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WRITTEN COMMENTS
OF
WKJCE RADIO
Vowinkle, Pennsylvania

IN
FCC DOCKET NO. MM 99-25

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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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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JUL 2 0 1999

FCC Mail Room

In The Matter Of)

Creation Of A Low Power)
Radio Service

MM 99-25

RM-9208;
RM-9242

WRITTEN COMMENTS OF WKJCE RADIO

We are filing these Written Comments on behalf of WKJCE Radio. WKJCE is a current Internet broadcaster, and an aspiring Low Power Radio station, in the mountains of Western Pennsylvania. Located in a small town, not far from Penn State but beyond the reach of most metropolitan area stations, WKJCE would be run by John R. Benjamin and Charles Coplien.

We incorporate, by reference, two sets of Written Comments that were filed by John R. Benjamin and Charles Coplien as individuals.

Written Comments by these parties, in Docket MM 99-25, were dated March 22,1999.

Their Additional Written Comments in this Docket were dated May 13,1999.

If Low Power Radio is approved and WKJCE is licensed, the station would broadcast in stereo and feature shows done by our local community members.

We do not plan to hire DJs -- because we see ourselves as "a hands-on learning station". We plan to present learning opportunities for people in our community who are low on resources but high on motivation.

Across America, there are people who have no broadcasting knowledge, and also have no income or assets to pay for going to college, but DO have THE DREAM -- of "broadcasting for a radio station" . We want to "be there" for these people, just as we hope OTHER Low Power Radio stations will "be there" for OTHER people in OTHER communities.

We will try our very best to teach people how to pursue, and attain, "The Dream". We hope that, with the help of WKJ CE, many of these people will one day have the opportunity to get a good job in broadcasting.

Indeed, even though many conventional broadcasters are opposed to Low Power Radio, we expect to be training a lot of their future On Air Talent!!

In any case, between airing community-oriented programming and opening doors of opportunity for individuals, we believe we can "give something back" to a community which has given a great deal to us.

"INTERFERENCE" IS NOT A PROBLEM HERE!!

WKJCE Radio will be located in Western/Northwestern Pennsylvania. WKJCE will serve Vowinkle, Crown, Leeper and other little towns around our area here in rural Pennsylvania.

We will NOT be displacing any conventional broadcasters. They are no longer interested in areas such as ours -- where listeners number in the thousands rather than the tens of thousands or hundreds of thousands.

Yet listeners here need radio coverage -- and, especially, LOCAL coverage of news and weather -- as much as urban listeners do. We may even need such coverage MORE, since we have few other ways to get the information.

Naturally, we shake our heads in disbelief when we hear the NAB warning of "interference" from Low Power Radio stations. Out here, and across MUCH of America, there is nothing to interfere WITH!!

Yes, the Commission needs to move carefully, to avoid interference, when it licenses Low Power Radio stations in New York City or San Francisco.

But WHY should Low Power Radio remain illegal in places like Vowinkle, Pennsylvania -- when interference is only a serious concern in The Top 50 or 100 Media Markets?

Why should WE suffer HERE -- to avoid a POSSIBLE problem THERE?

And WHY does the NAB make interference such an issue when the obvious solution is putting LP-lOs in most "urban core" areas, LP-50s or LP-lOOs in most SUBurban areas and LP-lOOs or LP-250s in places like Vowinkle?

Here in Vowinkle, 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 exceptionat 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".

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 leaders of WKJCE, John R Benjamin and Charles Coplien, 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

WKJCE is not, as yet, a member of THE AMHERST ALLIANCE. However, both of WKJCE's Founders are Amherst Members. John R. Benjamin is Communications Director for this organization and sits on The Amherst Coordinators:Amherst's equivalent of a Board of Directors. Charles Coplien is an outstanding member of Amherst and has contributed major input to Amherst.

THE AMHERST ALLIANCE, in its April 28,1999 Written Comments and its June 7,1999 Additional Comments, has called for an LP-1 00 Tier AND an LP-1 0 Tier -- with a new form of Primary Service Status for each of these Tiers.

Also, THE AMHERST ALLIANCE has proposed creating an LP-250 Tier for small cities and rural areas -- with heights of 100 feet and 200 feet -- AND either abolishing LP-lOOOs or limiting them to areas with low population density.

Further, Amherst has advocated a place within the LPRS for both commercial-free AND commercial-airing stations ... has urged the FCC to limit LPRS licenses to "one to a customer" ... has asserted that LPRS licenses should be made renewable ... and has expressed its commitment -- as an organization -- to the development of DIGITAL Low Power Radio.

On these issues, and others, we agree with THE AMHERST ALLIANCE. We incorporate their Written Comments, and Additional Comments, by reference.

However, there are FIVE SPECIFIC ISSUES on which WKJCE must differ from Amherst -- and take its own independent positions On The Record.

CONVENTIONAL TRANSLATORS 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.

Although Amherst focuses most of its firepower on SATELLATORS, it does not openly support protecting CONVENTIONAL translators from possible "bumping" by an LP-1 00 or an LP-1 0. This is an implied acceptance of the FCC's implied position that these 250 watt translators SHOULD be subject to "bumping" by LP-lOOOs (and/or by LP-250s, if LP-250s are established).

WKJCE does NOT object to the "bumping" of SATELLATORS, which "pipe in" programming from studios that are hundreds of miles away.

However, we DO object to "bumping" of CONVENTIONAL translators, which merely relay essentially local programming to more distant points in the same general area.

We have dear friends at translator stations. We do not want to see them "bumped". Still, even with people we do not know, we oppose yanking stations off the dial after so much time, money and HOPE has been invested.

We also note that translator stations, while less valuable to a community than local stations, have still 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.

Again, WKJCE stresses that a distinction should be drawn between translators and SATELLATORS.

We say: "Translators YES, Satellators NO."

Other commenting parties have defined "satellators" as stations relaying signals over a distance of 400 kilometers (240 miles) or more. We believe this is a reasonable definition. Signals over such distances, from places with NO cultural or geographical links to their listeners, are an abuse of the translator station concept. Such SATELLATORS should be "bumpable".

With regards to conventional TRANSLATORS, we feel that reasonable people in the LPRS community, acting in concert with reasonable people in the translator community, should be able to work out reasonable accommodations -- which respect the special contributions of both groups.

EAS REQUIREMENTS SHOULD NOT APPLY TO LP-lOOs OR LP-lOs

THE AMHERST ALLIANCE has taken the position that Emergency Alert System (EAS) equipment should be mandatory for LP-1OO stations, mandatory for LP-100O stations and optional for LP-1O stations.

We agree with only the last two thirds of this position: that is, LP-1 OOOs should be subject to, and LP-lOs should be exempt from, EAS requirements.

As for the first third of the Amherst position, we can certainly see the value of having EAS equipment installed and operational at LP-1 0O stations, and even at LP-1 0 stations. However, we are concerned that the costs involved -- roughly $1,000 to $1,500 -- could make the difference in determining whether or not a prospective LPRS broadcaster can afford to go on the air.

In the case of LP-1 Os, 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-1OO, and the RELATIVE cost impact of EAS equipment is proportionately smaller, it is also true that LP-1 OO 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.

PLEASE NOTE that WKJCE has recently obtained Emergency Broadcast System (EBS) equipment. This equipment has been "Type Approved" by the FCC. If Low Power Radio is approved and WKJCE is licensed, we intend to install this EBS equipment as a less burdensome alternative to the EAS.

We do note the difference between EBS equipment and EAS equipment. However, we were told that EBS equipment is still being used -- and hence we thought it was a good investment.

We believe it can help to save lives in our area.

Nevertheless, we believe that both EAS and EBS should remain optional for LP-1 0 and LP-1 00 station operators -- unless, of course, some way can be found to pay for the equipment without imposing a crushing burden on these stations in their earliest, "formative" years.

"TYPE ACCEPTANCE" REQUIREMENTS SHOULD BE WAIVED FOR QUALIFIED INDIVIDUALS

THE AMHERST ALLIANCE is neutral on the possible easing of requirements for "Type Acceptancet' of equipment. WKJCE, however, believes reasonable alternatives to Type Acceptance should be available to QUALIFIED individuals.

WKJCE notes that, despite the neutrality of the Amherst group, the RM-9208 Petitioners -- Nick Leggett and Judith Fielder Leggett of Virginia, plus Don Schellhardt of Connecticut -- have spoken on this subject AS INDIVIDUALS. The Leggetts and Don Schellhardt have proposed Type Acceptance reforms which reflect thinking similar to our own.

At WKJCE, we believe that "Type Acceptance" of equipment should NOT be mandatory for those who:

(A) have been trained as Amateur Radio Operators with the rank of Technician, and/or Technician Plus, or higher;

OR

(B) currently hold A General Radio/Telephone license from the FCC.

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 the "startup" capital costs for their stations. It will ALSO encourage technological innovation and invention that might, ultimately, 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.

We believe this approach is a sound and beneficial policy -- which could reduce costs, increase innovation and encourage training. It deserves, and is now receiving, our vocal support.

Please Note WKJCE is about to purchase a "FCC type approved"
25 -110 watt Exciter, So if low power radio is approved,
We Hope to meet and exceed any regulatuions set forth by the commision.
We understand that many other operators may not be able to afford this type of equipment.

STUDIO TRANSMITTER LINKS SHOULD BE ALLOWED

This is an important issue. Amherst has been silent on it, but WKJCE has not. We support the proposal advanced by REC Networks on pages 24 and 31 of its May 10,1999 Revised Comments -- which we incorporate by reference.

Most licensed stations have access to Studio Transmitter Links (STLs). LPRS stations should ALSO be able to use STLs -- IF there are frequencies in their area that will accommodate them.

If LPRS stations are allowed to have STLs (where the frequencies are available), then such LPRS stations could have remote broadcasts -- for parades, school events and many other purposes. STLs could also be used to control an LPRS station if that station's transmitter is not in the same building as the studio. This would allow most LPRS operators get out from their studios and mingle with the public they are serving.

We also agree with REC networks for use of any auxiliary Broadcast services

That are being used by Commercial Stations for RPU links and etc.

"CALL SIGN" CONCERNS CAN BE RESOLVED EASILY

WKJCE differs a bit from REC Networks on the idea of LPRS Call Signs.

In this regard, we refer the Commission to pages 33 and 34 of the previously

referenced REC Networks Revised Comments.

WKJCE proposes the following policy:

If a Low Power Radio station uses a 6-LETTER CALL SIGN, then a suffix

should NOT be required -- since, to the best of our knowledge, NO currently

licensed station has a 6-letter Call Sign. The number of letters in the Call Sign

would automatically identify the station as part of the Low Power Radio Service.

If a 4-LETTER CALL SIGN is used by a station, then that station SHOULD have a suffix: for example, KAAA-LF or WAAA-LF.

CONCLUSIONS

For the reasons set forth herein, we AGAIN 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 FIVE EXCEPTIONS:

(1) the FCC should prevent the "bumping" of translator stations by any LPRS station, including an LP-1000 and/or an LP-250, UNLESS the translator is a SATELLATOR (relaying a signal over 400 kilometers or more);

(2) the FCC should apply the EAS requirements to LP-1000 and/or LP-250 stations ONLY, while exempting both LP-lOs and LP-lOOs

(3) the FCC should permit Amateur Radio operators, with a rank of Technician or higher, or those who currently hold an FCC General Radio/Telephone license, to bypass "Type Acceptance" requirements and build their own equipment;

(4) LPRS stations should be authorized to set up STLs, in cases where the frequencies are available;

AND

(5) Call Sign suffixes should be required for LPRS stations with 4-letter Call Signs -- but NOT for LPRS stations with 6-letter Call Signs.

Respectfully submitted

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