

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

In the matter of

Creation of a Low
Power Radio Service

MM Docket No. 99-25

RM-9208
RM-9242

COMMENTS OF THE MICHIGAN ASSOCIATION OF BROADCASTERS IN OPPOSITION TO PROPOSED RULES
FOR THE CREATION OF LOW POWER FM RADIO SERVICE

The Michigan Association of Broadcasters has been in the business of serving the Michigan broadcast community for 50 years. It represents 50 television stations and 382 radio stations (both public and commercial) licensed to the state. Eighty percent of all eligible stations in Michigan are members of the MAB. Collectively and individually, we are all gravely concerned about the adverse impact of LPFM radio on the radio broadcasters and the communities they serve throughout the state. The following are issues of concern and the points that we respectfully wish the commission to consider as they debate LPFM radio.

Low Power FM may cause interference to broadcast radio stations. In order to establish a low power service, the FCC would have to drastically alter its existing interference protection standards. The interference protection standards are in place to maintain the integrity of the spectrum. Elimination and/or alteration to the standards could result in increased interference to existing radio signals and a loss of service to listeners. This loss would have an adverse effect on emergency broadcasts. If low power stations do not have to participate in the emergency alert system, then there is reason to believe that important weather, news, and emergency information would not be heard. Those groups that the Commission claims to be under represented still need to hear emergency alert information. In addition, valuable information provided by radio broadcast news, public service messages, programs, traffic reports, school closings, and plant closings would most likely not be heard.

Low Power FM will harm the development of In-Band, On-Channel ("IBOC") digital radio. The proponents of IBOC digital radio have been developing their systems based on the current interference protection standards. The systems utilize the "sidebands" of the analog signal to transmit the digital signal without the need for additional spectrum. Any alteration to the second-adjacent channel spacing restrictions would hinder radio broadcasters in their transition to digital.

The FCC asserts that many groups are under served. Even if the Commission eliminates second and third adjacent channel protections, very few stations would be available in the urban markets. Serving urban communities and neighborhoods is a stated goal of the Commission in establishing this service. Clearly, it is folly to spend the resources to establish an entirely new service that ultimately is unable to serve the listeners for which it was intended. The Commission claims that it received over 13,000 requests for a low power stations last year. Unfortunately, under this proposal, or any proposal, there will never be enough spectrum for

all the people who want to have their own station. Furthermore, the Commission is mistaken about the role of individual ownership of stations. In Michigan it is not the corporate giant that controls the information the public hears, rather, it is the individually owned stations spread all over the state. In Michigan roughly 70% of all stations are individually owned by Michigan citizens. Low power FM will not create viable stations to increase minority and female ownership. Even if it is determined that a station is available in a particular area, there is no guarantee that minorities or females will want and or actually receive a license, if they are allocated on a first-come, first-serve basis or through an auction process. The spectrum in urban markets is already over crowded and will accommodate very few additional signals, if any.

Remember "Docket 80-90"? In the 1980's, the Commission began a proceeding that ultimately ended in the revision of its rules that allowed thousands of new stations on the air. The result of the infamous "Docket 80-90" was that there were too many stations in the marketplace. The Commission subsequently loosened radio ownership restrictions in order to bolster the industry. A culmination of this was the lifting of the national radio ownership restrictions and further loosening of the local restrictions. This was the direct cause of consolidation. The Commission should not travel down that path again.

Low Power FM will be an administrative nightmare for the FCC. The Commission has limited resources. The Notice proposes to provide assistance to LPFM applicants unlike any ever provided to full-power applicants. This will require more human resources. Additionally, there is the increased regulatory and enforcement burden. All of these added regulations and oversight are being proposed at a time when Congress is clearly in a mood to down size and deregulate.

LPFM radio is an inefficient use of the spectrum. Low power FM proposals for 1 and 10 watt stations are an inefficient use of the spectrum. The Commission altered its rules in 1978 to prohibit further licensing of 10-watt "Class D" non-commercial educational stations because it determined the spectrum could be used more efficiently by larger stations that can reach more people. This premise remains true today.

For these reasons, the Michigan Association of Broadcasters opposes the creation of low power FM radio.