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

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

These comments are by Gregory Smith licensee of KBKW and KAYO-FM, Aberdeen, Washington; president of Marrow, Inc. licensee of KSWW-FM, Elma, Washington and Vice President of Butterfield Broadcasting of Yakima, Washington.

Summary of comments: Firstly, if authorized, all Low Power and Microradio stations should be required to fully participate in EAS. Secondly, to better achieve the community participation and local voices goals of the proponents of Low Power and Microradio, a better way would be to use the AM band in exchange for digital licenses using the Eureka 47 system on a different part of the spectrum.

EAS: Most citizens have been conditioned over the decades to rely on radio for emergency information. First it was EBS, now it is EAS. For the listener, it is a passive system. No matter where they are, if they are listening to a radio, an emergency broadcast will alert them to take action. The new EAS system has taken millions of dollars in man-hours and equipment to plan set up and implement. It is an effective system because almost all citizens are aware they can rely on it for critical emergency information.

The proposal to allow some microradio stations to operate on commercial frequencies without the requirement to support the EAS system would undermine the entire EAS system. The listening public knows that <u>any</u> radio station they are listening to will interrupt regular programming to give an emergency announcement. Citizens are entirely passive in this requirement. If <u>some</u> radio stations are exempt from providing this emergency information, the Commission will then change the EAS system to an active one that would *require* US Citizens to know which radio stations they can rely on and which ones they cannot. It is not enough to provide them with different identifiers. As most radio survey companies will disclose, a huge percentage of the US population cannot identify what radio station they are listening to.

A FM receiver picking up a clean signal cannot distinguish between a station operating with 100,000 watts ERP and 10 watts ERP. There is no way for the listener to know that the station they have dialed in is not capable of providing them with an emergency announcement.

As soon as a citizen misses a critical tornado or flood warning because they were listening to the "wrong" radio station, the entire EAS system will lose citizen support.

We urge the Commission to either require all radio stations to participate in EAS or the entire system will be ruined.

Community participation and local voices: The proponents of the Low power and Microradio proposal suggest that these radio additional radio stations will give voices to community organizations and those persons they say are underrepresented in conventional broadcasting. We are not prepared to discuss those merits, leaving that subject to others more qualified that we. If however, it is decided that the American public needs additional radio stations, we believe there is a better way than adding more stations to an already crowded FM spectrum.

We have listened to the IBOC (in-band-on-channel) promise for most of the last decade. It is not here. It is always, "just around the corner". I can now receive digital television in my home, but not radio!

We propose that the Commission abandon IBOC and locate a new piece of spectrum for the Eureka 47 digital system adopted by most other countries. With this new piece of spectrum, we propose that the Commission award a digital frequency to every broadcaster who donates an AM frequency to a qualified non-commercial community organization. This swap would be voluntary on the part of the broadcaster who could elect to keep their AM frequency or trade it in for a digital one. We would propose that the AM frequencies "traded in" be forever subjected to the Ownership and Eligibility requirements as proposed in the LPFM/Microradio proposal.

This proposal solves many of the problems with the current Low power and Microradio proposal. Most Americans live in our heavily populated cities. Studies have shown that, due to FM spectrum scarcity, very few LPFM/Microradio stations can be located in these major cities. Most of the country's AM radio stations are already located in our heavily populated areas. One of the requirements of the swap could be to include ownership of the AM tower site or the assurance of a long-term lease with a reasonable rate. The Community Group or individual operator of the station would then be spared the expense of locating a suitable transmission site. This proposal could result in more total radio stations in the hands of qualified community groups and individuals than with the current LPFM/Microradio proposal. This proposal protects the technical integrity of the existing FM band. This proposal insures that commercial broadcasters will quickly develop and promote the new digital frequencies.

There are numerous details that would need to be considered with this proposal, but it would bring digital radio to the marketplace with a proven technology. It would provide community groups and individuals with full radio coverage in our heaviest populated areas. It would protect the integrity of the FM band. It would be voluntary.