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UNITED STATES OF AMERICA
Before The
FEDERAL COMMUNICATIONS COMMISSION
455 12th Street S.W.
Washington, DC 20554

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In The Matter of) MM Docket 99-25
Creation Of A Low Power) RM-9208
Radio Service) RM-9242

WRITTEN COMMENTS OF JOHN R. BENJAMIN AND CHARLES COPLIEN

JOHN R. BENJAMIN AND CHARLES COPLIEN are United States citizens. We have an interest in Low Power Broadcasting and would like to start a community station in Western Pennsylvania, where we reside.

We live in an area characterized by mountains, forests, villages and small towns. Although metropolitan Pittsburgh, metropolitan Buffalo, metropolitan Cleveland, metropolitan Wheeling and metropolitan Philadelphia support many radio stations, we fall outside all of these urban areas. Pennsylvania is generally regarded as an urban state, but we live in one of those "gaps", between large urban areas, where so much of America has "fallen through the cracks".

We are NOT an exceptional case. You can find similar areas of drastic radio under-service in much of upstate New York (another state with an urban reputation) and in other States which border Pennsylvania. Moving farther west, you can find entire states that "fall into the gap".

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Our situation is common in a country where conventional radio stations have had the inclination, AND the legal authorization, to serve the majority of America's POPULATION while abandoning a majority of America's LAND AREA.

Thus, for large urban areas, Low Power Radio can be the key to greater diversity in radio programming. In rural areas, such as ours, Low Power Radio is often the key to ANY kind of radio programming. Period.

The two of us would like to build new careers that center on easing the problem of radio under-service in our little corner of rural-to-small town America.

We love this beautiful portion of Pennsylvania and we feel it has been good to us. As we said at the outset, we want to establish a community radio station here: one that is locally based and devoted to extensive community coverage.

We want to do this because we are drawn to broadcasting as a profession. We ALSO want to do it, however, as a way of paying our community back.

This area deserves better than the treatment it has received from the conventional radio industry. Please give us the right to be part of the solution!!

GENERAL AGREEMENT WITH THE AMHERST ALLIANCE

Both of us are Members of THE AMHERST ALLIANCE, a nationwide organization composed of groups and individuals who support greater diversity in media ownership and media programming. One of us, John R. Benjamin, is Communications Director for this organization and sits on The Amherst

Coordinators: Amherst's equivalent of a Board of Directors.

Although THE AMHERST ALLIANCE has not yet finalized its Written Comments in FCC Docket MM 99-25, we know that it will almost certainly be supporting establishment of both an LP-100 Tier AND an LP-10 Tier -- with a variant on Primary Service Status for both. Also, THE AMHERST ALLIANCE will almost certainly propose restricting LP-1000s to areas with low to moderate population density. Further, Amherst will be advocating a place within LPRS for both commercial-free AND commercial-airing stations, will be urging the FCC to limit LPRS licenses to "one to a customer", will be asserting that LPRS licenses should be made renewable and will be expressing its commitment -- as an organization -- to the development of DIGITAL Low Power Radio.

On these and other issues, we agree with the probable recommendations that THE AMHERST ALLIANCE will offer to the Commission.

However, there are THREE SPECIFIC ISSUES on which we feel we must differ from the majority of Amherst Members -- and take our own independent positions, as individuals, On The Record.

TRANSLATOR STATIONS SHOULD NOT BE "BUMPED"

THE AMHERST ALLIANCE has already taken, very forcefully, the position that no Low Power Radio station should be subject to "bumping" by another Low Power Station -- or anyone else.

At the same time, however, THE AMHERST ALLIANCE does not appear to favor giving translator stations the same kind of protection.

Amherst will probably be supporting the proposition that 250 watt translator stations should NOT be subject to "bumping" by an LP-100 or an LP-10. At the same time, there is no indication that Amherst will oppose the FCC's implied position that 250 watt translators SHOULD be subject to "bumping" by LP-1000s.

For our part, we have dear friends who are involved with translators and we do not wish to see them "bumped".

However, even in the case of people we do not know, we oppose yanking stations off the dial after so much time, energy, money and HOPE has been invested in them.

We also note that translator stations, while less valuable to a community than locally owned and oriented stations, have nevertheless filled a vacuum in recent years. Without translators, some communities across America would have no radio programming at all.

Thus, while we hope and believe that Low Power Radio will bring more locally based stations to the rural areas, small towns and small cities of America, we also believe that translator stations deserve some consideration for their role in providing a degree of "stopgap" radio to areas such as ours.

We ARE willing to allow "bumping" of translators which are inactive.

EAS REQUIREMENTS SHOULD NOT APPLY

TO LP-100s OR LP-10s

THE AMHERST ALLIANCE appears ready to take the position that Emergency Alert System (EAS) equipment should be mandatory for LP-100 stations, mandatory for LP-1000 stations and optional for LP-10 stations.

We agree with only the last two thirds of this position: that is, LP-1000s should be subject to, and LP-10s should be exempt from, EAS requirements.

As for the first third of the probable Amherst position, we can see the value of having EAS equipment installed and operational at LP-100 stations, and even at LP-10 stations. However, we are concerned that the costs involved -- roughly \$1,000 to \$1,500 -- could make the difference in determining whether or whether or not a prospective LPRS broadcaster can afford to go on the air.

In the case of LP-10s, where EAS requirements could boost the capital costs by 50% or more, the negative financial impact is obvious. However, even though the basic capital costs are moderately higher for an LP-100, and the RELATIVE cost impact of EAS equipment is proportionately smaller, it is also true that LP-100 revenues minus costs -- at least during the first few years of operation -- may yield a very marginal margin of net income. This marginality of cash flow could easily be thrown off balance, shifting early cash flow from positive to negative, if another \$1,500 for EAS must be added to the equation.

We are willing to reconsider our position if emergency preparedness

agencies (or others) are willing to subsidize EAS equipment costs, for LPRS stations, through grants and/or low-interest loans.

"TYPE ACCEPTANCE" OF EQUIPMENT

As Amateur Radio operators (aka "hams"), we believe that "type acceptance" of equipment should NOT be mandatory for those who have been trained as amateur radio operators with the rank of Technician or higher.

Those who have received this level of training have earned the competence that entitles them to some degree of discretion. They do not require the same degree of regulatory oversight as those who have not taken the initiative to pursue special training.

Allowing these TRAINED radio operators to build their own equipment will reduce their "startup" capital costs for their station -- AND create the possibility of technological innovation and invention that might benefit many others.

In addition, giving TRAINED radio operators a degree of extra discretion will create a strong incentive for more people to obtain such training.

At present, it appears that THE AMHERST ALLIANCE will be neutral on "type acceptance" of equipment. As noted, however, we believe this is a sound and beneficial policy -- which could reduce costs, increase innovation and encourage training. It deserves, and is now receiving, our vocal support.

CONCLUSIONS

For the reasons set forth herein, we urge the Commission to proceed with establishment of a Low Power Radio Service at the earliest reasonable time. We also urge the Commission to adopt the policy recommendations of THE AMHERST ALLIANCE, with these THREE EXCEPTIONS: (1) preventing the "bumping" of translator stations by any LPRS station, including an LP-1000; (2) applying the EAS requirement to LP-1000 stations ONLY, while exempting LP-10s and LP-100s; and (3) permitting Amateur Radio operators, with a rank of Techbician or higher, to bypass "type acceptance" requirements and build their own equipment.

Respectfully submitted,

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Dated: _____

March 21 1999