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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Creation of a Low Power FM
Radio Service

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MM Docket No. 99-23

To: The Commission

COMMENTS OF
CALVARY CHAPEL OF TWIN FALLS, INC.

Calvary Chapel of Twin Falls, Inc. ("CCTF"), by its attorney, hereby submits its Comments in the above-captioned rule making. As will be explained below, CCTF does not believe that there is anything inherently wrong with the establishment of a low power FM ("LPFM") service, but it strongly maintains that the Commission must recognize the public interest benefits and equities which also compel the protection of FM translator facilities operated by noncommercial educational organizations. In support thereof, the following is stated:

CCTF is a not-for-profit corporation chartered under the laws of the State of Idaho, and is tax exempt, pursuant to Section 501(c)(3) of the Internal Revenue Code. It initially was active only in the Twin Falls, Idaho community, regularly helping to rehabilitate criminal offenders and substance abusers, offering teenage and marriage counseling, presenting courses in household financing and other specific day-to-day problems, and providing spiritual guidance and instruction on an ongoing basis.

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CCTF has pursued these efforts in the strong belief that many of the well recognized social problems in our complex modern American society, such as drug and alcohol abuse, crime, teenage pregnancy, failure of marriages, neglect of the elderly and the breakdown of the family, can be mitigated through educational efforts which explain how such problems arise, how to help prevent them from arising, and how to deal with them if and when they may arise. In general, CCTF seeks to educate the people in its community so they can understand how to deal with the personal, family and community issues which confront them in the modern world. To do so, it has designed its activities to both address specific social issues and teach an overall approach to life, incorporating the general social and spiritual values which people then can use to guide them as new situations arise in their lives.

In 1993, CCTF built and began to operate new noncommercial educational (“NCE”) FM station KAWZ(FM), Twin Falls, Idaho. It did so in the belief that the station would enable it to enhance its ability to fulfill its educational objectives by expanding its ability to reach shut-ins (in hospitals, prisons, retirement and nursing homes, etc.) and those whose schedules do not enable them to attend in person. It found a meaningful response to its broadcasts and, acquiring additional programming and financial support, CCTF therefore has expanded its efforts to reach out by acquiring and building FM translators to serve communities throughout the continental United States. It presently operates approximately 220 such translators, which have been purchased, constructed and operated for sums totaling in excess of 2.5 million dollars.¹

¹Many of these CCTF translators operate on the nonreserved FM channels, pursuant to the rules which permit NCE licensees such as CCTF to do so in certain circumstances. New rules governing the use of the nonreserved FM frequencies by LPFM stations therefore could have a substantial impact on translator operators such as CCTF.

In view of its past accomplishments and future goals, CCTF is justifiably concerned that the proposed new broadcast service may be allowed to destroy what it has created. FM translators have proven to be a worthwhile, effective means of reaching populations which otherwise could not receive the programming CCTF offers, due to the crowding of the spectrum in urban areas and the lack of the population needed to support a full-service FM station in rural areas. The Commission has no basis to presume that a "local" low power station would offer a better service to the public than that provided to a locality by a more distant source of programming such as CCTF.

Moreover, CCTF is not alone: there are many public and private entities which rely on translators to reach their listeners. If a new LPFM service is permitted to interfere with or displace existing translators, the loss of existing service and the disruption of established listening patterns would certainly counterbalance, and indeed would outweigh, any of the speculative benefits which might be derived from the contemplated service.² The fact that organizations such as CCTF have invested time, effort and substantial sums in an existing, authorized service also is important: Where many entities have done so in conformity with the Commission's long-established rules, the Commission should not simply ignore such investment -- and reliance on existing rules -- by allowing a new service to destroy what so many have already built.

²In this regard, the Commission already has experience with low power FM stations, in the form of Class D facilities which showed that such small stand-alone stations were not financially viable. There is no reason to now believe that such stations would survive, when even full-service stations find it difficult or impossible to stand alone in a market when compelled to compete with the large, consolidated, multi-station operations now allowed by the Congress and the Commission.

The Commission also must recognize that, if the new stations are permitted to interfere with or displace existing translators, a single new LPFM station could in fact destroy an entire set of FM translators. CCTF, like many other FM translator operators, feeds some of its translators with the signals of other translators, relying on such “daisy chains” for efficiency and when there is no other means of providing an input signal. A single LPFM station which breaks that chain thus would interrupt service to many more communities than the one served by the displaced translator, itself. Moreover, there may well be no replacements (LPFM stations or otherwise) for the translators which were thus disabled. The loss of service would thereby far exceed whatever new service might be initiated by the single LPFM facility.

Finally, absent strict regulation of program sources, there is no reason to believe that the new LPFM stations will be any more “local” than a comparable FM translator. Aside from the stations which present large amounts of network programming, there are numerous FM stations which present programming developed in a distant urban center and then distributed by satellite. The practical difference between these “full-service” stations and FM translators is negligible. The Commission should not enable new operators to replace established services if such operators could, in essence, merely duplicate the type of service which was previously offered.

In view of the foregoing, it is manifest that the Commission should not authorize a new low power FM service if the contemplated new facilities would be able to interfere with or displace existing translator services offered by not-for-profit entities. The perceived benefits of such a service are only speculative, while it is plain that it could destroy the past work and prevent the future expansion of well-established, worthwhile not-for-profit FM program services throughout the nation. If the Commission feels compelled to make the FM spectrum available

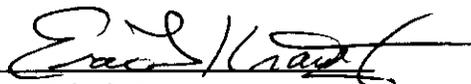
for the new service, then it certainly should grandfather any translator which has been authorized or "cut off" prior to the time that an application is filed for any LPFM facility which might otherwise interfere with or preclude that translator's operation.

If the Commission chooses to implement its proposed LPFM service because of the beneficial service which it presumes will be supplied by such stations, it also must bar programming practices which would undercut such benefits. That is, if translators are disfavored due to the fact that their programming is imported, then LPFM stations also should be precluded from importing signals for substantial portions of their broadcast day. If the Commission fails to enforce such restrictions, the Commission will only open the floodgates to speculators who merely will seek to substitute one type of distant programming for another.

In sum, CCTF and many other public and private not-for-profit organizations have devoted years of conscientious effort and substantial resources to building low power FM translator stations which serve numerous communities with programming which otherwise is not available to their residents. These efforts should not be discounted, and their results ignored, in favor of a new service whose potential to harm is manifest and whose benefits are speculative.

Respectfully submitted,

CALVARY CHAPEL OF
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