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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

To: The Commission

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Comments of Russell Oasis

I am a small broadcaster who owns WJFX FM in Ft. Wayne, Indiana. I have also owned three other stations during my radio career, two in Miami, Fla. (Homestead and Ft. Lauderdale), and another one in Ft. Wayne.

The purpose of this communication is to object to the LPFM proposal, which is currently being discussed at the FCC. I find it incredulous that this proposal is being entertained, in light of the history and experiences of the FCC during the past 12 years. Firstly, one need not remember too far back to be reminded that the need for recent consolidation was a direct result of a misguided Docket 80-90. When conceived, that docket attempted to give smaller local broadcasters and minorities a voice in their community. It awarded preferences to minorities, women, and people who were going to live in the community of license. Doesn't this sound like the rationale for the new "Low Power FM" proposal? It is exactly the same, and will have exactly the same result on the existing radio landscape. Radio will again become too fragmented. If one takes an honest look at how those licenses actually got awarded, one would have to arrive at the conclusion that in many cases, minorities were used as the "straw man" to assist well heeled broadcasters to obtain the license. Rarely, did the applicant actually end up owning and / or operating the station for which they originally applied. To compound some of the same old problems, will be the fact that the LPFM's may be commercial free. This will mean that for the most part, the people interested in obtaining them will be zealots, with a personal agenda. Whether it's some form of "religious proselytizing," "pro or anti abortion zealots," the NRA, or some 21-year-old kid, who wants to test the 1st amendment by barraging the airwaves with obscenities, we are sure to have unpatrolable and uncontrollable havoc on the air. If you think that Howard Stern tests the limits, I fear that we'll all find out what happens when commercial free frequencies are awarded to 21 year old Howard Stern wannabes, with a point to prove and no monetary motivation to keep it within FCC guidelines. It will be legalized pirate radio.

My next objection is more personal in nature. I am currently awaiting FCC approval to move the WJFX transmitting facilities to another location outside of Ft.

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Wayne. This location will require that I purchase the land, construct a new 500-foot tower, and purchase new, directional broadcasting equipment. All of this, to try to increase the quality of service to the African American community which I serve. When all is said and done, the cost of this move will be approximately \$200,000. Why am I going through this complicated and expensive process? To protect a 3rd adjacent station many miles away. My station, WJFX is a Class A facility, with barely more power than many of the proposed LPFM stations. **If the adjacency requirements are relaxed, another station, one that has never been on the air, and has no duty to serve the needs of the community, could be awarded, go on the air, and interfere with that third adjacency in a much greater fashion than my station would if the rules were relaxed, and applied to me.** If the rules were relaxed, I would not have to build another tower, I could broadcast from existing towers, where most of the other broadcasters in Ft. Wayne broadcast from, and could also be non-directional. I should be able to improve the quality and service area of my own signal before new broadcasters are allowed to add stations to the dial. If more diversified programming is what you seek, then allow smaller signals, owned by smaller broadcasters to become more competitive with the larger stations. It is unconscionable that those broadcasters who have toiled under the existing regulations suffer the financial and practical pain of protecting adjacent channels (and will continue to have to do so), while new non-broadcasters are allowed to enter the marketplace, live by a new and different set of rules, and then compete with those of us who have paid for our stations, paid FCC fees, and served our communities of license. If you are going to loosen up the adjacency requirements, let the existing broadcasters, perhaps the small ones with less than 5 stations, enjoy the benefit of new regulations. With my class A facility I would like to compete with the other more powerful stations in my market. Why shouldn't I be allowed to have a translator in a surrounding city, rather than new service given to an outside group? You are punishing the broadcasters who have toiled and played by the rules, and rewarding pirates, specialized interests, and other non-broadcasters with a single or limited agenda. While existing broadcasters work to meet the needs of the community, the new licensees take away the possibility of signal improvements and better operating conditions, from those of us who have a broader responsibility to the community.

In 1987, I purchased a radio station licensed to Homestead, Fla. I paid \$8,100,000. Because of interference concerns, I was unable to increase the ERP, which would have allowed the station to compete, equally and fairly, with the other stations in the market. Even after Hurricane Andrew, when our tower fell down, our power was severely restricted while broadcasting from an emergency location. It was feared that we would create interference with another station, many miles away. We even made one proposal which created interference to only our own station, and not to anyone else's, and yet it was still denied. Immediately after the hurricane, I personally flew to Washington to plead our case for more power, and again, was denied. Fast-forward a scant 7 years, and all of the sudden, those incredibly important engineering restrictions have magically become "not important at all." What has changed? Please don't answer "The quality of the receivers." While I do not believe that there has been a significant change in receivers over the past 10 years, if it *is* the case, kindly allow the existing broadcasters who have toiled and labored under the old rules to be the beneficiaries of these "new and improved" radio receivers. It appalls me to think that over the years, I lost opportunities

and incurred major expenditures protecting adjacent frequencies, a hundred miles away, yet today, the FCC is ready to forget all about those stations so that they can award frequencies to non-broadcasters who want to play radio.

In my opinion, the LPFM proposal will be the largest mistake the FCC has ever made. Please learn from the past. Digital radio should be our future, not more stations on the existing FM dial.

Finally, if there is some relaxation of adjacency regulations, allow broadcasters who have suffered in the past as a result of these regulations, be the ones who benefit from any revisions in the rules.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Russell Oasis", written in a cursive style.

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