

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

**Comments of LPB Communications, Inc. (LPB)**

**Background**

LPB was founded in 1960 as Low Power Broadcasting for the purpose of developing, manufacturing and supplying legal low power radio stations. Since that time, LPB has supplied more than 30,000 transmission components worldwide. Our systems are FCC Certified for Part 15 operation, and Type-Accepted for both Part 90 and Part 73 operations. LPB has developed both AM and FM solutions for legal low power broadcasting under the existing regulations.

LPB has designed and supplied legal low power systems for sports arenas, auto racing tracks, chambers of commerce, municipal services, schools, religious groups, community groups and many more. A large number of LPB clients could be considered as the intended licensees of this NPRM.

LPB additionally manufactures and supplies equipment for the licensed commercial radio industry, and maintains a considerable client base within that field.

As such, LPB is able to view the NPRM from a unique perspective.

**General Comments**

LPB supports the establishment of a noncommercial, microradio service, only within the reserved portion (88.1 - 91.9 MHz) of the FM broadcast band. This will reduce, or eliminate, significant, and justified, concerns on the part of the commercial broadcast industry regarding interference and revenue.

This service should be restricted to a maximum effective radiated power of 100 watts. Existing regulations cover power levels of 100 watts and above, and do not need revision.

All equipment used for these stations MUST have Part 73 Type Acceptance and all stations MUST maintain proper modulation monitoring, just as a standard licensed radio station does today. It is pointless to reduce, or eliminate, the existing interference rules if the equipment used is not meeting, or exceeding, the existing standard.

This service should require a complete application to the Mass Media Bureau, with detailed engineering studies and contour maps. Ideally, each study would include the endorsement of a local chapter of the Society of Broadcast Engineers, in order to ensure that regional interference issues were examined by qualified personnel. We understand the concept of reducing the cost of application, but fear that the reduction in data and engineering would result in improper station approvals and a reduction in the effectiveness of the new rules.

Ownership should be limited to one station, in order to ensure regionally focused programming. Following the Canadian model, it is additionally suggested that a reasonable percentage of the programming be required to contain "local" content. We strongly advise against the use of satellite or other methods for remote audio supply to the stations for more than 10% of their content. Under no circumstances should these stations be translators.

**Technical Issues**

LPB believes that the existing rules for Class D radio stations should be expanded to include the new "microradio"

stations up to 100 watts. This should include the opportunity for existing Class D stations to increase power, if possible, to the new "microradio" levels. Class D stations would receive priority processing over any other applicants.

At the present time there are no complete, unbiased, performance tests for consumer radios. LPB believes that a true field test of microradio, and consumer receivers, will provide a more accurate view of the potential for microradio stations to be placed in the existing spectrum.

### **Licensing**

Licenses for microradio stations should be renewed every 2 years. At the time of review, competing applications should be considered.

On a priority level, existing Class D licensed stations should have primary application priority. Even more than Part 15 operations, these stations have shown an ability to operate within the framework of Part 73 regulations.

Existing campus and community broadcasters with legal Part 15 operations should be given priority over new applicants. These operators have proven an understanding of the FCC rules and, in general, have shown a responsibility in their operation.

A local governmental authority, such as municipal governments, should have the next level of priority. These are established responsible organizations which, theoretically, represent the broadest interest of the community.

Beyond this level, all applicants should be able to show sufficient financial background to install and operate a broadcast facility for a minimum of 1 year. We suggest a first-come, first-served method of consideration, rather than random lottery or auction, to decide among the qualified applicants.

### **Enforcement**

LPB maintains that the greatest concern with a new class of service is enforcement. At present, the FCC has not enforced rules against both "pirates" and well-documented manufacturing violators. Approval of this NPRM could be perceived as a tacit approval of their actions. It would be unfortunate if those that have continually violated the Rules were to be able to profit from this NPRM.

Without proper enforcement, the proposed new microradio stations could quickly result in a Citizens-Band level of overcrowding, abuse and interference. We strongly recommend that the FCC establish a complaint and enforcement policy well in advance of approving new rules.

### **Conclusion**

LPB agrees with the Commission that there is a lack of community voices in the radio industry. The creation of a new microradio service, if carefully managed, can provide an opportunity for those voices to be heard in a new manner.

Thank you for your consideration.

LPB Communications, Inc.