



BARNSTABLE BROADCASTING, INC.

MICHAEL A. KANEB
President/C.O.O.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
) MM Docket No. 99-25
Creation of a Low)
Power Radio Service)
)

COMMENTS OF
BARNSTABLE BROADCASTING, INC.
May 25, 1999

Barnstable Broadcasting hereby files its comments on the Federal Communications Commission's Notice of Proposed Rule Making (NPRM) on the matter of Creation of a Low Power Radio Service. Barnstable is a privately-owned, mid-sized group owner of radio stations. Barnstable owns and operates seventeen radio stations in five radio markets: Long Island, New York; Memphis, Tennessee; Akron, Ohio; Des Moines, Iowa; and Norfolk, Virginia.

We wish to voice strong opposition to the proposal published by the Commission. We believe the proposal, if enacted, would prove greatly damaging to the nation's current, free commercial and non-commercial radio broadcasting service. Our opposition is based on our objections to the negative consequences the proposed Low Power FM (LPFM) service would produce in two main areas: first, radio frequency interference with existing and planned FM service; and second, adverse economic or commercial consequences for existing broadcasters and, prospectively, for recipients of any of the proposed LPFM licenses.

Interference Issues

We believe that the Commission's proposed elimination of 2nd and 3rd adjacent channel protection in the FM band would meaningfully diminish the quality of the overall FM service. Barnstable currently operates three Class A (3,000 watt) stations in the New York Metropolitan area. Our experience with these tightly-spaced, lower-powered FMs convinces us that in many metropolitan areas *existing* spacing and contour protections are inadequate to protect primary, existing service to communities. To further diminish these protections will erode the quality of this existing audio service, which is already frequently inconsistent under certain conditions.

The deterioration that would follow elimination of adjacent channel protections would make obsolete a great majority of older, less sophisticated FM receivers. This loss would prove most devastating to users of older, less sophisticated bedside or table radios. These receivers do not have the technical precision of newer, more expensive models and they would be most subject to deterioration in reception. The users of these radios are likely to be older, lower-income citizens who are slower and less financially able to adapt to new technologies. The diminished effectiveness of a whole generation of FM receivers—and so the reduction of the listening public's current *ability* to receive FM service—adds an enormous, otherwise unconsidered social and economic cost to the Commission's proposal to eliminate adequate adjacent channel protection in the FM band.

The proposal to eliminate current interference protections on the FM band also fails to allow for the planned development of In-Band-On-Channel (IBOC) digital radio. The Commission has identified the roll-out of this new generation of service as one of its primary goals over the coming decade. We believe its development and introduction will be crucial to the survival of free, over-the-air broadcasting in an increasingly competitive digital world. But IBOC is still a developing technology and the introduction of a large number of additional users of the spectrum will present severe technological impediments to the roll-out of a technology that can deliver digital service for a new generation of digital receivers while still serving the hundreds of millions of listeners who will continue to employ their existing analog receivers during what is sure to be an extended phase-in period.

Since the existing interference rules are designed to protect a service that already serves and is used by virtually 100% of the American public and since IBOC is designed to meet the same need in the future, it seems only appropriate that protection of these two classes of service ought clearly to carry a higher priority for the Commission than the establishment of an entirely new level of service that would serve—by design—only a fraction of the total population now served by existing radio stations.

Economic Issues

When the Commission authorized local duopoly ownership in 1992, the Commission itself acknowledged that a major impetus to promote this local consolidation was the negative economic consequences visited on the radio broadcasting industry by the introduction of too many new FM frequencies in the Docket 80-90. Radio stations that are financially unsuccessful are unable to provide first-quality service—news, public service, entertainment—to the communities they serve. The Commission’s LPFM proposal imagines creating an entirely new class of entrants into the FM band. This is likely to produce the following results:

- Create hundreds of new competitive signals which--by diluting audience shares, creating a new low-rate radio advertising alternative, and interfering with the established signals of existing stations--will diminish the listenership and financial viability of small-town, independently-owned radio stations that currently operate on the edge of financial profitability.
- Introduce hundreds of new financially unstable broadcasting facilities—the LPFMs themselves—onto the radio dial.

The Commission’s proposal makes the utopian suggestion that these LPFMs might operate with lower costs than full service stations due to the possibility that they could be operated by volunteers. We find this suggestion unlikely.

Alternatives and Diversity of Voices

The Commission should be commended for its desire to, as it writes, “respond to the increasing demand by the public for additional outlets of popular expression which could increase the diversity of voices, views, and sources of information and entertainment available to the American public.” But the Commission seems almost blind to the rapid development of the Internet and specifically Internet Radio as an outlet of popular expression which is absolutely democratic in its offering of broadcast spectrum and totally unlimited in its capacity to expand. The Commission’s proposal makes no comment on the development—ongoing right now—of thousands of low-cost, Internet based radio stations and other non-audio based vehicles of public expression on the Internet. The Internet seems the most hospitable environment for creating this sort of public expression, and the Commission’s refusal to consider the rise of this democratic medium seems almost willfully perverse.

This peculiar avoidance of the phenomenon of Internet Radio is all the more surprising given Chairman Kennard’s acknowledgement in the New York Times that he personally listens exclusively to Jazz programming on Internet Radio and does not even have a conventional AM or FM radio in his office. The Chairman’s taste for musical programming that appeals to a smaller contingent than general market radio serves and, more to the point, his frequent use of an Internet Radio station to obtain this programming perfectly illustrates the success of Internet Radio in addressing the Commission’s goal in proposing LPFM Service: Internet Radio serves small, diverse collections of listeners and can offer up an infinitely varied menu of programming choices.

The Commission’s avoidance of Internet Radio may be based on its expectation that (a) Internet Radio is not currently available in automobiles; and (b) computer ownership is cost-prohibitive to some potential listeners. With respect to the first point, we would point out that the signal limitations of the proposed 10 and 100 watt stations already rule out the usefulness of LPFM radio for commuters who travel more than a few miles in the car. With respect to the second, we point out to the Commission the dramatic drop in cost of PCs over the past years, the introduction of low-cost network PCs, and finally the growth of companies such as Free-PC which now give away free PCs with Internet access in order to build advertising audience on the Web. We also suggest that a rulemaking that fails to consider the lightning quick growth of web accessibility is flawed inasmuch

as it fails to address the development of the most significant development in communications of the last 50 years.

For the reasons stated above, Barnstable Broadcasting, Inc. hereby expresses its opposition to the Commission's Notice of Proposed Rule-Making in the matter of a Low Power FM Service.

Respectfully submitted,

Michael A. Kaneb
President