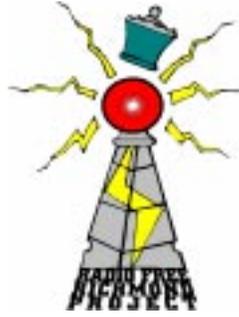


To: The Federal Communication Commission
Washington DC. 20554



Radio Free Richmond

Radio For The Rest Of Us

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August 2, 1999

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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-942

To: The Commission

COMMENTS OF

Christopher Maxwell, Treasurer/Secretary of the Virginia Center of the Public Press
And the Radio Free Richmond Project,

Christopher Maxwell used to be a Ham radio operator,

Has sold airtime for commercial talk radio (WPBR 1340AM)

Has hosted a talk show for several years (WDCE 90.1FM)

And has produced talk shows for other hosts on commercial radio WPBR 1340AM

Has hosted talk shows on Cable Public Access as well as paid Cable channels since 1987

You have received many comments from those who are in *favor* of the Low Power Radio Service that

contain many valuable suggestions to help you in your efforts to increase diversity of culture and viewpoints shared on America's public airwaves.

We agree that Radio is *not just a business*. Radio is the part of the free press that serves as that vital feedback loop between those who create policy (bureaucratic, legislative, or corporate) and those who suffer from policy (customers, voters, citizens). Just as the Boston Tea Party resulted from an unresponsive and unrepresentative government, so the pressure for the Low Power Radio Service results from the domination of the radio dial by those who either *misrepresent* major portions of American culture or overtly delete any reference to ideas, cultures or solutions that might be counter to the interests of the concentrated ownership of today's radio stations.

Since the broadcasters are a vital part of our democracy, and since they use taxpayer funded agencies (FCC and Federal Marshalls) to protect their use of our public resources, a radio dial of programming that is unrepresentative is literally taxation without representation.

Therefore we strongly support any effort by the FCC to reduce the concentration of influence on the programming we hear transmitted on the public airwaves.

That said, there is a fear that Furchtgott- Roth's dissenting comments may have a large grain of truth to it. He has basically said that the LPRS will not help those it is stated to be helping.

It seems that from what Mr. Furchtgott- Roth has said and much of radio's recent history, without **STRONG** local only and new local only ownership provisions for the Low Power Radio Service stations, there will only be a brief period where a few well-connected mainstream minorities may build an LPRS station, only to suffer at the hands of advertising blacklisting and such redlining tactics ... and sell their stations to majoritarian white dominated corporations.

It seems that we can EITHER have an opportunity for a few blacks to cash in by selling off the LPRS stations to the large white dominated corporations ... or we can ensure that the LPRS stations are of no value whatsoever, that is, that they are absolutely unavailable to the large institutions that currently dominate the radio dial to the exclusion of minority cultures and viewpoints. If we DO ensure that, then those stations will NOT provide a "starting point" into commercial radio for minorities, rather it will be a small outpost for minority interests to be heard, but not to be cashed in on.

In short, either blacks and other minority subcultures can be heard, or a small portion of those minorities can build an LPRS station, then sell out and cash in their population's interests by selling the station to another large chain media institution. But we cannot have both.

This could be an actual reduction in opportunity, as then a few blacks might cash in, and once again we could be left with a nearly monopolized radio dial where the profitable populations and the great mainstream are carved ad-infinitum into smaller and smaller slices of dinosaur rock (Pliocene, pre-Cambrian rock, ice-age rock) to the near total exclusion of "The Rest Of Us" that have banded together to support the Low Power Radio Service.

Perhaps a **"30 second history" of the Radio Free Richmond Project** might help explain our excitement and concerns with the Low Power Radio Service and our utility to ensuring diversity.

Following the Gulf War and the local public radio station (WCVE) playing of "Talk Of The Nation", I asked the local public radio station to reinstate TOTN. They said that was just a special show from NPR and was no longer available.

That turned out to be a harbinger of things to come. TOTN was of course available. They would not displace Classical music for those of us with wider tastes.

WCVE even claimed there were no frequencies when we asked them to start a second eclectic station with a more urban and subcultural focus. We worked with some engineers and came up with technical specs on 89.7FM and 88.1FM. WCVE then said they had no money. Turned out they were one of THE most well endowed public radio stations in the United States.

We realized that if any of the interest groups not represented by commercial radio interests, religious evangelical networks or our "public" radio station were going to have a forum, it was up to us to build a second public radio station.

So we got on cable and talked openly about 89.7FM and 88.1.

Shortly after that the American Family Association flew in with their deep pockets and applied for both of those frequencies before we could even get our mailing list in order!

Now here comes the LPFM. In my experiences and conversations since then, it has come to my attention that our experience with the American Family Association is far from unique. Some have even intimated that the real purpose is not to present their version of Christianity so much as to prevent any cultures/ideas that are not in line with their philosophies from having exposure to a wider public.

ALSO, it is my current understanding that the NAB *really* opposes the LPFM because prices of radio stations have been inflated by mergers and with the artificial scarcity caused by more stringent entry requirements for radio stations (such as the minimum 3300 Watt commercial station). *They wish to protect this investment.* I believe that the proposed LPFM ownership and transfer restrictions (mentioned below) *will protect NAB investments.* If this is true, then

the adjustments suggested below would create a “win-win” situation for everyone.

The founding philosophy of our support for the Low Power

Radio Service:

1) Radio is not just a business. Radio is not just another way to make money. Radio is a vital part of the "free press" that is the "Fourth Estate" of a Democratic Republic that depends on a balance of powers and influence to function. A stable society is one that is just and inclusive. A stable society provides a feedback loop from the policymakers to those affected by the policy and back again. This loop is the free press and should be free of *both* undue government influence *as well as* undue *concentration* of *private* influence.

2) Radio operates on "The Public Commons" (the airwaves). The public commons are those things that existed before we became a civilization, will exist after we are gone, are not created by us, but we rely on for our very existence. The public commons are the air we breathe, the oceans we fish from ... and the airwaves. As such, taxpayers pay for government agencies such as the FCC to enforce a regulated use of the public airwaves "in the public interest". The public interest is that which provides for the feedback loop from those affected by a policy to the policymakers. Therefore, radio is in many ways a welfare recipient that is expected to provide a public service in exchange for that welfare and for the protection from business or organizational predators at taxpayer expense.

Given this philosophical base the LPRS's key points would be:

1) That new frequencies are made available for urban use via relaxation of 2nd and 3rd adjacent protection for existing stations.

Since there are many hundred "Short Spaced Full Power Grandfathered Stations" that are closer than current rules allow ... without interference complaints, this would seem to be no significant problem.

HOWEVER: to head off any potential problems EITHER with short-spaced stations OR IBOC "fattening" the current signals and possibly thereby interfering with each other, point one should be accompanied by:

1a) Standards for FM receiver manufacturers. The receivers should be cable of selecting one LPFM over another *one* adjacency apart. The current technology for this is not difficult, most car receivers are already capable of this. It is only the \$5 K-Mart GPX receivers that will have to be improved.

1b) That *any* power level that will "fit" be allowed under 1000 Watts. If a 300 Watt signal fits, so be it, or if only a 30 Watt fits and the radiation curve will not interfere, so be it.

1c) Experience indicates that digital (especially interference vulnerable IBOC) is a mistake if the goal is service of diverse populations. Analog FM is more robust at penetrating steel reinforced buildings and while Analog does experience "picket fencing" that will be nothing compared to the annoyance and **loss of service** caused by the "shelf effect" of digital signals. Experience shows that **those stations most desired by subcultures are often the weakest and furthermore there is often only ONE weak station** for that subculture's programming as well! When driving a car, or wearing a walkman, the **slight increase in quality is not going to be noticeable, but the**

major loss of service will be.

If the industry is absolutely determined to foist digital on us and require purchase of a whole new constellation of equipment, then the suggestion is:

1)d1) That the subcarrier audio channel be used to carry a digitized simulcast of the analog signal. The SCA has several times the bandwidth of a Plain Old Telephone System (POTS) line. A POTS line at 53Kb is capable of "near CD quality" sound right now for one channel. An SCA can carry one or more stereo digitized signals. No doubt the other services such as the announcement of the song title can be multiplexed on to the SCA also.

1)d2) If the industry rejects use of the SCA, then we should stick with a working tradition. As FM moved up dial from AM, so should Digital move up dial from FM. The Canadians and the Europeans have proven technology in the **Eureka system**. Why should we insist on reinventing the wheel? This is **increasingly a global society with borders meaning less and less, why must we create a system that reduces opportunities for diversity of access and ownership and is not in use anywhere else?**

2) The new frequency availability is moot point if the same old faces get the LPFM stations either directly or through "front groups". We must prevent any large institutions from dominating the airwaves further. To encourage a diversity of NEW and LOCAL ownership/control, the following is suggested:

2)a) Only capitol improvement funds may originate outside the MSA. This way if a large institution such as the American Family Association insists on building in Richmond even though we already have six gospel stations and many other outlets for religious programming on top of that, they can. They must simply get the *operation* funds from the population that would then demonstrate their need for that programming with financial support directly or through local advertising.

- 2)b) Those who would have controlling interest in an LPFM station must not have ANY controlling interest (in any legally establishable way) with any organization that already has even one radio station anywhere period.**
- 2)c) ONE LPFM per organization or person, period.**
- 2)d) The organization of the LPFM may not share controlling members with any other radio controlling organization, nor may one radio controlling organization exercise ANY policy or programming or financial control over the board or proprietor of the locally controlled/owned LPFM.**
- 2)e) The owner(s)/controllers of an LPFM must ALL maintain primary residence (demonstrate by registering to vote) within 50 miles of the antenna.**
- 2)f) That an LPFM station may only be sold to a person or organization that meets the above criteria.**
- 3) That when several organizations want the frequency, the one that can demonstrate the greatest diversity of programming for the greatest diversity of cultures/interest groups and/or community involvement be given priority.**
- 3)a) Demonstrate with a diverse board of directors.** This can be measured by their claimed ethnicity but also important are people that **demonstrate connections to interest groups in the area that are not represented** on other radio stations.
- 3)b) Demonstrate with enforceable pledges to carry programming serving several "psychographic" as well as "demographic" groups.** (see the below link to an article on "Cultural Creatives" from American Demographics Magazine)

http://www.demographics.com/publications/ad/97_ad/9702_ad/9702a29.htm

CONCLUSION:

For the reasons I have explained, I urge the Commission to adopt its Proposed Rule, as modified by the policy changes I have recommended herein.

Thank-you for taking the time to encourage diversity on the airwaves and receiving our input on the matter.

Sincerely, Christopher Maxwell,
Virginia Center for the Public Press and
The Radio Free Richmond Project

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