

Before The
**Federal Communications
Commission**
Washington, D.C. 20554

In The Matter Of)	MM Docket No. 99-25
)	
Creation of a Low)	RM-9208
Power Radio Service)	RM-9242
)	
)	

COMMENTS OF RADIO KOREA U.S.A.

Radio Korea U.S.A. ("Radio Korea") hereby submits its comments in support of the Commission's proposal to establish a low power FM ("LPFM") broadcast service.¹

Radio Korea's Comments are limited to the following issues:

1. LPFM Will Satisfy a need for additional broadcast outlets for foreign language programming;
2. Both LP1000 and LP100 stations should be available for commercial, for-profit entities;
3. Local residency and integration rules would unduly limit service to the public;
4. Mix of local and non-local programming should be left to discretion of licensee; and
5. Renewable and freely transferable licenses are necessary to encourage investment.

INTRODUCTION

Radio Korea began producing Korean language programming for radio in 1989. It started by brokering 6 hours a day on Station KAZN (AM), Pasadena, California. At that time Radio Korea had a full time staff of 7 employees. It programming consisted of a mix

¹ *In the Matter of Creation of a Low Power Radio Service*, Notice of Proposed Rule Making (FCC 99-6), released February 3, 1999 ("NPRM").

of music, news, and public affairs, all in the Korean language. Today, Radio Korea broadcasts 24 hours per day in Korean to the Korean community in Los Angeles by brokering time on a full service AM station. It now employs a full time staff of 58. In addition, its programming is delivered by satellite to 12 other stations in San Diego, Bakersfield, Fresno, California, Denver, Colorado, Dallas & Houston, Texas, Anchorage, Alaska, Honolulu, Hawaii, Portland, Oregon, Seattle/Tacoma, Washington, New York, New York, Washington, DC, all of which have substantial Korean populations.

The Korean community in Los Angeles, consisting of approximately 650,000 people, is centered on a relatively small geographic area of 1,250 square blocks, known as Koreatown. The community has a full range of services from local markets, shoe repairs, record and book stores and other retail to professional office buildings housing banks, lawyers, doctors, and other businesses either owned or operated by Korean-Americans or catering specifically to that ethnic group. The Korean language remains an important element of the social, religious and ethnic culture of Korean-Americans. Although most first and second generation Korean Americans speak or read English, children still learn Korean at home and in schools.

Radio Korea has established a significant niche in the Los Angeles radio market by programming directly to the Korean community. Its regular programming includes: programs such as local news of Koreatown, news from Korea, programs on immigration issues, language matters, other social and religious issues of the community, etc., plus music recorded in Korea as well as the U.S. in Korean. Radio Korea's contributions to the Korean community have been recognized by numerous awards and citations. See attached Appendix I.

In order to deliver its programming to its core audience in Koreatown, Radio Korea has had to broker time on full service AM stations. The cost of brokering this time is substantial, and by using full service stations Radio Korea is buying coverage which is not well suited to its needs. Essentially, Radio Korea is forced to buy coverage of significant areas which contain few if any Korean Americans in order to serve the small geographic area in which Koreatown is located. While there are Korean Americans who live and work outside of Koreatown, they are spread over the metropolitan area and may find the need for Korean language programming less important than those who remain in or near Koreatown. The fact that most full service stations provide coverage much larger than needed by Radio Korea to serve its audience also makes it impractical for Radio Korea to purchase a station.² The price of radio stations in Los Angeles is among the highest in the country. Even stations with poor signals provide greater coverage than needed by Radio Korea or do not cover Koreatown at all.

Another problem with brokering time on full service stations is that Radio Korea is subject to the possible loss of its time slots if the station is sold. This problem is real, not just speculative. While some protection against this possibility can be purchased through contractual provisions, it is difficult and expensive to convince licensees to enter into long term brokerage arrangements which survive the sale of the station. Moreover, too much protection against displacement by a licensee could run afoul of the Commission's requirements that a licensee retain control of the station. Radio Korea was recently forced to find a new station on which to air its programs when the station it has been using for

² At the present time Radio Korea is precluded from purchasing a broadcast station because its principal stockholder, Jang Hee Lee, is not a U.S. citizen. However, Mr. Lee is eligible to apply for U.S. citizenship and his lack of citizenship is not the reason Radio Korea has ruled out ownership of a broadcast station.

several years was sold. Although Radio Korea had a six month notice provision before its programming could be terminated if the station was sold and the new buyer did not assume the brokerage agreement, Radio Korea was subjected to disruption of its programming by the new owner before the expiration of the six month period. Also, during this short time period it was difficult to find another station to carry its programming on reasonable terms. In order to avoid displacement and complete interruption of its programming to its audience, Radio Korea was forced to accept unfavorable terms on another station.

LPFM stations, as proposed by the Commission, could provide a better solution to programmers such as Radio Korea as well as other potential programmers in many other foreign languages. Many ethnic communities continue to remain in relatively small geographic portions of large metropolitan areas and they could be well served by low power FM.

LPFM COULD SERVE A NEED FOR ADDITIONAL BROADCAST OUTLETS FOR FOREIGN LANGUAGE PROGRAMMING

As noted above, purchasing time on full service broadcast stations can be expensive, thus precluding some linguistic minorities from having any realistic opportunity to broadcast foreign language programs. Moreover, using a full service station to reach an audience in a relatively small geographic area is a waste of valuable spectrum. Full service stations should be used to reach audiences that are not geographically concentrated in small areas. Radio Korea, for example, could adequately serve Koreatown with a LP1000 station producing a 60 dBu signal contour at a distance of 8.8 miles. Recognizing that such a station is not likely to be authorized using the parameters

specified in the Commission's NPRM, even a LP100 station with a 60 dBu signal contour at a distance of 3.5 miles could adequately cover Koreatown. Similarly, in other cities which have pockets of Korean Americans, such low power stations would be more than satisfactory to reach such a limited audience. Cities such as Garden Grove in Orange County, San Diego & San Jose, California, Flushing, New York, Fortlee, New Jersey, Washington, DC, and Fairfax, Virginia in the U.S. have significant Korean populations and those populations are concentrated in the same way as Koreatown in L.A.

LPFM stations would significantly reduce the cost of delivering foreign language programming to concentrated audiences, and in Radio Korea's case, would permit these savings to be converted into additional quality local programming.

BOTH LP1000 AND LP100 STATIONS SHOULD BE AVAILABLE FOR COMMERCIAL OPERATIONS

In Radio Korea's experience, the type of local public interest programming which it is able to produce for its limited audience could not be done on the same scale or with the same quality if it had to rely on voluntary contributions. Radio Korea has hired and trained professional announcers, reporters, and production staff. In order to maintain the quality and continuity of this staff, Radio Korea must be able to rely on a steady stream of income to pay their salaries and benefits. In order to generate this income, Radio Korea has a sales staff of 10 which is on the street in Koreatown selling advertising for its programming. Local advertisers pay for air time because they have products and services which they want to make available to local residents. These advertisers cannot be counted on to convert their advertising dollars into underwriting announcements which severely limit their ability to promote the advertisers' goods and services.

Although Radio Korea does not oppose the allocation of some LPFM frequencies for non-commercial use, the fact that an entity is a non-profit organization does not necessarily mean that its programming will be any more attuned to the local needs of a small geographic area than the programming of a commercial station. Similarly, the fact that an LPFM station is a commercial operation does not mean that its programming will be inferior. Since the coverage of LPFM stations is so small in comparison to any full service station, the type of commercial programming on LPFM stations is going to be geared to different audience measures than full service stations. To be commercially successful, therefore, a commercial LPFM station must offer programming which differs from typical full service stations. The Commission's goal of increasing the "opportunity for entry, enhanced diversity, and new program services"³ will be satisfied by making LPFM open to commercial operations.

Additionally, as the Commission has correctly noted, LPFM stations may provide small, local businesses with an opportunity for local radio advertising at substantially lower rates than full service stations.⁴ This would be particularly beneficial for the type of neighborhood business which tends to draw on a relatively small geographic area for its customers and for which the cost of advertising on a full service station covering a large geographic area would make no sense.

³ NPRM at para. 57.

⁴ NPRM at para. 69.

LOCAL RESIDENCY AND INTEGRATION RULES WOULD UNDULY LIMIT SERVICE TO THE PUBLIC

The Commission proposes not to impose any local residency or an "integration" requirement for any LPFM station.⁵ The Commission correctly notes that no such requirements are currently imposed on full service stations. Local residency does not, by itself, lead to more or better local programming. In our increasingly mobile society many people work in different communities from where they live. Similarly, current means of communications can provide an absentee owner with virtually continuous contact with employees or agents at a local station. Moreover, as indicated above, the nature of LPFM will likely dictate that programming have a much more local flavor than traditional full service stations had even when there were local residency or integration requirements.

THE MIX OF LOCAL AND NONLOCAL PROGRAMMING SHOULD BE LEFT TO DISCRETION OF LICENSEE

Radio Korea agrees with the Commission's proposal not to require a minimum amount of local origination on LPFM stations. In the case of Radio Korea, for example, the average broadcast day consists of 24 hours of locally originated programming. However, Radio Korea believes, based on its experience to date, that much of its locally produced Korean language programming would be welcome in many other communities outside of Los Angeles with significant Korean populations. For example, news about Korea, locally produced in Los Angeles, would have the same interest to Koreans in San Francisco or Washington, D.C. Similarly, entertainment programs consisting of Korean music, while locally produced in Los Angeles, would also be of interest to Koreans in any other city. The variety of programming likely to be available on LPFM stations would

⁵ NPRM at para. 61.

make meaningless any judgments as to public interest benefits based on the location of its production.

RENEWABLE AND FREELY TRANSFERABLE LICENSES ARE NECESSARY TO ENCOURAGE INVESTMENT

Radio Korea supports the Commission's proposal that LP1000 stations should receive the same license term as full-power stations.⁶ Both LPFM1000 and LPFM100 licensees should have a renewal expectancy so that prospective applicants are willing to invest the time, money and effort to build and operate LPFM stations. The provisions of Section 307 and 309 of the Communications Act mandate a renewal expectancy for all broadcast stations, and there is nothing in the Act to suggest that the Commission can circumvent these provisions by simply adopting new classifications of broadcast stations. The renewal applications for these stations should be no more burdensome than those for full-power stations. Nothing in the Communications Act precludes the Commission from streamlining the renewal applications by including licensee certifications instead of detailed responses.

⁶ NPRM at para. 82.

CONCLUSION

Radio Korea supports the creation of LPFM stations and urges the Commission to make such stations available for commercial use. These stations will provide a low cost alternative for many program formats, and particularly foreign language formats which are intended to reach an audience in a relatively small, concentrated geographic area.

Respectfully submitted,

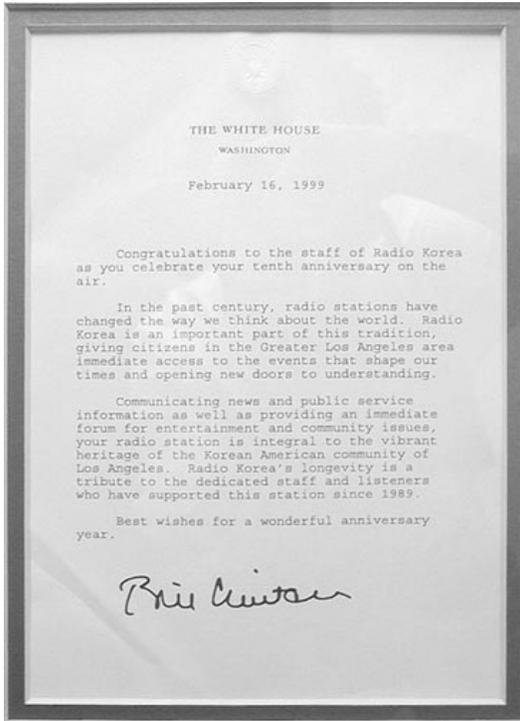
RADIO KOREA U.S.A.

By: /s/ Jang Hee Lee
President

July 29, 1999

Radio Korea U.S.A.
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Appendix I



Congratulations Letter for 10th Anniversary
from
The President, Bill Clinton



Encouragement Letter from
The former President, George Bush



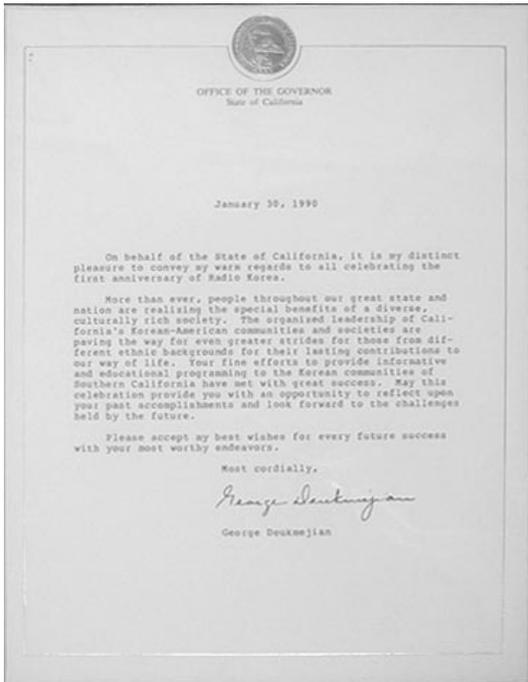
Proclamation from
Roh, Tae Woo,
the President of Republic of Korea in 1992



Metal of Honor Banner from the President of Republic of Korea



Congratulation Letter from
Barbara Boxer, Senator

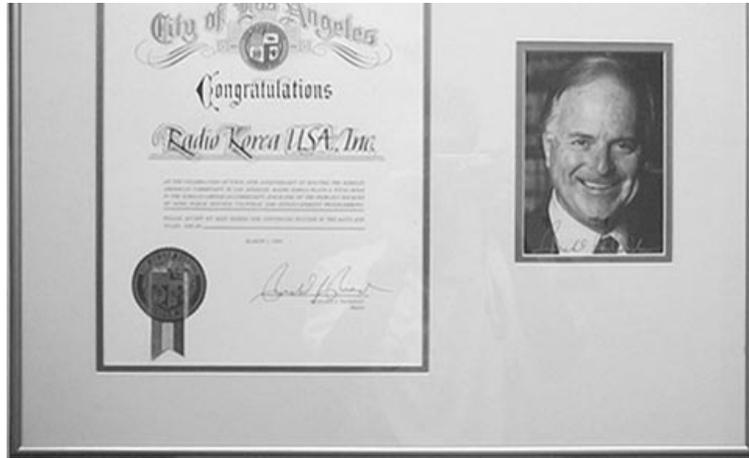


Congratulations Letter from
George Deukmejian
The Governor of California in 1990

Resolution from
Tom Bradley
Former Mayor of City of Los Angeles

Congratulations Flag from Richard J. Riordan,
Mayor of City of Los Angeles

Congratulations Flag from Richard J. Riordan, the Mayor of City of Los Angeles



New Year's Greeting from the Mayor of City of Los Angeles, Tom Bradley in 1990

“Academy Award” of Radio Broadcasting in Southern California
Golden Mike Merit Award
Best News Special



Certificate of Appreciation from
the Korean-American Chamber of Commerce