

Comments in response to MM Docket No.99-25; FCC NPRM, 99-6

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In the above cited Notice of Proposed Rule Making, the Commission solicits comments on proposals to establish new classes of FM broadcast service. I wish to offer brief comments on three aspects of these proposed new services:

- 1) Reduced standards of interference to existing stations.
- 2) Financial impact on existing stations.
- 3) The Commission's ability to ensure that low power stations comply with the technical terms of their respective licenses.

1) Reduced standards of interference to existing stations: In the Commission's Notice of Proposed Rule Making, it is stated that the Commission is not considering low powered service on the AM band because "...present congestion in the AM band would make it a poor choice for a new radio service..". Later in this document it is stated that there are 7,679 FM stations presently in operation. The proposal that the commission is considering calls for the possible establishment of thousands of additional FM stations. Would this proposal not cause the very congestion that the Commission concedes presently exists on the AM band? Reduction of interference standards would result in the classic trade-off of quality for quantity.

2) Financial impact on existing stations: Because the FM band is already congested (particularly in large metropolitan areas), it is unlikely that many channels could be found for LPFM stations in major markets. Very probably, the vast majority of LPFM stations would be located in small communities. Many such communities are presently served by relatively low powered stations such as Class A FM outlets. As the Commission is well aware, such existing stations depend on the sale of advertising in order to exist. In many small communities, competition for advertising dollars is already cutthroat. Small retailers rarely select radio as their dominant advertising medium. Most prefer various forms of print, especially newspapers.

A LPFM station would cover a small community nearly as well as would a Class A FM station or a low powered AM station. In many cases, additional FM stations would deprive existing stations of their life-blood. Reducing already scarce revenues would force multitudes of existing AM and FM stations to cut costs by curtailing service to their communities. Traditionally, when it is necessary to cut operating expenses, local news programming is the first thing to be cut back. In some cases, existing stations

could be forced out of business by the additional competition for a finite quantity of advertising dollars. Although it has never been the Commission's policy to provide financial protection to its licensees, the financial impact of vast additional competition cannot be disregarded. The commission shouldn't take action which is likely to put large numbers of existing licensees out of business. Neither should the Commission take action that likely will result in reduced community service from existing stations. Here again we have a likely tradeoff of quality of community service for quantity.

I am also concerned about what might happen to an existing station whose signal presently reaches a community well beyond the station's predicted 60 dBu contour. For example, my station has listeners in several communities that are well beyond our protected contour. Suppose someone proposed to establish a co-channel LPFM station in such a community for the purpose of jamming our station's signal. There are several possible motives for establishing such a station. Would we have any recourse other than to accept the loss of a substantial portion of our audience and revenues?

The Commission's ability to ensure that low power stations comply with technical terms of their respective licenses: I believe that the Commission will freely concede that it lacks the resources to ensure that its thousands of existing licensees comply with technical rules. It is troublesome to imagine how the Commission might go about making certain that thousands of new low powered station licensees would comply with technical regulations. Violations fit into two categories, unintentional and intentional.

First let's look at unintentional violations: Most existing licensees are experienced broadcasters who have access to technical expertise. We understand power restrictions, frequency tolerances and modulation parameters. Moreover, we have powerful incentives to comply with regulations. Failure to comply could subject a broadcaster to substantial monetary forfeitures or even loss of license. Operators of LPFM stations likely would not have technical expertise and many could operate outside specified parameters without being aware of the violations. Could the operator of a LPFM station be expected to pay \$2,000 to purchase the lowest priced modulation monitor that is presently on the market?

Other LPFM licensees might intentionally operate with several times their authorized power or greatly overmodulate their signals. Such violators would stand little to lose. They would be well aware that the Government couldn't collect hefty fines. Possible loss of license would offer little deterrent because the licenses would have little value in the first place. Additionally, violators might be acutely aware of the Commission's lack of enforcement staff.

If the operator of a LPFM station violated FCC rules and interfered with my station, what would my recourse be? Would a complaint to the Commission result in prompt enforcement action? That question might easily be answered by calling attention to a recent situation in Tucson. For about a year, an illegal FM station known as Radio Limbo operated on 103.3 Mhz. The station even received publicity by being written up in the Arizona Daily Star. It took an entire year before Federal agents shut Radio

Limbo down. If a LPFM station caused harmful interference to the station which I manage, my station might not survive an entire year before help arrived. If the Commission lacks the ability to police thousands of new stations, such stations shouldn't be authorized.

I would like to thank the Commission for consideration of my opinions.