Adrian Kohn, General Manager
WGTB 92.3 FM
316 Leavey Center
Georgetown University
Washington, DC 20057
June 7, 1999

Office of the Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, SW
Washington, DC 20544

To whom it may concern:

I wish to file these formal written comments on the FCC's record in the proceeding regarding the establishment of a Low Power FM broadcast service, Mass Media Docket No. 99-25. Accordingly, I have included a signed original and nine copies.

This letter should NOT be considered part of my formal comments.

Signed,

Adrian Kohn

Adrian Kohn

United States of America
Federal Communications Commission
Washington, DC

In the Matter of
Proposal for Creation of Low Power FM
(LPFM) Broadcast Service, as discussed
in the Notice of Proposed Rulemaking, MM Docket 99-25

Written Comments of Adrian Kohn, General Manager
WGTB 92.3 FM
Georgetown University
Washington, DC

Please note that the opinions expressed herein represent the personal views of the author in accordance with his support for legislation that benefits the radio station for which he serves as General Manager. The opinions expressed herein do not necessarily represent the views of Georgetown University.

A. Need for Low Power Radio Service

1. The Federal Communications Commission must legalize Low Power FM (LPFM) broadcasting promptly. Because of the passage of the Telecommunications Act of 1996, communications conglomerates have monopolized the FM bandwidth in every large and medium market in the United States of America. This monopoly has resulted in a lack of community-oriented programming. The absence of localism in radio hurts the American people. Barriers to radio station ownership that exist for universities and schools, individuals, minorities, local churches, and community groups must be lowered. LPFM will allow common American citizens to realize their dream of owning and operating a small, low-powered FM station in the interests of their community. Moreover, LPFM will give local individuals the opportunity to add their voice to the airwaves. Communities across the United States of America will be rewarded by LPFM broadcasting as Washington, DC, will benefit from the local programming offered by college radio stations. LPFM is the best method for applicants interested in locally focused radio to broadcast.

2. Cable FM, the means of broadcasting for many universities across the United States, deprives potential listeners of the benefits of university radio stations because their signals are in effect "hard-wired" into campus buildings. Without a true broadcasting signal, potential listeners cannot receive the unique programming on college radio stations. Moreover, these potential listeners are unaffected by the power of local radio broadcasting to bring their community together. If college radio stations were able to broadcast with a low power signal, the stations would forge a common sense of local pride among students, residents, local merchants, and area businesses. LPFM will allow college radio stations to offer their unique, diverse, community-focused programming to the surrounding area.

3. University radio stations can build a sense of community by means of their broadcast. College radio with an LPFM broadcast will enable undergraduates, graduate students, residents, local merchants, and area businesses to interact and unite as a community. However, many residents cannot receive their local college's cable FM broadcast. All members of the community must have the ability to share the resources that their university's radio broadcast offers, such as eclectic music programming, local news and sports talk shows, and coverage of community events such as concerts, meetings, and neighborhood clean-up days. LPFM broadcasting is the best method for colleges to provide their communities with local programming.

4. Low Power FM broadcasting will alleviate the barriers to broadcasting that exist due to the crowding of the FM bandwidth in metropolitan centers like Washington, DC. The FM bandwidth in major national radio markets tends to be filled by full power FM stations because of the promise of advertising profit. Thus, in order to get an opportunity to broadcast on the current FM bandwidth in Washington, DC, universities would have to wait for a current station to go out of business or buy a currently operating station. These two methods for university broadcasting are unlikely at best. It takes years for a radio station to go out of business and because Washington, DC, is the eighth-largest national radio market, buying a station that is operating or defunct will require tens of millions of dollars. Educational institutions and most individuals are excluded from owning an FM broadcast station because they are prohibitively expensive. LPFM offers an inexpensive alternative for educational institutions and individuals of limited financial means to broadcast local programming.

B. Spectrum Considerations

5. The FCC must apply the current division between noncommercial educational and commercial stations on the FM bandwidth to LPFM stations. All interests will be best served if noncommercial educational LPFM stations are located on the current noncommercial educational section of the FM band (channels 201-220; 88.1 MHz to 91.9 MHz). Similarly, commercial LPFM stations should be located on the current commercial section of the FM band (channels 221-300; 92.1 MHz to 107.9 MHz). By applying the current division of the FM band that presently applies to normal, full power FM broadcast stations, the interests of both those seeking noncommercial educational stations and those seeking commercial stations will be protected.

C. Technical Overview of LPFM Services

6. LP100 stations must have secondary status. Because of the lower power of LP100 stations in comparison to both LP1000 stations and full power FM stations, they must be classified as secondary status stations. LP100 stations, being the second tier of low power radio stations, must allow interested applicants to broadcast with maximum ease. In exchange for their secondary status, LP100 stations must not be forced to follow Part 73 regulations as strictly as LP1000 stations and full power FM radio stations.

7. LPFM stations must be treated as primary with respect to FM translators and boosters. Principles of LPFM radio broadcasting include allowing additional voices on the airwaves and encouraging local programming. FM translators and boosters simply rebroadcast a signal, necessarily preventing someone the opportunity to broadcast original, community-focused programming on that channel. This violates the spirit of LPFM radio broadcasting. Because FM translators and boosters rebroadcast unoriginal programming, future translators and boosters must not receive interference protection from any LPFM stations and must be treated as secondary with respect to all LPFM stations. In addition, existing translators and boosters must not receive "grandfathered" interference protection from any LPFM stations because this protection will similarly prevent opportunities for new voices on the airwaves; existing FM translators and boosters must be treated as secondary with respect to all LPFM stations. Furthermore, in order to maximize the opportunities for new voices on the airwaves, all LPFM stations must be prohibited from utilizing FM translators and boosters.

8. A third tier of "Microradio" stations must be established. The spirit of LPFM is to allow applicants who are interested in broadcasting local programming a voice on the airwaves. In this spirit, a class of LPFM stations with signal strengths even lower than LP100 stations must be created. The small signal strengths of Microradio stations will prove useful in metropolitan areas like Washington, DC. Where the FM band is presently crowded and LP1000 and LP100 stations cannot exist, Microradio stations will be able to broadcast. Because of the lower power of Microradio stations in comparison to LP100 stations, LP1000 stations and full power FM stations, these Microradio stations must be given tertiary class; they must protect the signals of all other kinds of radio stations including LP100, LP1000 and full power. However, in order to maximize the effectiveness of LPFM by allowing the greatest number

of new voices on the airwaves, Microradio stations must not be required to protect the signals from FM translators and boosters. Microradio stations, being the third tier of low power radio stations, must allow interested applicants to broadcast as easily and quickly as possible. Thus, Microradio stations must not be forced to follow Part 73 regulations as strictly as LP1000 stations and full power FM radio stations.

D. Interference Protection Criteria

9. The FCC must not disqualify secondary (and tertiary) class LPFM stations by over-protecting them against interference. All LPFM stations must be required to provide interference protection to stations of higher class (i.e. if Microradio stations are assigned tertiary class, they must protect secondary LP100 stations, and primary LP1000 and full power stations). By nature of their primary status, LP1000 stations must also protect other primary class stations (other LP1000 stations and full power stations). However, the FCC must not require that LP100 and Microradio stations receive interference protection from other tiers of LPFM stations and full power stations. Since LP100 and Microradio stations will likely be secondary class (or tertiary), protection from interference will work against these stations by disqualifying them from operating. Protection from interference will make the spaces between full power stations too narrow for LPFM stations altogether. This phenomenon will detract from the usefulness of LPFM as a service enabling the greatest number of applicants to broadcast local programming.

10. LP100 stations must be allowed to receive small amounts of interference. The trade-off of assigning secondary (or tertiary) status to LP100 and Microradio stations is that they do not receive the benefits of primary status (such as full protection from interference); however, they also must not be forced to follow Part 73 provisions as strictly as LP1000 and full power FM stations must. This provision will alleviate the substantial problems endangering the LPFM service in metropolitan markets like Washington, DC. Though it is by far the simplest and most efficient way to license new LPFM stations, the FCC's proposed use of minimum distance separations would prevent some opportunities for new voices on the airwaves. An application system based strictly on minimum distance separations will not squeeze the maximum number of new stations into a market. According to the "Minimum Distance Separation (km) Necessary To Cause No Overlap/Receive No Overlap" listed in Appendix B of the FCC's Notice of Proposed Rulemaking (MM Docket 99-25), there are currently no possibilities of an LPFM station in the Washington, DC, area (be it LP1000, LP100, or Microradio). This is because of the "Receive No Overlap" numbers corresponding to LP1000 stations (p. 49), LP100 stations (p. 51), and Microradio stations (p. 53). If these numbers are strictly adhered to, LPFM will not have an effect on the residents of Washington, DC. Denying Washington, DC, radio listeners the benefits of a local, community-oriented broadcast would be a sad failure of LPFM. The FCC's proposal should use minimum distance separations in the licensing of LPFM stations. However, because this method will not license the maximum number of LPFM stations possible, the FCC must allow LP100 and Microradio stations to receive small amounts of interference pursuant to their secondary (or tertiary) status, which will enable more LPFM stations to exist.

11. Broadcasting restrictions on third-adjacent and second-adjacent channels must be eliminated. With the precision of today's transmitters, the restrictions of broadcasting on third-adjacent and second-adjacent channels on the FM bandwidth are unnecessary. The elimination of the FCC's unneeded limitations will create much-needed space on the FM dial for LPFM stations. LPFM stations dedicated to local programming will fit between the much stronger signals of the full power stations on the FM bandwidth without causing interference. Full power FM stations (which are much more powerful than proposed LPFM stations) broadcasting on third-adjacent and second-adjacent channels from other full power FM stations have caused no interference, as established on record in paragraph 35 of FCC Report and Order In the Matter of Grandfathered Short-Spaced FM Stations (MM Docket 96-120). Thus, it is safe to assume that LPFM stations, which all have signals much weaker than full power FM stations, will not cause interference on third-adjacent and second-adjacent channels.

E. LPFM Emissions and Bandwidth

12. LPFM stations must have neither increased emission attenuation requirements nor reduced bandwidth. Because full-power FM stations do not interfere with other full-power FM stations on third-adjacent and second-adjacent channels, as established on record in paragraph 35 of FCC Report and Order In the Matter of Grandfathered Short-Spaced FM Stations (MM Docket 96-120), neither stricter emission masks nor reduced bandwidths are needed for LPFM stations (because LPFM signals will be significantly weaker than full power signals). Instead, stricter emission masks and reduced bandwidths will increase the complexity and cost of broadcasting an LPFM signal (by requiring new equipment), thereby preventing the opportunities for most to provide unique, local programming efficiently and with minimal expenses. Because of their weak signals, LPFM stations will not degrade the integrity of the FM bandwidth. Strict emission attenuation requirements and reduced bandwidth are unnecessary and debilitating for LPFM.

F. Ownership and Eligibility

13. Strict ownership limits with respect to LPFM stations must be established. Anyone with an attributable interest in a full power station must not be allowed to have any ownership interest in an LPFM station. The Telecommunications Act of 1996 allowed for the monopolization of full power stations on the FM band by relaxing strict limits on owning multiple stations. Because LPFM radio broadcasting was not being considered when the Act was issued, the law does not apply to the current proceeding regarding LPFM. The FCC can and must establish strict ownership limits. The LPFM service must allow new voices on the airwaves, particularly local programming. Individuals and entities must not be allowed to own more than one LPFM station in the same market. Because one purpose of LPFM radio broadcasting is to allow new voices on the airwaves, the FCC must place strict limits on national ownership as well. Every LPFM station must exist for the benefit of the community in which it is located. One way to ensure this principle is to only allow local ownership of LPFM stations. Allowing one individual or entity to own five to ten stations across the United States violates the principles of increasing local programming and maximizing the number of new voices on the airwaves. For every individual or entity that owns five stations, four unique voices are silenced; for every individual or entity that owns ten stations, nine unique voices are silenced. Thus, residency requirements for owning an LPFM station must be established. The LPFM service must not be monopolized like full power FM stations. Methods of ensuring that LPFM broadcasting enables the greatest number of unique voices on the airwaves include establishing strict national ownership restrictions and requiring residency for owners.

G. Service Characteristics

14. Renewable licenses must be awarded for LPFM stations. By establishing strict ownership limits (such as a limit on the number of stations one individual or entity can own nationally and residency requirements) and by allowing LP100 and Microradio stations to receive small amounts of interference, the number of new voices on the airwaves will be maximized. The aforementioned provisions called for in these comments make non-renewable licenses unnecessary. Non-renewable licenses will discourage applicants from investing significant amounts of time and money in their LPFM stations. The quality of the broadcast will suffer if licenses are for a finite, non-renewable period of five to eight years. Thus, the public would suffer from having only temporary LPFM stations. LPFM stations will be integral sources of community programming. In exchange for their time, money, effort, and service to the community, LPFM owners deserve the ability to renew their licenses. LPFM stations must not have their life span artificially mandated by non-renewable licenses.

H. Applications

15. LPFM stations must be excluded from auctions. The guiding principle of LPFM broadcasting is to lower the barriers, especially the financial obstacles, that prohibit universities and schools,

individuals, minorities, local churches, and community groups from owning full-power FM stations. The Balanced Budget Act of 1997 called for mutually exclusive applications for full power stations to be resolved by auction. Because LPFM radio broadcasting was not being considered when the Act was issued, the law does not apply to the current proceeding regarding LPFM. The FCC can and must exempt LPFM stations from auctions. If LPFM stations were subject to auctions, the success of a guiding principle of LPFM radio (lowering of financial barriers to radio station ownership) will be violated. Individuals who care most about broadcasting in the interests of their local community will be impeded by the financial burdens inherent in the auctioning process. LPFM stations will become prohibitively expensive, the unfortunate fate of hundreds of full power FM radio stations across the United States due to the Telecommunications Act of 1996.

Respectfully submitted,

Adrian Kohn, General Manager
WGTB 92.3 FM
316 Leavey Center
Georgetown University
Washington, DC 20057
(202) 687- 3702 ext. 34

June 6, 1999