

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

In the Matter of )  
 )  
Creation of a Low ) MM Docket No. 99-25  
Power Radio Service )  
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To: The Commission - Mail Stop 1170

**COMMENTS OF JEFFREY S. RICHMAN**

These Comments are filed by Jeffrey S. Richman, Chief Operator of WHHB, Class D NCE-FM, Holliston High School, Holliston, MA. WHHB is operated by the students of Holliston High School.

***Introduction***

The Commission’s proposal to create a new low power radio service (“LPFM”) has the potential to go far towards achieving its goals regarding community-oriented radio broadcasting, increased broadcast ownership, and diversity of programming. Numerous specific policy issues remain to be resolved, however, which may dramatically impact the level of actual public benefit realized as a result of this initiative. The Commission is challenged with balancing the interests of incumbent “full power” broadcast licensees against those of potential LPFM applicants. WHHB interestingly finds itself on both sides of this issue.

***Class D Licensees Should Not be Secondary to LPFM Licensees***

As a “full power” licensee, WHHB wishes to protect its right to broadcast, and as such, urges that its secondary status be placed on equal footing with all classes of LPFM radio service

in terms of spectrum priority. As Holliston's only licensed broadcast station, WHHB has served in the public interest for over 20 years. As a result, the Town of Holliston and various civic organizations have provided significant financial support for WHHB. To now threaten that investment of time, effort, and dollars by allowing an applicant under the proposed new rules to force WHHB to cease operation seems unreasonable. Class D (secondary) licensees deserve protection from such outcomes.

***Disregarding 2<sup>nd</sup> and 3<sup>rd</sup> Adjacent Interference is in the Public Interest***

While incumbent broadcasters rightly wish to protect their coverage areas to the greatest extent possible, LPFM will achieve some important goals, reversing some of the recent consolidation of ownership seen in the broadcast industry. The Commission has recognized the limited availability of channels for LPFM under the current allocation rules, however. In the FCC's test of 60 cities, only 33 LP1000 and 71 LP100 stations are available, making the LPFM initiative all but academic. Disregarding 3<sup>rd</sup> adjacent interference increases those numbers to 146 and 328, respectively. This is a significant jump, to be sure, but the results increase dramatically when 2<sup>nd</sup> adjacent interference protection is discounted. Without 2<sup>nd</sup> adjacent interference protection, 428 LP1000 and 1,155 LP100 stations are possible.

This discussion is about the fair allocation of a limited natural resource among many parties, most of whom would make good use of a channel if one were awarded to them. With excess demand, as exists with the FM broadcast spectrum (particularly in heavily populated areas of the country) a compromise solution will likely result. It seems that most incumbent broadcasters can live with 3<sup>rd</sup> adjacent interference without significant concern. A reasonable compromise, if the Commission chooses not to entirely disregard 2<sup>nd</sup> adjacent channel interference for LPFM, would be to disregard 2<sup>nd</sup> adjacent interference for the smaller class of station, LP100.

These stations could hardly create significant interference to a full power station, and could easily be required to remedy any problems they might create via providing filters to affected members of the public.

### ***Class D Licensees Should be Allowed to Upgrade to LPFM***

While considered a “full power” station, WHHB actually operates with lesser facilities (17 Watts ERP, 62 M HAAT) than either the LP1000 or the LP100 classes that are proposed. As such, WHHB would potentially have an interest in “upgrading” its facilities to either LP100 or LP1000 class. I urge the Commission to permit remaining<sup>1</sup> Class D NCE-FM licensees to file applications for LPFM stations contingent on the divestiture of their Class D station in the event they are successful in obtaining and LPFM station. I believe that it is in the public interest not only to allow, but to give priority to, Class D licensees in the LPFM application process. The Commission should perhaps even consider direct conversion of remaining Class D stations to LPFM stations. These actions would further the Commission’s goal of increasing efficiency of spectrum utilization.

### ***LPFM Licenses Should be Renewable***

The Commission seeks comment on whether to make LPFM station licenses renewable. The effort associated with building broadcast facilities and developing a staff capable of delivering quality programming is significant. I feel that it is unreasonable to make licenses non-renewable. While the concept of giving others a “turn at the microphone” is appealing, two real problems are created. First, many potential applicants who have valuable messages to deliver might be deterred from applying for an LPFM station if they did not have an expectation of renewal. Second, at each license transfer, the channel would likely be off-air for some period of time. This would be

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<sup>1</sup> The Commission ceased authorizing new Class D licenses in 1978, and has had policies that encourage Class D licensees to upgrade, change channel, or otherwise increase spectrum availability to the maximum extent feasible.

confusing to the public, and clearly not in the public interest. In addition, I believe that non-renewable licenses would, in fact, be inconsistent with the “renewal expectancy” Congress intended in Sections 307(C) and 309(k)(1) of the Communications Act of 1934, as amended.

***Special Modulation or Bandwidth Limits for LPFM are Unreasonable***

While limits on modulation and/or bandwidth for LPFM licensees might help to limit the perceived impact of relaxing 2<sup>nd</sup> and or 3<sup>rd</sup> adjacent station separation rules for LPFM, the cost of specialized equipment required to implement either of these requirements would likely be prohibitive to many of the potential applicants for whom the Commission seeks to provide access to the airwaves. For many small broadcasters, used equipment will be a requisite compromise in order to build an LPFM broadcast facility. The introduction of new technical requirements will likely raise the cost of new equipment, and will virtually eliminate (at least initially) the availability of used equipment.

***LPFM Should be Reserved for Non-Commercial Licensees***

Commercial ventures will generally tend to attempt to maximize revenue, which is generally achieved by trying to serve the largest possible audience. While this phenomenon is perfectly reasonable, it is at odds with the goal of increasing diversity in radio voices and program services. For LPFM to achieve its maximum effect, non-commercial entities should at least receive preferential treatment in the licensing process. While commercial ventures can raise capital to bid at auction for full power channels, non-commercial entities must hope for luck in a lottery, their qualifications in a point system, or some other method that does not equate licensing value with financial wealth. Commercial licenses are for sale to commercial ventures every day. It is the non-commercial broadcaster who most furthers the Commission’s goals for LPFM, and who most deserves increased access to the FM broadcast spectrum.

### ***LPFM Licensees Should Have Access to Radio Broadcast Auxiliary Frequencies***

Radio broadcast auxiliary frequencies are extremely useful, if not essential, for many broadcasters, large and small. It is not reasonable to universally preclude the use of this part of the spectrum by LPFM broadcasters. In cases in which there might be a scarcity of available spectrum for radio broadcast auxiliary use, perhaps LPFM licensees should have a lower priority for spectrum allocation than that of “full power” licensees.

### ***LPFM Licensees Should Use Calls Like Those of Full Power Stations***

The purpose of call signs is to identify stations. Identifiers are only useful when they are recognized by the reader/listener as such. The public is accustomed to identifying radio and TV stations by four letter calls beginning with either “K” or “W”. Any other identification system would create confusion, at least initially, with little if any public benefit. If LPFM licensees, by their very names, are required to identify their class of service, why should not all licensees list their class as part of station identification? The lesson of low power television (“LPTV”), in which an initially “different” call sign system was replaced with the “normal” four-letter system, is relevant. The same finding is true in this case: the public interest will be served by allowing LPFM stations to use call signs that are like those of full power stations.

**Conclusion**

The LPFM proposal offers the public all of the goals sought by the Commission in its *Notice of Proposed Rule Making*. The specific policy decisions made by the Commission in adopting LPFM will determine the extent to which the goals of LPFM are realized. I thank the Commission for hearing my voice and those of the students of WHHB on this important matter.

Respectfully submitted,

JEFFREY S. RICHMAN

Signed: \_\_\_\_\_

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