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COUNTRY 103.9 FM

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Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Informal Comment on MM Docket No. 99-25
RM-9208, RM-9242:
Creation of a Low Power Radio Service

To the Commission:

This licensee opposes the referenced proposal for the following six reasons:

1. Individuals and organizations with an interest in utilizing a low-power radio service are likely to be concentrated in populous areas, where the FM spectrum is already full, and where interference is most likely to be a problem already.

Suitable frequencies are most likely to be found in less populous

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areas, where the pressure for outlets is less. Further, lightly populated areas are more often served by smaller "mom and pop" licensees, who are closely in touch with their communities, and more responsive to the needs of people in their communities. In other words, where the LPFM proposal is most likely to be technically feasible is where it is least needed in practice.

2. The proposal to provide additional voices to under-represented groups by creating additional stations in an already saturated FM band will create a Pandora's box of technical problems. The problem is that Congress chose to pass legislation that had the predictable effect of reducing the number and diversity of licensees. The Commission, of course, cannot overturn existing law. Nor can it overturn the laws of physics. The best course of action, albeit one which may generate criticism, may be to do nothing on the FM band. Workable solutions may be found elsewhere, e.g: abandoned channels on the AM band, or innovative use of the Internet.

3. If the Commission's intent is to provide racial and ethnic minority groups with broadcast outlets, the use of low-power FM stations (to the extent that any can be created within the parameters of good broadcast practice) will ghettoize those groups in inferior broadcast facilities. This is not empowerment. The real solution is to enable those groups to acquire existing broadcast facilities by making possible improved access to capital. The Commission and/or Congress may be able to

devise partnerships with the private sector that would further this laudable goal.

4. A study of postings to radio broadcasting newsgroups on the Internet reveals a high percentage of people who lack one or more of the following: A. a knowledge of the fundamentals of broadcasting; B. a source of capital sufficient to construct and operate a viable radio station; and C. an inclination to follow the rules. While the newsgroup postings cited provide only anecdotal evidence, it is reasonable to conclude that an LPFM service will be populated with a certain percentage of licensees unable or unwilling to provide ongoing service within the bounds of whatever rules the Commission may see fit to establish. The Commission would face an administrative nightmare, with a disproportionate share of its already scarce resources going to police a group of licensees unable to afford more than token regulatory fees.

5. There once was a means of affording religious and educational institutions a place on the FM dial. It was the Class D 10-watt non-commercial station. In 1978, the Commission chose to eliminate those stations as an inefficient use of the spectrum. The Commission appears to be on the horns of a dilemma: either restore ten-watt NCE stations in the 88 - 92 MHz band, or abide by its 1978 decision and eschew approval of stations with "inefficient" low power.

6. The mere fact that someone wants to be involved in an economic activity doesn't justify third parties' moving heaven and earth to make it so. If I passionately desire to own a Chevrolet dealership, but lack the requisite capital or business expertise, General Motors is not obligated to grant me a franchise. If John Doe really, REALLY wants to own a radio station, the Commission is not obligated to go through legal and technical contortions to provide him with a license. Every radio station now on the air has gotten there by complying with the existing regulatory structure.

Very truly yours,

BEECH TREE BROADCASTING CO.

A handwritten signature in black ink, appearing to read 'Charles W. Crouse', with a long horizontal flourish extending to the right.

Charles W. Crouse

President/General Manager