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July 27, 1999

**DOCKET FILE COPY ORIGINAL**

Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: MM Docket No. 99-25  
In the Matter of Creation of Low Power Radio Service

Dear Sirs:

Enclosed herewith is the original, along with thirteen copies of Brechner Management Company's comments on the above proposal. Computer disks with these comments in electronic file format have been provided to the appropriate FCC offices as well. Thank you for your consideration.

Sincerely,

  
Berl Brechner,  
Vice President

*Encl: copies for Dockets  
copies for Commissioners*

No. of Copies rec'd 0413  
List ABCDE

WMDT-TV  
Salisbury, MD

KTKA-TV  
Topeka, KS

KTPK-FM  
Topeka, KS

WKFI-AM/WSWO-FM  
Wilmington, OH

GREAT OUTDOOR ADVERTISING  
Wilmington, OH

**Before the  
Federal Communications Commission  
Washington, DC 20554**

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

COMMENTS ON BEHALF OF

WFKI-AM AND WSWO-FM, WILMINGTON, OH. AND KTPK-FM, TOPEKA, KS.

We currently operate companies that are the licensees of WFKI-AM and WSWO-FM in Wilmington Ohio, and KTPK-FM in Topeka, Kansas.

We have been broadcasters sincerely committed over the years to the principles of broadcasting to provide service and information to the communities in our coverage areas. Despite consolidation of radio stations under group owners, there remain many companies and individual licensees who continue to own and operate stations that provide indispensable service to our local areas.

In Wilmington, Ohio, for instance, where we have an AM/FM combo, each being the lowest powered possible service under present broadcast radio licensing standards, our stations are the only broadcast outlets in Clinton County. We are the only radio outlet (and thus the only portable or automobile receivable outlet) for emergency weather information, school closings,

agricultural information, local news, community service and organization information, and many other items of direct interest, concern, and need to people of the local community. We provide such information several hours daily, and regularly broadcast, in full, local high school sports events.

But to provide such information takes a substantial staff (we have 15 full- and part-time employees for our Ohio radio operation alone) and substantial expense. Our only revenue is local advertising. We operate at marginal profitability.

Our Topeka, Kansas FM station is similarly staffed, provides local news and community service information, and faces difficult media and advertising dollar competition.

It is our great concern, and should be of utmost concern to the Commission, that any added radio services that further segment listenership and add competition for the already overextended local advertising dollar will impact the service we provide. Additionally, radio broadcasters now face the new challenge of competing against satellite-delivered radio services, which are just now initiating service (and provide NO local service, we would add). I believe it can be assumed that most low power FM stations being envisioned under this proposal will be voices, and perhaps offer alternate music. But due to their signal reach and staffing limitations, they will not likely provide a regular and reliable flow of detailed, timely news, emergency, and community information. And their presence will inevitably debilitate existing stations.

What we will have on the radio band, at the end of the day, if new low power FM radio is introduced, is more noise, but a lot less information.

We are also especially concerned that interference from added low power stations will impact distribution of our signal. Several years ago, Dayton Public Radio proposed a translator

FM station for Dayton on the frequency assigned to us in Wilmington. That proposed translator, which would have fallen within the definitions of the low powered FM stations proposed under this petition, was seen by Dayton Public Radio's engineering study as harmless to our signal. Upon our review (a very expensive review, it should be noted) our engineering consultant determined that their proposed signal would, indeed, harm our ability to reach the communities within our coverage area. We opposed the application, and the Commission agreed with OUR findings, and protected our license by ruling against Dayton Public Radio's application. It is obvious that under a low power FM scheme where such signals become sanctioned by the Commission, such protections for existing signal distribution patterns will disappear; a morass of technical issues will ensue; and individual licensees will face expensive and complex technical battles that will further debilitate their ability to provide local broadcast services.

Additionally, as licensee of an AM station, an AM daytimer, we have suffered required nighttime sign-off requirements for as long as we have owned the station, IN ORDER TO PROTECT THE FREQUENCIES AND DISTRIBUTION OF OTHER BROADCASTERS' SIGNALS. It seems unfair, at best, to expect us, now, due to a change in the rules of the frequency protection game, to endure exposure to, or the expense of fighting against, interference from others after WE have, for so many years, been required to face serious operating and economic impacts in order to protect others.

This low power scheme would also be complex to administer, and unfairly and illogically relax regulatory requirements and standards for this new class of broadcasters, while leaving today's small station operators facing the same burden of restrictions and regulations they now face. A harmful competitive and economic burden on existing stations would be created by the

proposal, in that the proposal relaxes many of the rules and standards for the proposed low power FM service, but keeps those same rules, procedures and standards in place for existing broadcasters, even though some (like our Ohio FM which is limited to 3,000 watts and an antenna height of about 300 feet) are little more of a facility than the highest class of service proposed under the rule.

We believe implementation of any low powered radio scheme would be extremely detrimental to existing local stations' abilities to offer local news, weather, sports programming, emergency and community service information to local areas, and that it would create substantial, and perhaps debilitating harm, to many existing broadcasters who, like us, are providing the kind of local information the Commission has supported over the years, and communities are asking for. We would urge the Commission NOT to move forward with any lower power FM radio proposals.

Respectfully Submitted,



Berl Brechner,  
Vice President

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