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April 6, 1999

RE: Comments for Notice of Proposed Rulemaking

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

Dear Sir or Madam:

Enclosed are formal comments pertaining to MM Docket 99-25, RM-9208 and RM-9242. Additional copies are filed for each Commissioner.

Sincerely,

Kenneth L. Fearnow
Vice President and General Manager

Enclosures (14)

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	KICT/FM Wichita, Kansas		KLLS/FM Wichita, Kansas

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

Creation of a Low)
Power Radio Service)

MM Docket No. 99-25

RM-9208

RM-9242

Comments of
Omaha Great Empire Broadcasting, Inc., Licensee of WOW AM/FM

As a 29-year radio broadcast veteran, I have seen significant changes in our industry: FM radio's advent; AM stereo; de-regulation; Docket 80-90; and consolidation, to name a few. Although not every change has been advantageous, I have viewed most of them as good for the industry and in the public interest.

The FCC's recent *Notice of Proposed Rule Making* concerning Low Power FM is an issue of grave concern. It threatens the health of the radio industry, and it falls short of what is needed to accomplish the Commission's LPFM proposal objectives.

The FCC should consider several questions before going forward with the LPFM proposal:

- 1) How will removing interference protection and adding hundreds or perhaps thousands of radio stations to the FM band serve the public interest? If long

established protection standards no longer exist, the certain degradation of current broadcast signals will result in a loss of service to listeners, the kind of service that LPFM operators will be unable to duplicate.

- 2) Will more women and minorities actually have opportunities to become station owners? Perhaps, but if LPFM licenses are auctioned, these groups may find the same barriers to entry into radio ownership as they do now.
- 3) How can the FCC ensure that radio—the most local of all communications services—will be able to make a smooth interference-free transition to digital? The proponents of In-Band , On-Channel digital radio have been developing their systems based on the current interference protection standards. Any alteration to the second-adjacent channel spacing restrictions could harm radio broadcasters channel spacing restrictions could harm radio broadcasters in their transition to digital.
- 4) Now that radio is finally healing from their wounds caused by Docket 80-90, is it wise to open them up again by introducing avenues for similar problems? For many radio broadcasters, the Telecom Act of 1996 provided a means for survival. Many were far from profitable, particularly those in small markets where proposed LPFM frequencies would be in long supply.
- 5) Are Pirates trustworthy? It is simply not likely that scoundrels will want to become good citizens. They will more likely find ways to circumvent FCC regulations as they do now, figuring the Commission will be too busy administrating LPFM and won't have time to investigate illegal pirate activities, and they are probably correct.

- 6) Will the FCC have the resources to handle the additional enforcement and administration responsibilities that will come with additional LPFM frequencies? Thousands of applications to process combining with awesome enforcement burdens can do nothing but impede the wellborn intentions of the Commission.

Few would argue with the fact that Low Power FM would strike a devastating blow to radio, forever changing the medium we know today. Interference problems would hinder radio's present ability to serve communities with breaking news, severe weather information, agri-service and public service information. LPFM cannot satisfy the needs of worthy minority groups that deserve more opportunity than low power neighborhood radio stations can provide. LPFM would allow anyone with enough money to have access to public airwaves, potentially irresponsible people, or hobbyists who have little or no concern for the public interest, creating regulatory nightmares for the FCC.

The Commission should carefully consider the consuming consequences of Low Power FM before moving forward with its proposal.

Respectfully submitted,



Kenneth L. Fearnow

Vice President & General Manager