGRAPH HERALD OFFERED EVIDENCE IN SUPPORT OF THEIR RESPECTIVE APPLICATIONS. THE RESPONDENT'S PROOF SHOWED THAT ITS STATION HAD OPERATED AT A LOSS; THAT THE AREA PROPOSED TO BE SERVED BY THE TELEGRAPH HERALD WAS SUBSTANTIALLY THE SAME AS THAT SERVED BY THE RESPONDENT AND THAT, OF THE ADVERTISERS RELIED ON TO SUPPORT THE TELEGRAPH HERALD STATION, MORE THAN HALF HAD USED THE RESPONDENT'S STATION FOR ADVERTISING.

AN EXAMINER REPORTED THAT THE APPLICATION OF THE TELEGRAPH HERALD SHOULD BE DENIED AND THAT OF THE RESPONDENT GRANTED. ON EXCEPTIONS OF THE TELEGRAPH HERALD, AND AFTER ORAL ARGUMENT, THE BROADCASTING DIVISION OF PETITIONER MADE AN ORDER GRANTING BOTH APPLICATIONS, RECITING THAT "PUBLIC INTEREST, CONVENIENCE, AND NECESSITY WOULD BE SERVED" BY SUCH ACTION. THE DIVISION PROMULGATED A STATEMENT OF THE FACTS AND OF THE GROUNDS OF DECISION, RECITING THAT BOTH APPLICANTS WERE LEGALLY, TECHNICALLY, AND FINANCIALLY QUALIFIED TO UNDERTAKE THE PROPOSED CONSTRUCTION AND OPERATION; THAT THERE WAS NEED IN DUBUQUE AND THE SURROUNDING TERRITORY FOR THE SERVICES OF BOTH STATIONS, AND THAT NO QUESTION OF ELECTRICAL INTERFERENCE BETWEEN THE TWO STATIONS WAS INVOLVED. A REHEARING WAS DENIED AND RESPONDENT APPEALED TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA. THAT COURT ENTERTAINED THE APPEAL AND HELD THAT ONE OF THE ISSUES WHICH THE COMMISSION SHOULD HAVE TRIED WAS THAT OF ALLEGED ECONOMIC INJURY TO THE RESPONDENT'S STATION BY THE ESTABLISHMENT OF AN ADDITIONAL STATION AND THAT THE COMMISSION HAD ERRED IN FAILING TO MAKE FINDINGS ON THAT ISSUE. IT DECIDED THAT, IN THE ABSENCE OF SUCH FINDINGS, THE COMMISSION'S ACTION IN GRANTING THE TELEGRAPH HERALD PERMIT MUST BE SET ASIDE AS ARBITRARY AND CAPRICIOUS. FN2

THE PETITIONER'S CONTENTIONS ARE THAT UNDER THE COMMUNICATIONS ACT ECONOMIC INJURY TO A COMPETITOR IS NOT A GROUND FOR REFUSING A BROADCASTING LICENSE AND THAT, SINCE THIS IS SO, THE RESPONDENT WAS NOT A PERSON AGGRIEVED, OR WHOSE INTERESTS WERE ADVERSELY AFFECTED, BY THE COMMISSION'S ACTION, WITHIN THE MEANING OF SEC. 402(B) OF THE ACT WHICH AUTHORIZES APPEALS FROM THE COMMISSION'S ORDERS.

THE RESPONDENT ASSERTS THAT THE PETITIONER IN ARGUMENT BELOW CONTENTED ITSELF WITH THE CONTENTION THAT THE RESPONDENT HAD FAILED TO PRODUCE EVIDENCE REQUIRING A FINDING OF PROBABLE ECONOMIC INJURY TO IT. IT IS CONSEQUENTLY INSISTED THAT THE PETITIONER IS NOT IN A POSITION HERE TO DEFEND ITS FAILURE TO MAKE SUCH FINDINGS ON THE GROUND THAT IT IS NOT REQUIRED BY THE ACT TO CONSIDER ANY SUCH ISSUE. BY ITS PETITION FOR REHEARING IN THE COURT BELOW, THE COMMISSION MADE CLEAR ITS POSITION AS NOW ADVANCED. THE DECISION OF THE COURT BELOW, AND THE CHALLENGE MADE IN PETITION FOR REHEARING AND HERE BY THE COMMISSION, RAISE A FUNDAMENTAL QUESTION AS TO THE FUNCTION AND POWERS OF THE COMMISSION AND WE THINK THAT, ON THE RECORD, IT IS OPEN HERE.

FIRST. WE HOLD THAT RESULTING ECONOMIC INJURY TO A RIVAL STATION IS

NOT, IN AND OF ITSELF, AND APART FROM CONSIDERATIONS OF PUBLIC CONVENIENCE, INTEREST, OR NECESSITY, AN ELEMENT THE PETITIONER MUST WEIGH, AND AS TO WHICH IT MUST MAKE FINDINGS, IN PASSING ON AN APPLICATION FOR A BROADCASTING LICENSE.

COMMISSION, IF PUBLIC CONVENIENCE, INTEREST, OR NECESSITY WILL BE SERVED THEREBY, SUBJECT TO THE LIMITATIONS OF THIS ACT, SHALL GRANT TO ANY APPLICANT THEREFOR A STATION LICENSE PROVIDED FOR BY THIS ACT."

THIS MANDATE IS GIVEN MEANING AND CONTOUR BY THE OTHER PROVISIONS OF THE STATUTE AND THE SUBJECT MATTER WITH WHICH IT DEALS. FN3 THE ACT CONTAINS NO EXPRESS COMMAND THAT IN PASSING UPON AN APPLICATION THE COMMISSION MUST CONSIDER THE EFFECT OF COMPETITION WITH AN EXISTING STATION. WHETHER THE COMMISSION SHOULD CONSIDER THE SUBJECT MUST DEPEND UPON THE PURPOSE OF THE ACT AND THE SPECIFIC PROVISIONS INTENDED TO EFFECTUATE THAT PURPOSE.

THE GENESIS OF THE COMMUNICATIONS ACT AND THE NECESSITY FOR THE ADOPTION OF SOME SUCH REGULATORY MEASURE IS A MATTER OF HISTORY. THE NUMBER OF AVAILABLE RADIO FREQUENCIES IS LIMITED. THE ATTEMPT BY A
BROADCASTER TO USE A GIVEN FREQUENCY IN DISREGARD OF ITS PRIOR USE BY OTHERS, THUS CREATING CONFUSION AND INTERFERENCE, DEPRIVES THE PUBLIC OF THE FULL BENEFIT OF RADIO AUDITION. UNLESS CONGRESS HAD EXERCISED
ITS POWER OVER INTERSTATE COMMERCE TO BRING ABOUT ALLOCATION OF AVAILABLE FREQUENCIES AND TO REGULATE THE EMPLOYMENT OF TRANSMISSION EQUIPMENT THE RESULT WOULD HAVE BEEN AN IMPAIRMENT OF THE EFFECTIVE USE OF THESE FACILITIES BY ANYONE. THE FUNDAMENTAL PURPOSE OF CONGRESS IN RESPECT OF BROADCASTING WAS THE ALLOCATION AND REGULATION OF THE USE OF RADIO FREQUENCIES BY PROHIBITING SUCH USE EXCEPT UNDER LICENSE.

IN CONTRADISTINCTION TO COMMUNICATION BY TELEPHONE AND TELEGRAPH, WHICH THE COMMUNICATIONS ACT RECOGNIZES AS A COMMON CARRIER ACTIVITY AND REGULATES ACCORDINGLY IN ANALOGY TO THE REGULATION OF RAIL AND OTHER CARRIERS BY THE INTERSTATE COMMERCE COMMISSION, FN4 THE ACT RECOGNIZES THAT BROADCASTERS ARE NOT COMMON CARRIERS AND ARE NOT TO BE DEALT WITH AS SUCH. FN5 THUS THE ACT RECOGNIZES THAT THE FIELD OF BROADCASTING IS ONE OF FREE COMPETITION. THE SECTIONS DEALING WITH BROADCASTING DEMONSTRATE THAT CONGRESS HAS NOT, IN ITS REGULATORY SCHEME, ABANDONED THE PRINCIPLE OF FREE COMPETITION, AS IT HAS DONE IN THE CASE OF RAILROADS, FN6 IN RESPECT OF WHICH REGULATION INVOLVES THE SUPPRESSION OF WASTEFUL PRACTICES DUE TO COMPETITION, THE REGULATION OF RATES AND CHARGES, AND OTHER MEASURES WHICH ARE UNNECESSARY IF FREE COMPETITION IS TO BE PERMITTED.

AN IMPORTANT ELEMENT OF PUBLIC INTERST AND CONVENIENCE AFFECTING THE ISSUE OF A LICENSE IS THE ABILITY OF THE LICENSEE TO RENDER THE BEST PRACTICABLE SERVICE TO THE COMMUNITY REACHED BY HIS BROADCASTS. THAT SUCH ABILITY MAY BE ASSURED THE ACT CONTEMPLATES INQUIRY BY THE COMMISSION, INTER ALIA, INTO AN APPLICANT'S FINANCIAL QUALIFICATIONS TO OPERATE THE PROPOSED STATION. FN7

BUT THE ACT DOES NOT ESSAY TO REGULATE THE BUSINESS OF THE LICENSEE.

THE COMMISSION IS GIVEN NO SUPERVISORY CONTROL OF THE PROGRAMS, OF BUSINESS MANAGEMENT OR OF POLICY. IN SHORT, THE BROADCASTING FIELD IS OPEN TO ANYONE, PROVIDED THERE BE AN AVAILABLE FREQUENCY OVER WHICH HE CAN BROADCAST WITHOUT INTERFERENCE TO OTHERS, IF HE SHOWS HIS COMPETENCY, THE ADEQUACY OF HIS EQUIPMENT, AND FINANCIAL ABILITY TO MAKE GOOD USE OF THE ASSIGNED CHANNEL.

THE POLICY OF THE ACT IS CLEAR THAT NO PERSON IS TO HAVE ANYTHING IN THE NATURE OF A PROPERTY RIGHT AS A RESULT OF THE GRANTING OF A LICENSE. LICENSES ARE LIMITED TO A MAXIMUM OF THREE YEARS' DURATION, MAY BE REVOKED, AND NEED NOT BE RENEWED. THUS THE CHANNELS PRESENTLY OCCUPIED REMAIN FREE FOR A NEW ASSIGNMENT TO ANOTHER LICENSEE IN THE INTEREST OF THE LISTENING PUBLIC.

PLAINLY IT IS NOT THE PURPOSE OF THE ACT TO PROTECT A LICENSEE AGAINST COMPETITION BUT TO PROTECT THE PUBLIC. CONGRESS INTENDED TO LEAVE COMPETITION IN THE BUSINESS OF BROADCASTING WHERE IT FOUND IT, TO PERMIT A LICENSEE WHO WAS NOT INTERFERING ELECTRICALLY WITH OTHER BROADCASTERS TO SURVIVE OR SUCCUMB ACCORDING TO HIS ABILITY TO MAKE HIS PROGRAMS ATTRACTIVE TO THE PUBLIC.

THIS IS NOT TO SAY THAT THE QUESTION OF COMPETITION BETWEEN A PROPOSED STATION AND ONE OPERATING UNDER AN EXISTING LICENSE IS TO BE ENTIRELY DISREGARDED BY THE COMMISSION, AND, INDEED, THE COMMISSION'S PRACTICE SHOWS THAT IT DOES NOT DISREGARD THAT QUESTION. IT MAY HAVE A VITAL AND IMPORTANT BEARING UPON THE ABILITY OF THE APPLICANT ADEQUATELY TO SERVE HIS PUBLIC; IT MAY INDICATE THAT BOTH STATIONS - THE EXISTING AND THE PROPOSED - WILL GO UNDER, WITH THE RESULT THAT A PORTION OF THE LISTENING PUBLIC WILL BE LEFT WITHOUT ADEQUATE SERVICE; IT MAY INDICATE THAT, BY A DIVISION OF THE FIELD, BOTH STATIONS WILL BE COMPELLED TO RENDER INADEQUATE SERVICE. THESE MATTERS, HOWEVER, ARE DISTINCT FROM THE CONSIDERATION THAT, IF A LICENSE BE GRANTED, COMPETITION BETWEEN THE LICENSEE AND ANY OTHER EXISTING STATION MAY CAUSE ECONOMIC LOSS TO THE LATTER. IF SUCH ECONOMIC LOSS WERE A VALID REASON FOR REFUSING A LICENSE THIS WOULD MEAN THAT THE COMMISSION'S FUNCTION IS TO GRANT A MONOPOLY IN THE FIELD OF BROADCASTING, A RESULT WHICH THE ACT ITSELF EXPRESSLY NEGATIVES, FN8 WHICH CONGRESS WOULD NOT HAVE CONTEMPLATED WITHOUT GRANTING THE COMMISSION POWERS OF CONTROL OVER THE RATES, PROGRAMS, AND OTHER ACTIVITIES OF THE BUSINESS OF BROADCASTING.

WE CONCLUDE THAT ECONOMIC INJURY TO AN EXISTING STATION IS NOT A SEPARATE AND INDEPENDENT ELEMENT TO BE TAKEN INTO CONSIDERATION BY THE COMMISSION IN DETERMINING WHETHER IT SHALL GRANT OR WITHHOLD A LICENSE.

SECOND. IT DOES NOT FOLLOW THAT, BECAUSE THE LICENSEE OF A STATION CANNOT RESIST THE GRANT OF A LICENSE TO ANOTHER, ON THE GROUND THAT THE RESULTING COMPETITION MAY WORK ECONOMIC INJURY TO HIM, HE HAS NO STANDING TO APPEAL FROM AN ORDER OF THE COMMISSION GRANTING THE APPLICATION.

APPEALS OF THE DISTRICT OF COLUMBIA (1) BY AN APPLICANT FOR A LICENSE OR PERMIT, OR (2) "BY ANY OTHER PERSON AGGRIEVED OR WHOSE INTERESTS ARE ADVERSELY AFFECTED BY ANY DECISION OF THE COMMISSION GRANTING OR REFUSING ANY SUCH APPLICATION."

THE PETITIONER INSISTS THAT AS ECONOMIC INJURY TO THE RESPONDENT WAS NOT A PROPER ISSUE BEFORE THE COMMISSION IT IS IMPOSSIBLE THAT SEC. 402(B) WAS INTENDED TO GIVE THE RESPONDENT STANDING TO APPEAL, SINCE ABSENCE OF RIGHT IMPLIES ABSENCE OF REMEDY. THIS VIEW WOULD DEPRIVE SUBSECTION (2) OF ANY SUBSTANTIAL EFFECT.

CONGRESS HAD SOME PURPOSE IN ENACTING SEC. 402(B)(2). IT MAY HAVE BEEN OF OPINION THAT ONE LIKELY TO BE FINANCIALLY INJURED BY THE ISSUE OF A LICENSE WOULD BE THE ONLY PERSON HAVING A SUFFICIENT INTEREST TO BRING TO THE ATTENTION OF THE APPELLATE COURT ERRORS OF LAW IN THE ACTION OF THE COMMISSION IN GRANTING THE LICENSE. IT IS WITHIN THE POWER OF CONGRESS TO CONFER SUCH STANDING TO PROSECUTE AN APPEAL. FN9

WE HOLD, THEREFORE, THAT THE RESPONDENT HAD THE REQUISITE STANDING TO APPEAL AND TO RAISE, IN THE COURT BELOW, ANY RELEVANT QUESTION OF LAW IN RESPECT OF THE ORDER OF THE COMMISSION.

THIRD. EXAMINATION OF THE FINDINGS AND GROUNDS OF DECISION SET FORTH BY THE COMMISSION DISCLOSES THAT THE FINDINGS WERE SUFFICIENT TO COMPLY WITH THE REQUIREMENTS OF THE ACT IN RESPECT OF THE PUBLIC INTEREST, CONVENIENCE, OR NECESSITY INVOLVED IN THE ISSUE OF THE PERMIT. IN ANY EVENT, IF THE FINDINGS WERE NOT AS DETAILED UPON THIS SUBJECT AS MIGHT BE DESIRABLE, THE ATTACK UPON THEM IS NOT THAT THE PUBLIC INTEREST IS NOT SUFFICIENTLY PROTECTED BUT ONLY THAT THE FINANCIAL INTERESTS OF THE RESPONDENT HAVE NOT BEEN CONSIDERED. WE FIND NO REASON FOR ABROGATING THE COMMISSION'S ORDER FOR LACK OF ADEQUATE FINDINGS.

FOURTH. THE RESPONDENT HERE RENEWS A CONTENTION MADE IN THE COURT OF APPEALS TO THE EFFECT THAT THE COMMISSION USED AS EVIDENCE CERTAIN DATA AND REPORTS IN ITS FILES WITHOUT PERMITTING THE RESPONDENT, AS INTERVENOR BEFORE THE COMMISSION, THE OPPORTUNITY OF INSPECTING THEM. THE COMMISSION DISAVOWS THE USE OF SUCH MATERIAL AS EVIDENCE IN THE CAUSE AND THE COURT OF APPEALS HAS FOUND THE DISAVOWAL VERACIOUS AND SUFFICIENT. WE ARE NOT DISPOSED TO DISTURB ITS CONCLUSION.

THE JUDGMENT OF THE COURT OF APPEALS IS REVERSED.

FN1 ACT OF JUNE 19, 1934, C. 652, 48 STAT. 1064; ACT OF JUNE 5, 1936, C. 511, 49 STAT. 1475; ACT OF MAY 20, 1937, C. 229, 50 STAT. 189, 47 U.S.C. 151, ET SEQ. FN2 SANDERS BROTHERS RADIO STATION V.
FEDERAL COMMUNICATIONS COMMISSION, 70 APP. D.C. 297; 106 F.2D 321.

FN3 RADIO COMMISSION V. NELSON BROS. CO., 289 U.S. 266, 285.

FN4 SEE TITLE II, SECS. 201-221, 47 U.S.C. SECS. 201-221.

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266, 277; CHICAGO JUNCTION CASE, 264 U.S. 258. FN7 SEE SEC. 308(B), 47 U.S.C. SEC. 308(B).

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FN9 COMPARE INTERSTATE COMMERCE COMMISSION V. OREGON-WASHINGTON R. CO., 288 U.S. 14, 23-25.

MR. JUSTICE MCREYNOLDS TOOK NO PART IN THE DECISION OF THIS CASE.

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To: K2DOM.K2PO1(WKENNARD)
Date: Sun, Mar 7, 1999 3:19 PM
Subject: ?

EX PARTE OR LATE FILED

99-29

Sanders vs. The FCC Free Enterprise: 1940

The Congress of the United States House of Representatives:
The Congress of the United States House of The Senate:
Date:March 4,1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable Representatives:
Honorable Senators:

Chairman Kennard of The FCC:
Commissioners of The FCC:

Ed Fritz Of The NAB and Rep. Billy Tauzin Want to Impede LPFM Broadcast Community Service as Proposed by the FCC in Docket MM-99-25:
There Main Reason is That LPFM Stations will take There Profit Away???,and Interference, Which The FCC will Control the Interference Integrity,at this Time there is No Problem Except Fritz and Tauzin want to keep there Wallets Full of the American Publics Money:
And Impede The American Peoples Free Speech and Free Enterprise,and Constitutional Rights:

From the U.S. Government Printing Office via GPO Access

Case: COMMISSION V. SANDERS RADIO STATION

Case #: 309US470

NO. 499. ARGUED FEBRUARY 9, 1940. - DECIDED MARCH 25, 1940. - 70 APP. D.C. 297 - 106 F.2D 321, REVERSED.

1. A FUNDAMENTAL QUESTION AS TO THE FUNCTION AND POWERS OF THE FEDERAL COMMUNICATIONS COMMISSION WAS RAISED IN THIS CASE AND, ON THE RECORD, IS OPEN HERE. P. 473.

2. RESULTING ECONOMIC INJURY TO A RIVAL STATION IS NOT, IN AND OF ITSELF, AND APART FROM CONSIDERATIONS OF PUBLIC CONVENIENCE, INTEREST, OR NECESSITY, AN ELEMENT WHICH THE FEDERAL COMMUNICATIONS COMMISSION MUST WEIGH, AND AS TO WHICH IT MUST MAKE FINDINGS, IN PASSING ON AN APPLICATION FOR A BROADCASTING LICENSE. P. 473.

3. A LICENSEE OF A BROADCASTING STATION, OVER WHOSE OBJECTION - OF ECONOMIC INJURY TO HIS STATION - THE COMMUNICATIONS COMMISSION GRANTED A PERMIT FOR THE ERECTION OF A RIVAL STATION, IS, UNDER SEC. 402(B)(2) OF THE ACT, A "PERSON AGGRIEVED OR WHOSE INTERESTS ARE ADVERSELY AFFECTED" BY THE DECISION OF THE COMMISSION, AND ENTITLED TO APPEAL THEREFROM. P. 476.

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4. AN ORDER OF THE COMMUNICATIONS COMMISSION GRANTING A PERMIT TO ERECT A BROADCASTING STATION HELD SUPPORTED BY THE FINDINGS. P. 477.

5. THE CONCLUSION OF THE APPELLATE COURT THAT THE COMMUNICATIONS COMMISSION HAD NOT USED AS EVIDENCE CERTAIN DATA AND REPORTS IN ITS FILES - WHICH AN INTERVENING PARTY HAD BEEN DENIED AN OPPORTUNITY TO INSPECT - ACCEPTED HERE. P. 478.

FEDERAL COMMUNICATIONS COMMISSION V. SANDERS BROTHERS RADIO STATION.

CERTIORARI TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

CERTIORARI, 308 U.S. 546, TO REVIEW A JUDGMENT WHICH SET ASIDE AN ORDER OF THE FEDERAL COMMUNICATIONS COMMISSION GRANTING A PERMIT TO ERECT A BROADCASTING STATION.

MR. JUSTICE ROBERTS DELIVERED THE OPINION OF THE COURT.

WE TOOK THIS CASE TO RESOLVE IMPORTANT ISSUES OF SUBSTANCE AND PROCEDURE ARISING UNDER THE COMMUNICATIONS ACT OF 1934, AS AMENDED. FN1

JANUARY 20, 1936, THE TELEGRAPH HERALD, A NEWSPAPER PUBLISHED IN DUBUQUE, IOWA, FILED WITH THE PETITIONER AN APPLICATION FOR A CONSTRUCTION PERMIT TO ERECT A BROADCASTING STATION IN THAT CITY. MAY 14, 1936, THE RESPONDENT, WHO HAD FOR SOME YEARS HELD A BROADCASTING LICENSE FOR, AND HAD OPERATED, STATION WKBB AT EAST DUBUQUE, ILLINOIS, DIRECTLY ACROSS THE MISSISSIPPI RIVER FROM DUBUQUE, IOWA, APPLIED FOR A PERMIT TO MOVE ITS TRANSMITTER AND STUDIOS TO THE LAST NAMED CITY AND INSTAL ITS STATION THERE. AUGUST 18, 1936, RESPONDENT ASKED LEAVE TO INTERVENE IN THE TELEGRAPH HERALD PROCEEDING, ALLEGING IN ITS PETITION, INTER ALIA, THAT THERE WAS AN INSUFFICIENCY OF ADVERTISING REVENUE TO SUPPORT AN ADDITIONAL STATION IN DUBUQUE AND INSUFFICIENT TALENT TO FURNISH PROGRAMS FOR AN ADDITIONAL STATION; THAT ADEQUATE SERVICE WAS BEING RENDERED TO THE COMMUNITY BY STATION WKBB AND THERE WAS NO NEED FOR ANY ADDITIONAL RADIO OUTLET IN DUBUQUE AND THAT THE GRANTING OF THE
TELEGRAPH HERALD APPLICATION WOULD NOT SERVE THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY. INTERVENTION WAS PERMITTED AND BOTH APPLICATIONS WERE SET FOR CONSOLIDATED HEARING.

THE RESPONDENT AND THE TELEGRAPH HERALD OFFERED EVIDENCE IN SUPPORT OF THEIR RESPECTIVE APPLICATIONS. THE RESPONDENT'S PROOF SHOWED THAT ITS STATION HAD OPERATED AT A LOSS; THAT THE AREA PROPOSED TO BE SERVED BY THE TELEGRAPH HERALD WAS SUBSTANTIALLY THE SAME AS THAT SERVED BY THE RESPONDENT AND THAT, OF THE ADVERTISERS RELIED ON TO SUPPORT THE TELEGRAPH HERALD STATION, MORE THAN HALF HAD USED THE RESPONDENT'S STATION FOR ADVERTISING.

AN EXAMINER REPORTED THAT THE APPLICATION OF THE TELEGRAPH HERALD SHOULD BE DENIED AND THAT OF THE RESPONDENT GRANTED. ON EXCEPTIONS OF THE TELEGRAPH HERALD, AND AFTER ORAL ARGUMENT, THE BROADCASTING DIVISION OF PETITIONER MADE AN ORDER GRANTING BOTH APPLICATIONS, RECITING THAT "PUBLIC INTEREST, CONVENIENCE, AND NECESSITY WOULD BE

SERVED" BY SUCH ACTION. THE DIVISION PROMULGATED A STATEMENT OF THE FACTS AND OF THE GROUNDS OF DECISION, RECITING THAT BOTH APPLICANTS WERE LEGALLY, TECHNICALLY, AND FINANCIALLY QUALIFIED TO UNDERTAKE THE PROPOSED CONSTRUCTION AND OPERATION; THAT THERE WAS NEED IN DUBUQUE AND THE SURROUNDING TERRITORY FOR THE SERVICES OF BOTH STATIONS, AND THAT NO QUESTION OF ELECTRICAL INTERFERENCE BETWEEN THE TWO STATIONS WAS INVOLVED. A REHEARING WAS DENIED AND RESPONDENT APPEALED TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA. THAT COURT ENTERTAINED THE APPEAL AND HELD THAT ONE OF THE ISSUES WHICH THE COMMISSION SHOULD HAVE TRIED WAS THAT OF ALLEGED ECONOMIC INJURY TO THE RESPONDENT'S STATION BY THE ESTABLISHMENT OF AN ADDITIONAL STATION AND THAT THE COMMISSION HAD ERRED IN FAILING TO MAKE FINDINGS ON THAT ISSUE. IT DECIDED THAT, IN THE ABSENCE OF SUCH FINDINGS, THE COMMISSION'S ACTION IN GRANTING THE TELEGRAPH HERALD PERMIT MUST BE SET ASIDE AS ARBITRARY AND CAPRICIOUS. FN2

THE PETITIONER'S CONTENTIONS ARE THAT UNDER THE COMMUNICATIONS ACT ECONOMIC INJURY TO A COMPETITOR IS NOT A GROUND FOR REFUSING A BROADCASTING LICENSE AND THAT, SINCE THIS IS SO, THE RESPONDENT WAS NOT A PERSON AGGRIEVED, OR WHOSE INTERESTS WERE ADVERSELY AFFECTED, BY THE COMMISSION'S ACTION, WITHIN THE MEANING OF SEC. 402(B) OF THE ACT WHICH AUTHORIZES APPEALS FROM THE COMMISSION'S ORDERS.

THE RESPONDENT ASSERTS THAT THE PETITIONER IN ARGUMENT BELOW CONTENTED ITSELF WITH THE CONTENTION THAT THE RESPONDENT HAD FAILED TO PRODUCE EVIDENCE REQUIRING A FINDING OF PROBABLE ECONOMIC INJURY TO IT. IT IS CONSEQUENTLY INSISTED THAT THE PETITIONER IS NOT IN A POSITION HERE TO DEFEND ITS FAILURE TO MAKE SUCH FINDINGS ON THE GROUND THAT IT IS NOT REQUIRED BY THE ACT TO CONSIDER ANY SUCH ISSUE. BY ITS PETITION FOR REHEARING IN THE COURT BELOW, THE COMMISSION MADE CLEAR ITS POSITION AS NOW ADVANCED. THE DECISION OF THE COURT BELOW, AND THE CHALLENGE MADE IN PETITION FOR REHEARING AND HERE BY THE COMMISSION, RAISE A FUNDAMENTAL QUESTION AS TO THE FUNCTION AND POWERS OF THE COMMISSION AND WE THINK THAT, ON THE RECORD, IT IS OPEN HERE.

FIRST. WE HOLD THAT RESULTING ECONOMIC INJURY TO A RIVAL STATION IS NOT, IN AND OF ITSELF, AND APART FROM CONSIDERATIONS OF PUBLIC CONVENIENCE, INTEREST, OR NECESSITY, AN ELEMENT THE PETITIONER MUST WEIGH, AND AS TO WHICH IT MUST MAKE FINDINGS, IN PASSING ON AN APPLICATION FOR A BROADCASTING LICENSE.

COMMISSION, IF PUBLIC CONVENIENCE, INTEREST, OR NECESSITY WILL BE SERVED THEREBY, SUBJECT TO THE LIMITATIONS OF THIS ACT, SHALL GRANT TO ANY APPLICANT THEREFOR A STATION LICENSE PROVIDED FOR BY THIS ACT." THIS MANDATE IS GIVEN MEANING AND CONTOUR BY THE OTHER PROVISIONS OF THE STATUTE AND THE SUBJECT MATTER WITH WHICH IT DEALS. FN3 THE ACT CONTAINS NO EXPRESS COMMAND THAT IN PASSING UPON AN APPLICATION THE COMMISSION MUST CONSIDER THE EFFECT OF COMPETITION WITH AN EXISTING STATION. WHETHER THE COMMISSION SHOULD CONSIDER THE SUBJECT MUST DEPEND UPON THE PURPOSE OF THE ACT AND THE SPECIFIC PROVISIONS INTENDED TO EFFECTUATE THAT PURPOSE.

THE GENESIS OF THE COMMUNICATIONS ACT AND THE NECESSITY FOR THE ADOPTION OF SOME SUCH REGULATORY MEASURE IS A MATTER OF HISTORY. THE NUMBER OF AVAILABLE RADIO FREQUENCIES IS LIMITED. THE ATTEMPT BY A

BROADCASTER TO USE A GIVEN FREQUENCY IN DISREGARD OF ITS PRIOR USE BY OTHERS, THUS CREATING CONFUSION AND INTERFERENCE, DEPRIVES THE PUBLIC OF THE FULL BENEFIT OF RADIO AUDITION. UNLESS CONGRESS HAD EXERCISED
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IN CONTRADISTINCTION TO COMMUNICATION BY TELEPHONE AND TELEGRAPH, WHICH THE COMMUNICATIONS ACT RECOGNIZES AS A COMMON CARRIER ACTIVITY AND REGULATES ACCORDINGLY IN ANALOGY TO THE REGULATION OF RAIL AND OTHER CARRIERS BY THE INTERSTATE COMMERCE COMMISSION, FN4 THE ACT RECOGNIZES THAT BROADCASTERS ARE NOT COMMON CARRIERS AND ARE NOT TO BE DEALT WITH AS SUCH. FN5 THUS THE ACT RECOGNIZES THAT THE FIELD OF BROADCASTING IS ONE OF FREE COMPETITION. THE SECTIONS DEALING WITH BROADCASTING DEMONSTRATE THAT CONGRESS HAS NOT, IN ITS REGULATORY SCHEME, ABANDONED THE PRINCIPLE OF FREE COMPETITION, AS IT HAS DONE IN THE CASE OF RAILROADS, FN6 IN RESPECT OF WHICH REGULATION INVOLVES THE SUPPRESSION OF WASTEFUL PRACTICES DUE TO COMPETITION, THE REGULATION OF RATES AND CHARGES, AND OTHER MEASURES WHICH ARE UNNECESSARY IF FREE COMPETITION IS TO BE PERMITTED.

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From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Wed, Feb 24, 1999 5:36 PM
Subject: ?

EX PARTE OR LATE FILED

Dear Chairman Kennard:
Dear Commissioners:

Re: The NAB NAB OFFERS $10 M FOR MINORITY PLAN
Issue: Ownership

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Don't be Deceive by this,That $10 Million Dollars is a Drop in the Bucket, to make it work for everyone it has to be Several Billion Dollars:

Dear John Earnhardt And Ed Fritz of The NAB:

This Publicity Stunt You call NAB Fund is a Another Scam,the major Recipients will be Hand Picked,it is not going to fly.

For this not to be Unreasonable,Bias,Detrimental,Racist,and or Prejudice,and with No Age Barrier.Every American who wants to Partake in the American Free Enterprise,of LPFM Broadcast Service as Proposed by the FCC NPRM DOCKET MM 99-25,Must be Included Unequivocally,or another Civil Rights Issue Will Emerge Out Of This Action.

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

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EX PARTE OR LATE FILED

99-25

From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Mon, Mar 8, 1999 5:59 PM
Subject: ?

Honorable Congress:
NAB Ed Fritz and Radio Conglomerates,and Billy Tauzin:
Re:
Take Notice:

Radio World Article Supports The FCC and Chairman Kennard,With NPRM For LPFM Broadcast Service Docket MM-99-25:

Radio World Editorial
March 3, 1999

BRING ON LOW POWER

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MAR 16 1999
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Proposals to create a new batch of low power FM stations have produced an immediate rash of broadcaster criticism aimed at the FCC, and specifically at Chairman Bill Kennard, who seems determined to push the idea through. We don't agree with this knee-jerk reaction to LPFM. There is much to like in the idea. The federal government long ago took upon itself the task of regulating who can use this part of the spectrum. As long as that remains true, it should also be the task of the FCC to allow the greatest number of users, and the greatest diversity of voices, consistent with technical quality. Consider the "traffic cop" argument, one that broadcasters themselves bring up quickly whenever the FCC proposes to regulate them in some new way: "The FCC should simply be a traffic cop," this argument states, "keeping traffic moving safely and smoothly on the spectrum." We agree. And a traffic cop is not supposed to prevent new traffic from coming onto the road. Some broadcast supporters, including friends of the NAB on Capitol hill, argue that new competition will damage the economic prospects of licenseholders. Indeed it could, if existing stations don't serve their audiences well. But it's not the job of congress to protect the economic interests of a certain group of existing broadcasters. The spectrum belongs to the public, and we sometimes forget that. Competition is healthy. If new stations can do the job better than existing ones, let 'em rip. A new group of stations will benefit communities, schools and other groups who can create voices of their own on the band. It will be good for radio employees, who can hope for more job opportunities, rather than fewer. It will be good for suppliers, who will have more customers to serve. A robust supplier marketplace benefits all radio buyers. Most important, new stations will serve listeners better. We in the radio industry have succeeded, if that is the correct word, in wringing a tremendous amount of profit out of a limited, government-protected slice of the spectrum. Ad sales are at record levels. But dissatisfaction with our product also is increasing. Formulaic programs with sound-alike liners make it easier for the listener to push radio into the

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background of their lives. New media hunger for our listeners. Unlicensed operators spring up, outside of the realm of
regulation or control of interference. Legitimate questions exist about how low-power radio will affect interference protection
and the future of digital radio. the FCC must address them. But if a technical solution can be found that allows low-power
radio stations to bloom, the commission should pursue it. -RW

CC; FCC

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99-25

From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Wed, Feb 24, 1999 2:14 PM
Subject: ?

To House
Committee on Offical Standards of Conduct and Ethics:

Congressman Tauzins Daughter is Employed By The NAB,and Senator Lott is old School and College Room Mate Of Ed Fritz of the NAB:
BOTH OVERSEE THE FCC TO THE ADVANTAGE OF ED FRITZ AND THE NAB AND RADIO CONGLOMERATES:

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Tauzins Daughter Lobbys for him and gets paid by the NAB also!
Where is the Ethics.
Louisiana Republican W.J. "Billy" Tauzin who chairs the Telecommunications subcommittee * and whose daughter works as a special events coordinator in the NAB's lobbying division * received $64,869.
Money talks
By Shawn Newman
Money talks, Ethics walks?
It is as old as scripture: "It is written, my house shall be called the house of prayer; but ye have made it a den of thieves." Matthew 21:13. Our "house of government" seem to have become a "den of thieves" with daily reports of campaign finance scandals, foreign money, etc. Here in Washington, we have tainted money flowing to expensive political campaigns; erosion of the people's right to referendum and initiative; and the shades drawn on so-called sunshine laws [Open Meetings Act and Open Records Act]

Conflicts of Interest
*Official position and confidential information may not be used for personal gain. *Members should vote on matters unless they have a direct personal or pecuniary interest in the question. *Under criminal law, Members may not contract with the Federal Government except in limited circumstances relating mostly to agricultural matters. *Spouses and other family members have substantial discretion in employment and investments.

*Members should avoid doing special favors for family members. *Members may not hire family members in their congressional offices

Honorable Elected Officals:Senators and Congressman:
Keep Free Enterprise,as it is a Civil Right!
The American People Have A Right To Free Enterprise,Contrary To the Big Money Changers Billy Tauzin,And Ed Fritz Of The NAB and the Radio Conglomerates

Personal liberty includes the right to enter the free market of economic activity LPFM Broadcast Service, As Proposed By The FCC Docket MM 99-25-and the free market of ideas. You have the right to participate in the free market and speak your mind freely. You have no guarantee of success in free enterprise, but you have the right to defend yourself against anyone who tries to limit or extinguish your right to free enterprise, Such as Congressman Billy Tauzin Of Louisianna and Ed Fritz of the NAB . Free enterprise built this country. Let's keep building.

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Citizens Alert
We the American People Elected You to Supervise (our the Americans Peoples Government) Not Yours we pay you for services rendered.

Give us the Opportunity to own an Operate a LPFM Broadcast Community Business and Service,as Proposed by The FCC Docket MM 99-25

Our nation is,
conceived in liberty, and dedicated to the proposition that all men are created equal.- that our nation, under God, shall have freedom and that government of the people, by the people, for the people, shall not perish from the earth,and that Woman,Blacks,Hispanics,and the Less Fortunate,have the right to Achieve Free Enterprise,and earn a Liveing in the United States Of America: As Proposed by the FCC in there Adoption of LPFM Broadcast Service,for those Citizens who want to Achieve a Community Broadcast Service and Business.

Rep. Billy Tauzin of Louisiana
said the Federal Communications Commission plan for so-called microradio would reduce the audience and advertising revenue of current stations and possibly create severe interference.

Look at the above Statement
and Tauzin is our Represenative,he flat out tells us and the FCC sorry but you dont have any Civil Rights and you can not Operate a Business in the United States,because It will take MONEY OUT OF MY POCKETS AND MY GOOD OLD BUDDIES THE RADIO CONGLOMERATES AND MOST OF ALL MY GOOD OLD BOY ED THE MONEY CHANGER FRITZ OF THE NAB!!
This statement by Tauzin is a Obtrusive and Contrary to laws and customs of our Nation,Tauzin and the NAB are Stealing my right to Own an operate a Free Enterprise Business in the United States,they are Stealing my Freedom Of Expression,an my Civil Rights and my Free Speech !)

We exercise and or put in to
action our Legal,and Civil Rights,and abide by the Law Of a free Democracy,Governed by and for the people,with fair, responsible,and,accountable representation by our Elected Officals.

1. From the Bill of Rights: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press..."

2. Article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Citizens Alert:
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99-25

From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Thu, Mar 11, 1999 8:37 AM
Subject: ?

Ethics Committee:

This is a National Agenda LPFM Service FCC Docket MM-99-25

Congressman Billy Tauzin Is a Hypocrite and needs to remove himself from Office Like a real Man Would.

But he Lacks any Guts and is Interested only in Himself,and his Wealth

Where he sits on Committees, is where you will find Big Business they bond together as one.

He scams the American Public,but we will expose him for what he is, a thief of Our Free Speech and Bill Of Rights it will take a Considerable amount of Time But Threw the Internet it will Occur.

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As Of 3-10-99
Time 11:30 PM
To The NAB and Ed Fritz:
To Congressman Billy Tauzin La.
Re:
Pending Lawsuit For Inflicting Punishment Threw Technical Differences and,Denying Mrs.Olga D'Alessandro Legal Title to NAB Trust Fund:
Impedeing My Right To Free Enterprise, Free Speech and Obstruction,Of My Constitutional Rights,As Proposed By The FCC in The Enactment Of NPRM Docket MM-99-25 For LOW POWER Community Radio Service.
Suit Is Based on the Judgments rendered in the Sanders vs. The FCC 1940:This Judgment Sets Justification For My Suit:

The Court Granted a FCC License On Three Main Issues:
A.Free Enterprise,The Basis Of Our Economy:
B.No Exclusive Control of a Commodity or service in a given Market.No Monopoly or Monopolys:
C.To Serve The Needs Of Your and or A Community,The Publics Interest First:
Suit Is Pending Passage Of Docket MM-99-25:

1. From the Bill of Rights: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press..."

2. Article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

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From: "Joseph D'Alessandro" <jdman@magpage.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Thu, Mar 4, 1999 6:39 AM
Subject: ?

Chairman Furchtgott - Roth:
Senator McCain
Rep. Tauzin:

Get Down to the Peoples Business LPFM Radio FCC Docket MM 99-25:

Free Enterprise,Free Speech,and The Peoples Constitutionals Rights:

Back Off Chairman Kennard and stop evadeing the Real Issue LPFM Service:

Dear Honorable Elected Officals,Of The Republic Of The United States:
Senators:
Congressman:

The NAB and Media Giants Have Bought You The Congress, Tongue and Cheek,you still can say no to this Corrupt,and Dishonest Group Of People, United For A Particular Purpose = Greed,Wealth,Authority,Power and Most Of All To Suppress Free Enterprise,Free Speech,And The LPFM Movements Constitutional Rights.

As Proposed By The FCC In NPRM Docket MM-99-25:

You The Congress Need To Disassociate Your Self From This Dishonest Group,Which You The Congress Have Given, The NAB, And The Radio Conglomerates, Exclusive Possession And Complete Control Of The American Publics Air Ways,Dear Honorable Congress Its Time To Give The American Public There Air Ways Back.

Here is Another Disturbing Reality,And Or Things How They Are,The American Public Is Growing On a Daily Basis To The Corrupt Nature Of The NAB And The Un-Ethical Lobbying They Do To Our Congress,By Way Of The Internet And Various Web Sights:

Topic: White Water

Broadcast Lobby Triumphs

New York Times
William Safire

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ESSAY By WILLIAM SAFIRE

Broadcast Lobby Triumphs

WASHINGTON -- The use of government power to remain in power is an abuse of power. That insult to democracy was the essence of the Watergate scandal a generation ago and is at the core of today's campaign finance scandal.

In the same way, the Broadcast Media's use of their power to protect

themselves from Competition and to Enrich themselves at Public Expense is an abuse of media power.

This week, we are seeing (though not on television) the broadcast lobby's triumph in Congress.

Behind closed doors of House-Senate conferences, finishing touches are being put on the most blatant example of corporate welfare: the multibillion-dollar giveaway of our digital airwaves.

Because TV stations dictate local coverage, the broadcast lobby strikes bipartisan terror in officeholders' hearts. Fearful of the value put on channels by the recent auctions of parts of the spectrum, the broadcasters' trade association and its 10 major players hired 174 registered lobbyists, from Tommy Boggs and Ann Richards on the left to Haley Barbour and Tom Korologos on the right.

To such skilled persuasion, add cold cash: In the past two years, according to the Center for Public Integrity, this portion of the lobby's "spectrum grabbers" donated $7.6 million to Federal campaigns and party committees.

This week's payoff is sweet. Broadcasters who already have been given, at no cost, a monopoly to broadcast on an old, analogue frequency are being given -- free -- six channels on the high-definition, digital spectrum that belongs to the public. No other lobby in this budget-balancing era can proudly point to such a taxpayer ripoff, worth billions. It's like giving Yellowstone National Park to timber companies.

To justify this historic heist, the lobby and its wholly owned subsidiary, Representative Billy Tauzin, piously claim to be merely making sure that owners of present-day sets get today's fuzzy signals a decade from now. In that way, broadcasters would keep their original channel so long as 1 set owner in 20 doesn't convert -- which means forever.

With Bob Dole replaced as majority leader by broadcaster-friendly Trent Lott, one lone Senator tried to resist the giveaway. John McCain, Republican of Arizona, was flattened by the broadcast lobby's steamroller; as he puts it, "my record on this is unblemished by victory."

McCain is becoming the patron saint of mavericks. By pushing for liability reform, he invites the fury of the trial lawyers' lobby; by sponsoring campaign finance reform, he irritates G.O.P. pols; by attacking the ethanol subsidy, he hurts his chances in an Iowa caucus; and by resisting the thundering herd of broadcast lobbyists -- 29 from CBS alone -- he jeopardizes the television exposure needed for any national campaign.

"What troubles me," McCain says, "is that the voters never got a clear picture of this giveaway on television. 'The Fleecing of America,' 'It's Your Money' -- where were they?"

The only spectrum piece I saw on NBC ridiculed the failure of one auction, with no reference to the many other public auctions of licenses that

tripled expectations.

Reed Hundt, outgoing chairman of the Federal Communications Commission -- a Gore man, but market-oriented -- has been against giving the broadcasting moguls a free ride into the financial future.

"It's bad enough that broadcasters are being given both digital and analogue channels in perpetuity, without paying money or in-kind," he says. "Worse is that there have been no major televised discussions of the issue. The number one missing piece in the puzzle is, why wasn't this story about TV covered on TV?"

Your favorite news anchors, network and local, and your high-rated magazine shows did not conspire to suppress coverage of the grab of public assets by their employers. Nothing so dramatic.

They, and their producers, and the owners of their stations (which often include newspapers) simply failed in their obligation to fully report, and to seek adversarial comment on, the triumph of the broadcast lobby.

Media power pressured and paid government officials to protect and extend *media monopolies. Journalists must ask ourselves: Where were we during this* abuse of power?

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

EX PARTE OR LATE FILED

99-25

From: Philip Weiner <pweiner@wupe.com>
To: K2DOM.K2PO1(GTRISTAN,MPOWELL,SNESS,WKENNARD),FCCMA...
Date: Sun, Feb 28, 1999 7:46 PM
Subject: Opposition to Low Power FM Proposal

February 28th, 1999

I am the owner of Pittsfield, Massachusetts radio stations WUPE (FM) and WUHN (AM). Additionally I represent the Massachusetts Broadcasters Association as the Chairman-elect and Legislative Liaison.

Presently, the Federal Communications Commission is considering action that would potentially damage the integrity and success of the radio broadcasting industry. The Commission's Low Power FM (LPFM) Notice of Proposed Rule Making threatens radio broadcasting in Massachusetts and throughout the nation.

The Commission's Notice would not only affect the broadcasting industry but also the general public who rely on the predictability and stability of their local radio stations.

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In a recent analysis of 60 markets, the Commission's staff determined the potential for 428 additional LP 1000 (1,000 watt FM) and 1,385 additional LP 100 (100 watt FM) stations. The markets analyzed were throughout the United States and were categorized in three tiers: 500,000+ persons; 200,000-500,000 persons; and 50,000-200,000 persons. Nationwide, the number of additional stations will be in the thousands.

On a local note, the Commission's staff determined the potential for 4 additional LP 1000 stations and 14 additional LP 100 stations in the Springfield, MA market. The addition of these 18 stations will triple the existing number of stations in Springfield alone. And in the already over-radioed Boston market, itÆs been determined thatÆs there is potential to add 3 more LP 1000 stations and 4 LP 100's which will inevitably harm all licensed stations. The reality is that the reliability of these Massachusetts stations will crumble and so will stations all over the nation.

The Commission is in error when they say that little interference will occur because 2nd and 3rd adjacent channel spacing is unnecessary for lower powered stations. Consequently, this ignores the issue of mobile listening. While driving from point A to point B, a listener may already experience occasional interference. If more low power stations are added to our dials, the chances of interference will increase and obstruct programming. The consistency many listeners currently experience could very soon become scarce. Additional low power stations will provide poorer quality and interrupted programming, in-turn devaluing what currently exists in the broadcast industry. Ultimately, small markets will be impaired.

Although the proposed plan is an effort to promote more public/community and minority ownership as was the case with Docket 80-90, the results that will accrue to local radio will be the same. Docket 80-90 created more financial trouble than success. It led the FCC to authorize duopoly (so successful FMÆs could help ailing ones) which brought about consolidation. The future of Internet radio and satellite radio will provide the public more opportunity both locally and internationally. But the assumption that more low power radio stations will improve small businesses and our communities is far from the truth. While economic harm should not be a concern of the government, harm to

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the transmission of local emergency information should be. If 2nd and 3rd channel spacing is changed, every station will be damaged, regardless of size. Close spacing will negatively affect the majority of FM stations in the U.S.

Thirty years ago, the Commission attempted to do away with all the 10 watt non-commercial college stations, stating that they were an inefficient use of the spectrum. What has changed now that makes such low power stations an efficient use of the spectrum?

The United States has the finest radio broadcasting system in the world, one that other countries seek to emulate. The FCC's Low Power FM plan will destroy this greatness. This system exists to serve local communities, which it does extremely well. The proposed plan will threaten the existence of this reliable public service communication tool. The radio broadcasting industry looks to members of Congress to make certain that the American public continues to be able to listen to and be served by their favorite local radio stations.

Sincerely,

##########

Philip A. Weiner
President
Weiner Broadcasting, Inc.
WUPE (FM) & WUHN (AM)
PO Box 1265 - Pittsfield, MA 01202-1265
Tel 413-499-1100 FAX 413-499-1800
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HTTP://www.wuhn.com

From: josh gray <liushun@yahoo.com>
To: K2DOM.K2PO1(WKENNARD)
Date: Fri, Feb 26, 1999 4:45 PM
Subject: MR Comments

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99-25

Federal Communications Commission
Attn: NPRM # FCC 99-6
445 12 Street, S.W.
Washington, D.C. 20554 (202) 418-0260
Email: wkennard@fcc.gov; sness@fcc.gov; hfurchtg@fcc.gov;
mpowell@fcc.gov;
gtristan@fcc.gov; fccinfo@fcc.gov

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MAR 16 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: NPRM # FCC 99-6, MM Docket # 99-25 & #95-25:

I urge you to adopt rules for licensing Low Power FM radio that prioritize the needs of under-served and under-financed communities. Your office has the power and the mandate to ensure that ordinary people can claim a piece of the pie that big corporations have dominated and controlled for years. I am confident you agree that broad citizen access to information and culture is at the heart of a democratic society.

To support this vision, I urge you to legalize microradio with the following concerns in mind:

1. There should be completely non-commercial service. The current radio spectrum is dominated by commercial media. LPFM licenses should go to non-commercial community groups who want to use radio to communicate to the constituents and their neighbors, not to make a profit.

2. Licenses should be held locally, be non-transferable, affordable to all communities, easy to apply for and limited to one per license holder; they should NOT be businesses.

3. Power levels should be up to 100 watts in urban areas and up to 250 watts in rural areas.

4. NO secondary status should be allowed.

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5. Microbroadcast pioneers who have suffered government seizure and fines should receive amnesty, have their property returned, and be prioritized for new licenses.

6. Problems, technical or otherwise, should be referred to the local voluntary micropower organization for assistance or mediation (e.g. the Ham radio model). The FCC should be the forum of last resort.

7. LPFM must be included in the future of digital radio.

8. If the FCC intends to license some commercial stations, they must be licensed last. In this instance, there should be a 2 year "headstart" for non-commercial licenses. The right of citizens to communicate is protected by the Constitution and the FCC's mandate. The right to make money through local radio is not a protection under the FCC's mandate.

Thank you for your time and your consideration of these vital issues.

Sincerely,

Josh Gray
NYC

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