

Federal Communications Commission  
Washington, D.C.

This letter is in response to your call for public comment regarding the proposal to create a new class of low power FM broadcast licenses.

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Being a career broadcaster who entered radio under the principles of the Communications Act of 1934, I have been dismayed by many of the events that have occurred since deregulation. I've held an FCC 1st Class License since 1956 and I have been a Ham Radio operator even longer. I have always taken the Commission and its regulations very seriously and I understand the necessity of both.

There were two important principles embedded in the Act of '34. One was that the airwaves belong to the people, and for the privilege of being granted a commercial broadcast license, licensees were obligated to serve the public interest in a number of ways.

Another principle was based on the recognition of the fact that business at its higher levels is a very predatory game and in need of restraint. Because a commercial broadcast license is virtually a license to print money, the commission of the time knew it would be very much in demand and therefore in need of regulatory control. After dealing with J.P. Morgan, John D. Rockefeller and their kind, the government understood the necessity of placing limits.

Unfortunately, during the Reagan era, the Act of '34 was deregulated away. We now find ourselves in a time where allocations are auctioned off to the very wealthiest individuals who now own hundreds of licenses, and the interests and access of the people have dwindled to nothing. Along with this came an abandoning of responsibility to local communities. Frustration at this situation has led some to pirate broadcasting, something I do not condone but do understand in a sociological context. Should an individual foolishly decide to file for an allocation today, they will be gang-contested and drawn into long protracted legal entanglements calculated to financially exhaust them. The interests of a few hundred individuals are now held as more important than the long acknowledged interests of hundreds of millions of American citizens. Clearly, some reform is necessary.

The new class of low power FM broadcast licenses proposed by the commission is a step in that direction. The reaction to this proposal by those holding existing commercial broadcast licenses is predictable. They will ask why their investment should be challenged by those whose financial exposure isn't as great. The answer is that the pendulum has swung too far in the direction of unbridled greed, as with the robber barons of the industrial age. A case could be made that the megaduopolies are in violation of the spirit, if not the letter, of the antitrust statutes.

Another objection raised is that of overpopulating the broadcast band. This is a valid consideration in urban areas but there are vast spaces of this country where very few stations are

on the dial. It is there that low power broadcasting can add to the variety of entertainment and the diversity of viewpoints that make America what it is.

There is also the question of whether low power FM broadcasters should be allowed to offset their operating expenses by selling commercial impressions. Broadcasting is an expensive pursuit. To disallow low power broadcasters from defraying their operating expenses would be yet another form of exclusion. Existing commercial license holders will say that this process would erode their revenues. With their massive radiated power advantage and enormous financial resources, if they can't dominate over under-funded low power stations, then they haven't mastered their craft.

The fears of the framers of the Act of '34 have largely been realized. Even then, it was clear to them what would happen if broadcasting were allowed to operate without restraint. They feared that stations would be traded like used cars and that eventually only a few interests would own every station in America and there would be no diversity of opinion, appearances to the contrary aside. That is a fair description of the present situation. The question arises, "Who owns the airwaves?" Has hubris led these mega-owners to believe that it belongs to them, or have they purchased the airwaves outright and the American people never got the memo? Either way, some form of relief is necessary. Affirmative action is a well-established principle in America for redress of long standing inequities. In the case of broadcasting, that affirmative action should be a protected class of low power FM broadcasting licenses more easily obtained by citizens. Additionally, these stations should be allowed to operate commercially to allow for a more equitable financial environment.

Like many others, I am encouraged by the current leadership of the F.C.C., and by the notice of proposed rule making currently under consideration and hope that the current deliberations are not just an exercise in the appearance of fairness but the beginning of a new era in broadcasting. Thank you for your kind consideration.