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

JUL 20 1999

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

## Comments of The George Washington University to the Notice of Proposed Rule Making on the Creation of a Low Powered Radio Service

The George Washington University ("GW" or the "University") hereby submits the following comments on the above-referenced Proposal to Create Low Power FM Radio Service.

### Summary

GW strongly supports the creation of a low powered radio service as an important method of furthering the public interest in expanding the number of voices on the FM band. GW, with its School of Media and Public Affairs and a history of unsuccessful attempts to secure a broadcast radio station, would be a prime candidate for a low powered station. With its diverse student body and its downtown Washington, D.C. campus serving as the nucleus of a natural market, GW is the type of entity that could make the most effective use of a 1000 watt station. The Federal Communication Commission should consider relaxing existing rules for such new stations and should establish guidelines for selecting the new licensees to ensure that they meet the public interest. Licenses for most new low power stations should be reserved for noncommercial users. For applicants similarly qualified, the FCC should consider a limited form of auctioning.

### Comments

#### Description of the University

GW, with its main campus four blocks from the White House, is the largest institution of higher education in the nation's capital. It has more than 19,000 students enrolled in 8 schools and colleges, as well as more than 10,000 faculty and staff. GW is a leading source of experts in such areas as politics, international affairs, communications, economics, education, engineering, health care, sports management, and law. GW's student body is extremely diverse; 23% of the

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student body are members of minority groups and 13% are international students. GW students come from all 50 states, the District of Columbia, 139 foreign countries and a variety of ethnic, religious and socioeconomic backgrounds. The University has a proud tradition of extensive community service, as shown in the recent edition of Community Commitments. (Copy attached.)

While GW's main campus is located in downtown Washington, D.C., the University has several satellite campuses. One is located in northwest Washington, D.C. (formerly Mount Vernon College) and several others are located in Northern Virginia. Most of these satellite campuses fall within an 8-mile radius of the main campus at Foggy Bottom and thus would be reachable by a 1000 watt station. Together, these campuses present a ready-made, natural market for any GW broadcast station.

One of GW's leading schools is its School of Media and Public Affairs ("SMPA") which offers a degree in Electronic Media. The University has just broken ground for a new facility to house the SMPA to be located in the heart of the Foggy Bottom Campus. GW also has a student operated current carrier radio station which reaches various buildings on campus. What it lacks is a broadcast radio station that could fulfill the needs of students of the SMPA, the larger University community, as well as the thousands of residents within an 8-mile radius of the Foggy Bottom campus.

### Need for Low Power Radio

The spectrum allocated to FM radio is, of course, quite limited. This scarcity, exacerbated by the trend towards market consolidation, has created an extreme shortage in frequencies available for new broadcast stations. On the rare occasion that a station becomes available for purchase, market forces have driven up prices to the point where they are effectively out of reach to all but the most wealthy.

GW's experience exemplifies the scarcity problem. For several years, GW has searched for an available broadcast outlet which would provide training for GW students and provide programming for the Foggy Bottom campus, its environs as well as parts of the wider metropolitan community. To date, GW's search has been fruitless. When WDCU-FM in Washington, D.C. became available last year, GW expressed interest but could not afford the final \$10,000,000 selling price.

The combination of spectrum scarcity and high market value of FM stations limits the number of different "voices" that can be heard over the FM band. By "voices" we do not mean only different forms of entertainment, but more significantly different points of view on matters of significance to the public. GW, and other similarly frustrated would-be broadcasters, have no viable alternative to broadcast frequencies. Current carrier stations are limited in range and effectiveness and thus offer only a muted voice for GW's unique population.

## Awarding Low Power Stations

Any procedure for awarding low power FM radio stations should be based on the goal of increasing diversity of ownership. Given this goal, no low power stations should be awarded to an entity that neither owns another media outlet in the same market nor, unless there are no other competitors for a specific low power station, owns any other media outlet in the nation. In addition, noncommercial operators should be favored over commercial operators. Noncommercial operators, unburdened by the profit imperative, are more likely to offer programming different from what is broadcast by existing stations.

Notwithstanding the goal of favoring noncommercial owners over commercial owners, low power licensees--particularly those for 1000 watt stations--should be required to demonstrate their financial viability to operate a station. While the cost of operating a low cost station would be less than the cost of operating most full power stations, the public interest is not served if new licensees too frequently fail because of the financial demands. Thus, awardees of low power stations should be required to demonstrate that they would be financially able to operate for at least their first year of existence.

In order to provide as many new low power stations as possible, the FCC should relax the interference protections afforded existing stations. Such a policy is consistent with the public interest in expanding the number of voices. Abandoning protection against second and third adjacent frequency interference should have slight, if any, deleterious effects on the service areas of existing stations, as the FCC noted in its Notice of Proposed Rulemaking. The FCC has a history of weighing the public interest of providing wide coverage protection for existing stations in order to ensure coverage of the entire country against the need for more stations which could be created by reducing the protection against interference. Given the security of nationwide coverage and the need for more voices on radio, the public interest argues limiting the existing interference protections in order to maximize the number of new low power stations in each market.

New stations, smaller than existing stations and lacking an established market, should not be burdened with many of the existing rules and operating policies. Relaxation of these rules would serve the purpose of increasing the likelihood that these new stations would survive. The continuation of certain rules are appropriate, e.g., political programming rules, public file rule, man studio rule and ownership reporting requirements. Other Part 73 rules should be applied sparingly.

Another factor to consider in awarding a license is the whether an applicant can demonstrate a geographically compact potential market for its service. Low power stations by definition will have limited reach, and a license will be wasted if the potential audience for a specific station is so dispersed that only a small fraction of that potential audience will actually be able to receive the signal. Thus, applicants for low powered stations should be required to

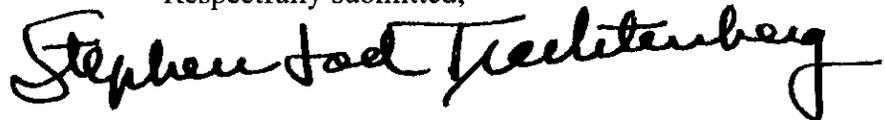
identify their target audience and demonstrate that a significant portion is within the radius of the specific station for which they applied.

Local ownership should also be a factor in prequalifying applicants. Applicants should be able to demonstrate significant ties to the local community in order to be eligible for a low power station. The *raison d'être* of low power stations would be their ability to reach the local community and thus the licensees should be required to reside, work and have other significant connections to the specific community to be served by the low power station for which they applied.

Applications should be accepted on a first come, first served basis. The factors identified above should be used to prequalify the applicants and thus serve to winnow out many applications for the same station. Where mutually exclusive applications remain, such stations should be auctioned off consistent with the practice of awarding existing radio stations. The auction process has the advantage of increasing the likelihood that the stations will be awarded to licensees who have the financial wherewithal to operate a station. If the FCC determines that all stations should not be subject to the auctioning process, a small number of stations--perhaps one per market--can be awarded through lottery.

In summary, the FCC's low power radio station proposal is a highly commendable effort to satisfy the public need for diversity in the number of voices heard on the nation's airwaves. With thoughtful procedures for awarding such stations, along the lines as those suggested above, this new service could have a significant positive impact in thousands of communities across the country.

Respectfully submitted,

A handwritten signature in black ink that reads "Stephen Joel Trachtenberg". The signature is written in a cursive, flowing style with a long horizontal tail on the final letter.

Stephen Joel Trachtenberg  
President  
The George Washington University

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