

*John H. Battison P.E.*

CONSULTING COMMUNICATIONS ENGINEER

2684 STATE ROUTE 60

LOUDONVILLE, OHIO 44842

(419) 994-3849 • FAX (419) 994-5419 • CELLULAR 419/282-7058

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99-25

Mr. Magalie Roman Salas,  
Secretary,  
Federal Communications Commission,  
1919 M. Street N.W.  
Washington, D.C. 20554

May 10, 1999

Dear Sir:

Enclosed please find the original and five copies of my comments on Docket MM.9925 Notice of Proposed Rule Making in the matter of a new Low Power FM Service.

Sincerely,

  
John H. Battison PE  
Consulting Radio Engineer.

Enc: Original and 5 copies Comments.

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Before the  
Federal Communications Commission  
Washington D.C. 20554

In the Matter of )

Creation of a Low )  
Power Radio Service )

) MM Docket No 99-25  
) RM-9208  
) RM-9242  
)

COMMENTS ON PROPOSED RULE MAKING

May 10, 1999

1. There is a certain degree of logic in the Commission's proposal to establish a new "microradio" class of low power FM radio stations. The current freedom to purchase radio stations, resulting in multihundreds of radio stations being owned and operated by single entities, has given rise to unrest and dissatisfaction to a number of vociferous and restless individuals who desire to air their own philosophies, but are barred from doing so by the almost total lack of local voices existing in today's radio programming. This is unfortunate, and the Commission's concern with these minority groups is commendable.
2. Unfortunately the Proposed Rule Making seeking to rectify the situation will only exacerbate matters at the cost of causing deterioration to existing FM radio service. Although the Broadcast Agreements with Canada and Mexico provide for Low Power FM service it appears that commercial FM receiver tuner design has not progressed far enough to provide interference protection to second and third adjacent channels of existing FM stations. To abolish second and third adjacent channel protection would endanger the reception of innumerable FM stations and probably result in economic problems and the eventual failure of a number of such stations. Additionally the effect of such second and third adjacent channel protections on IBOC has not been fully examined. This new broadcast service has an apparent potential for widespread signal and service improvement. It would be a great pity if IBOC were stillborn through a commendable desire to provide a service that would serve only a few people. Freedom of speech is the backbone of the spirit of the United States of America, but even such lofty ideals have to bow to facts of physics.
3. It appears that the Commission intends for the proposed service to operate in a somewhat unsupervised manner, with almost automatic operating grants and great reliance on licensees who will follow the Rules. Past experience has shown that such lofty ideals do not pan out as planned. *Vide* the Citizens Band service *debacle* of many years ago when the Commission found it impossible to police their licensees, threw up their hands, and allowed the service to operate unlicensed. The result was that a law abiding and serious service—the Amateur

Radio Service— was penalized, almost denied use of the ten meter band and the manufacture of a widely used power amplifier was banned by the Commission.

4. It is far from inconceivable that a similar catastrophe could occur should a Low Power FM service be authorized. Given the temperament of many of the supporters of LPFM, among whom are former and existing "pirates," it is entirely possible that lawless elements will decide on their own engineering "rules" and use whatever power suits them. The effect of such behavior on licensed full service FM stations would be extremely serious.
5. Given that a requirement does exist for some form of service to meet the undoubted need of far too many communities to broadcast purely local material, it is implicit in the Commission's mandate to search for a truly low power solution. Investigation should be made envisioning the use of powers of 1 watt to 5 watts ERP. Power would be determined by the size of the community to be served. In many cases more than one transmitter could serve a given community. Such a concession would satisfy the needs of those who feel deprived of a voice in their communities. It would be absolutely imperative that the Commission establish very strict Rules to control such a service. Based on the history of the CB service it is may not prove possible to do this. In which case the needs of the majority of listeners for unsullied FM service must be preserved.

Respectfully submitted,

  
John H. Battison PE  
Consulting Radio Engineer  
Loudonville, Ohio