

**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

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I. INTRODUCTION

I want to thank the Commission for the opportunity to comment on the creation of a Low Power Radio Service. I would also like to thank Chairman Kennard and Mr. Skinner for their leadership in this matter. Mr. Skinner did a masterful job in his proposal. Also my compliments to the FCC staff for their efforts in preparing this Notice of Propose Rule Making. I am very excited about the possibilities this new service could provide for my community. If the Commission adopts this new service I will apply. Let me share with you what I think I would need to be successful as an owner of a Low Power FM Station. I will go through the notice in order, point by point and add my comments.

B. Spectrum Considerations

Short-wave Service instead of AM broadcast Service

I understand the reluctance of the Commission in adding a low power service to the AM band however it may want to consider setting aside two frequencies in the Short-wave band. One frequency would be lower in the band for nighttime operation and one higher in the band for daytime operation. The two frequencies could be shared by a very large number of operators. Each quarter the operators could apply via the Internet to use the frequency to broadcast programs. Permit numbers could be issued to the operators along with a dates and times they are authorized to use the frequency. The broadcast hours could be divided into one-hour blocks. The permit number would be used as the station call sign. Broadcast hours would be established for each frequency. During off broadcast hours the frequency could be used by operators with permits to test their equipment and tune their antennas. Once all the time allotments for the next quarter were filled they could be posted on the Internet as a program guide. A fee could be charged for the permit to cover the cost of administering the program. A 1-kilowatt power limit could be placed on the transmitter output. This will open a national or an international platform for many more voices and use a broadcast service that has been under utilized in this country. It would provide for a means to regulate illegal pirate radio station operating in the short-wave bands, turning a negative to a positive. I feel it is worth the Commission's consideration.

Noncommercial educational broadcast service

I feel anyone using a reserved channel should by law be noncommercial also, however today that doesn't mean very much. Sponsorships on our local NPR station sound like commercials to me.

Auxiliary broadcast frequencies

In my situation I will need to use a STL link. In this part of the country transmitting antennas is not a welcome sight. I will have to co-locate with other radio station transmitter sites. A STL is my only method of getting the studio signal to the transmitter site.

Spectrum Priority

All LP-1000 stations should be considered as a primary service.

C. Technical Overview of LPFM Services

I think that noncommercial restrictions are only necessary for the noncommercial channels. The population in the proposed service area could support the radio station however the one worry I have is the terrain. In California we have what most people in other parts of the country would consider as mountains in the middle of the cities. Most of the population and freeways are located in canyons. With the proposed HAAT and ERP restrictions the solid 8.8 service area is not possible. The Class B stations are not able to provide their predicted coverage areas. Class B stations can afford to lose 30% of their predicted coverage area and still have full coverage for the city of license. That is not going to be the case for a low power station. They are going to need all of that 8.8 miles. I understand that the Commission wants to keep this process simple but I am concerned about the lower ERP and HAAT values proposed were the terrain is issue. There isn't any value to the owner or the public in having a radio station that no one can hear.

One alternative is to allow a low power station to operate up to 3000 watts ERP/100 meter limit if they can meet the minimum separation requirements to other full power stations. Because I am located near the Mexican boarder I will have to use distance separations based on an ERP of 3 KW/100 to their assignments and allotments. The difference between 1 KW/60 and 3 KW/100 in terms of separation distance is 5 to 10 kilometers depending of the class of station. Increasing to the 3 kW ERP/100 meter limit would improve the service area by more than twice the size. I feel that the Commission should perform an analysis utilizing their computer database to determine just what negative impact if any would be on lower class stations by increasing the ERP to 3 kW. The database has already located a number of locations where the LP-1000 stations could be located. What I am proposing is to select one or two of the cities already located by the Commission's computer and fully populate the city with every class of low power station. Once that's complete then increase the LP 1,000 class stations to 3 kW ERP/100 and determined the number of displaced stations. I believe that the number of stations lost will be very small. The benefits to both the public and the owner of an LP-1000 station are obvious.

Low power stations should be able operate and receive interference from other full power stations. This will give the option to the low power station to take advantage of natural barriers such as mountain ranges that block signals. This will give better flexibility in locating a suitable transmitter site for the low power station.

If the rule changes are adopted, the LP-1000 class stations are going be subject to all of the same rules and expenses of full power stations. In many markets this class of station of will have to compete with corporations who may control more than 90% of the stations. The challenges will be many but they are not insurmountable. The one factor that will be critical is the access to the public. That access will be determined directly by the service area.

I agree there should be a lower power limit. Differences in the cost of the equipment needed to produce 1000 watts Vs 500 watts ERP is very small as compared to the cost of whole station.

I don't think there is a need to protect the IF frequencies between LP-1000 stations due to the low power.

. IBOC should mean just that In Band On Channel. It should not mean all most in band. If the proposed LP-1000 class station can operate with other full power analog stations and I think it can, then if it is truly an in band system there shouldn't be a problem. I think that LP-1000 should be fully protected from FM Translator and Boosters just as full power stations. I also don't think FM translators should be grandfathered from LP-1000 stations. I feel the public interest is better served by a local full service station than a translator. Translators are secondary services. There are already too many evils that have been grandfathered in the FM band.

As I have stated before the problems I face with terrain, I see no reason why a LP-1000 station should be prevented from using a booster station to fill in a hole that is within the 1mv contour. I agree that translators should not be allowed for LP-1000 stations. In fact, with an increase in community stations the need for translators will diminish. That is why it is important that translators not be grandfathered. Stations who now own translators are not going to incur a financial loss because there will be a market for low power transmitters if this service is adopted.

I believe the commission has properly identified the power and the antenna height requirements for the LP-100 class of station. Restricting this class of station to a non-commercial status would be counterproductive. Stations in this class could become the economic catalysts for their local community. Providing the vehicle for local businesses to promote themselves by purchasing commercial time on their local station.

I fully support the elimination of the second and third adjacent channel protection requirements. With the improved design of FM radios the need to protect the third adjacent channel has greatly diminished.

FM receiver performance has greatly improved over the past 20 years. With the advent of phase lock loops and ceramic IF filters the need for second adjacent channel protection is unnecessary. This is not just a theory; there are real world examples. The Mexican government has abandoned the practice of second and third adjacent channel protection between their stations and assignments. They have authorized three stations in Tijuana Mexico; one station is on channel 255B, and channel 257B1 and one on channel 259B1. They operate with spacing of less than 2 miles between transmitters. The Mexican stations are operating at a power much higher power than the ones proposed here. The second and third adjacent channel protection standards have out lived their usefulness. In the spirit of spectrum efficiency the adjacent channel protection standards should be re-evaluated for all classes of stations, not just for low power stations.

I concur with the Commissions conclusion that the relaxation of the adjacent channel protection standards should be implemented only for low power stations at this time. I do have a concern about the LP-100 class stations. They will only have secondary status and at some point down the road there will be increasing pressure to re-evaluate the adjacent channel the protection standards for full power FM stations. This could leave a community without a low power station if the adjacent channel protection standard should change for full power radio stations. LP-100 station maybe considered as a primary service if they are only audio service for their community. It is not in the public interest for a full power station to upgrade their service area by a few miles at the cost of the other communities only audio service. Another measures maybe the hours of operation of the LP-100 station.

The current out- of-channel emission standard will be sufficient to prevent interference to other full power FM stations. It is far more likely that the full power FM station would interfere with the low power station.

I see a number of different approaches that could be used to address this issue. First, are the different classes of low power stations. An LP-1000 for instance should be required to follow the same engineering practices as full power FM stations. This means that this class of station should be required to monitor the modulation level. They should also be required to have a means to limit the modulation.

Other lower class stations should have transmitters with these features built into them. The greatest potential of interference will come from where the transmitter is located.

I don't believe that reducing the bandwidth is the way to go. By certifying transmitters for this service that feature methods to control deviations should be sufficient. Sacrificing signal to noise and the ability to transmit stereo programming is not desirable.

F. Ownership and Eligibility

I don't think anyone holding a broadcast license should be able to apply for a low power station. This would be counter productive to the goals of this new service. The market should be defined as a radius of 20 mi. from the transmitter location.

There will not be any shortage of qualified experienced applicants for this new service. I know of many qualified people who will jump at the chance to own their own radio station. They're currently working in the industry. They are managers, engineers, traffic people, and salesman, of all shapes and colors. For us this is an opportunity of a lifetime. For those who have already realized this dream let them be content to tend to what they already own.

I question just how much commercial efficiencies in the radio broadcast industry is enough! What has taken place in the broadcast industry since 1996 is nothing short of scary. I don't believe that Congress and its wildest imagination believed that the consolidation of the broadcast industry would be at this scale. The purpose of this new service is not to promote efficiencies, but rather to promote new faces and voices. The public resource used by the broadcast industry is not infinite. Every one who owns more than one station is one less voice. It is just that simple. As Commissioners you must decide what is in the public interest. Is the public interest served by increasing the number of voices or enhanced commercial efficiencies? I believe the answer is obvious.

The need to severely restrict the ownership of the number of stations an owner can have is at the launch of this new service. I propose that the number of stations be restricted to one in the top 50 markets. In markets under the top 50 ownership should be restricted to no more than five stations.

I strongly disagree with the lack of the residency requirements. This is a key factor in a number of areas. First this is an excellent method to reduce the number of mutually exclusive filings. Second, I feel local ownership better serves the public interest. I fail to see the logic in not requiring local residency just because it had not been a requirement for other full power radio stations. We do however require owners of full power stations to be United States citizens. Why is this? We do so for accountability. This new service will be created to provide local programming for the community its serves. In doing so, it will have received many benefits that were not available to full power radio stations. It is not a too much to ask that the owner reside within 50 miles of the station. I understand the enforcement difficulties, and the lack of commission resources to enforce this requirement, However I propose that the residency requirement be applied to the top 50 markets for LP-1000 class stations only. This will reduce the number of stations covered by this restriction to a very small percentage of new applicants.

By adopting the residency requirements for the top 50 markets will withstand judicial scrutiny. The Commission has been directed by Congress to develop procedures to reduced mutually exclusive filings. By using the residency requirements to reduce the number of mutually exclusive filings is nether arbitrary or capricious but, is an effective tool to reduce the number of auctions. The most sought after LP-1000 channel assignments will be the ones found in the top 50 markets. It is safe to assume that the one frequency available in Los Angeles will have many applicants. By utilizing the 50-mile residency requirement the number of applicants would be greatly reduced and local ownership will better serve the public interest.

Character Qualifications

The issue of character qualifications should be addressed on a case by case basis. My preference is for everyone to start with a clean slate. Operating a radio station without a license is a serious matter. I am however reminded of the fact that many licensed full power stations are fined each month for just as serious infractions. Are we to consider theses operators to be rehabilitated just because they have paid a large monetary penalties? I believe the penalty should fit the crime.

G. Service Characteristics

I believe that commercial programming will be essential to the success of this new service. Commercial operational should be limited to the commercial portion of the band. The reserved channels should remain non-commercial.

1. Public Interest Programming Requirements.

I agree that this should be the same as full power stations

City of License

I feel that all LP-1000 class stations should be assigned and allocated to the community in which it serves in the table of allotments. This class of station will be required to follow the same regulations of other full power stations. The only difference between a full power station and a low power station should be the authorized power. The service area of an LP-1000 station will be able to cover the vast majority of cities in this country. Having a city of license could be an important factor in attracting advertisers.

Political programming

The same as full power stations.

Renewable licenses

Stations of any class should have renewable licenses. The disruption of the service to the public out ways any benefits. Criteria for renewal could be based on service to the community and hours of operation.

Station Identification.

Having a four letter call sign does lend legitimacy and status. I feel that it is crucial that the LP-1000 and the LP-100 class stations have four letter calls signs.

Filing Procedures

I support a two-day window filing period and the use of an electronic filing system. If the Commission adopts the recommendation of residency requirements for the top 50 markets then it is only logical that they should be the first to file followed by all other LP-1000 applications. The next group to file should be LP-100 class applicants, followed by the next class if any. By implementing this procedure the Commission will eliminate the initial crush of applications that will invariably overload the system in the top 50 markets. The Commission could open a two-day filing window city by city as a means to spread out the workload. By using the strict residency requirements in the top 50 markets will reduce the number of mutually exclusive applications and promote local ownership.

Summary

The question before you is will this work technically and the answer is yes. It is clear that from interference standpoint there is no merit to the arguments this new service will interfere with full power stations. Next question is will this service hinder the development a new digital broadcast service? That will depend on what the Commission uses for a standard. If the standard is an in band on channel standard then the answer is no!

What a shame it would be if the Commission were not to adopt this new service because of the new digital service question. Large broadcasters have invested in the development of this new system as a way down the road to have multiple high quality audio streams. In other words they will effectively make two or three stations out of one. It would be ironic if it was at the expense of new voices that will be included in this new service.

I can't believe the greed I have seen displayed some of corporate broadcast companies. They have some of the very best broadcast properties in this country. Many benefit from facilities that have been grandfathered in terms of ERP and HATT requirements and yet they want it all. If someone finds a new FM frequency they now can out bid that person. This is wrong! All of this from a Telecommunications Bill that was going to promote competition in the communications industry. Ask yourself if any of the rates for commercial spots has dropped in any of the markets that have seen consolidation? The answer is not a dime! Their real fear is what will happen if the Commission adopts this new service and new stations show up in the market with lower commercial rates and they can't be bought out. That is why it is critical that this new service be able to sell commercials. Congress voted for and the President signed a telecommunications bill that was to promote competition, lets see that they get what they said they wanted. Lets make sure it is head to head competition just like the telephone companies. The benefits of any consolidation should also benefit the public not just the shareholders!

If the Commission does not adopt the low power FM service then I urge the Commission adopt public access and leased access requirements like the ones used for cable companies for Radio and TV stations in markets where an owner controls 30 percent or more of the stations.

The spectrum used by the broadcast industry belongs to the people of this country. The licensee of a broadcast station enters into a trust with the people of this country and is a trustee of that spectrum. In turn for the use of the spectrum the licensee agrees to provide a public service. Somewhere this fact has been lost on many licensees. They look at it as an investment just like any other investment. The fact of the matter it isn't and it shouldn't be the same! They view the work of the Commission as the protector of their investment. The Commission should protect stations from interference but not competition. The small station that doing a good job serving their community has nothing to fear from this new service.

Thank you again for this opportunity to be apart of this historic proposal. For me personally I had given up on the dream of ever having a broadcast license. It is my hope that the Commission will make this dream happen for as many people possible. I am sure there are more people just like my self who are willing to enter into that trust with the people of this country as a licensee. May the public interest prevail in this matter and God give each of you the wisdom to do what is just.