* We also have a general concern about substantial evidence of character deficiency on the part of our opponents in this issue, who, in our opinion, have acted repeatedly and consistently to mislead, overstate and misrepresent in their public remarks and comments. Additionally, they have acted to repress public debate on the public airwaves over who is allowed to use the public airwaves. And they have demonstrated a pattern of behavior and attitude in regards to their listeners and their public interest responsibilities that approaches scandalous. All these call into question their qualifications for possessing a broadcast license.

We wonder how (para. 9) the N.A.B. and N.P.R. would prove their assertion that "existing radio stations are already serving the myriad needs and interests of their communities" in light of the 13,000 requests for new stations in 1998 alone? Let us not confine ourselves to asking the fox whether he has been raiding the coop – let's ask the chickens too. Judging by the fact that the broadcast industry has counted a steadily declining percentage of Americans as their listeners for many years now, it might appear that the public would not give such an all-encompassing expression of satisfaction regarding the current state of broadcasting – that is, if anyone were to bother to ask.

We address the complications of proving anything about such a broad term as "diversity" in Sec. 4 *Consolidation & Diversity*. But we are not pleased with implications that LPFM opponents might well be required to shoulder the burden of proof in these matters. In any case, one might suspect that our opponents are taking advantage of the matter by throwing out claims that – despite their being ridiculous – are also quite difficult to *prove* so.

For example, the N.A.B. contends that *"there is no indication that the diversity of station formats is decreasing,"* even while the number of owners shrinks rapidly. Of course, how can anyone prove whether "diversity" has increased or diminished? No two people would ever use the same yardstick for such a subjective measurement. Having thwarted our ability to prove them wrong, the N.A.B. expects to have won the argument. But we respond by asking *them* to please *prove* that fewer owners actually

promotes diversity! And since neither side can offer proof, we leave it to the F.C.C. to decide for itself which is likely to foster greater diversity – more owners or fewer. We grant that no one can say with absolute certainty who is right. But common sense suggests that greater numbers of owners are likely to lead to a greater degree of diversity most of the time.

Frankly, this kind of topsy-turvy logic which makes one's head spin until we've forgotten which way is up, is not at all new when it comes to the broadcast lobby's efforts to influence the regulatory procedure. Time and again the industry has used nothing but smoke and mirrors to create incredibly convoluted arguments -- which coincidentally conclude that what the industry wants just happens to be in total synchronization with the *real* public interest. (Never mind what the public itself thinks.) A more perfect example cannot be found than the use of "spectrum efficiency" to justify the barring of the public from the public airwaves through the discontinuation of Class D licenses.

Another favorite of ours is when the financial health of the industry is used to measure how well the public is being served, based on the circular logic that the more broadcasters are able to generate a profit the better the more likely they are to serve the public. In fact, reality suggests the exact opposite -- that the greater the profits being generated, the less likely broadcasters will put public interest responsibilities ahead of profit generation.

For the sake of argument, let us assume that the N.A.B.'s claim is true on a national basis. In any case this still only describes the number of distinct *formats*, not the overall state of diversity. And we contend that it is the diversity within the format itself that is disappearing. No matter whether it is country, jazz, or rock, in every case it is increasingly only the most commercially-accessible versions of that music which is being played. There is precious little that could be in any sense considered "obscure" ever being played on any of these stations. Yes, we realize there are still country, jazz, and rock stations across the country – but they are all playing the same 30 songs in their respective formats.

It seems likely that the N.A.B. intended to create a false implication about diversity by their careful word

selection which cleverly focuses on "format," not overall content.

We are pleased to read in para. 9 about a "range of options for the future development of terrestrial digital radio," because from reading the rest of the NPRM and other material from the F.C.C. one might surmise that IBOC has already been chosen. In any case, we demonstrate ample evidence that the public, while demanding community radio, cares very little about digital broadcasting in general and not at all about IBOC in particular. (Sec. 5, *IBOC & Terrestrial digital Broadcasting).*

N.P.R. claims that *"there is no evidence that small geographic areas in fact have sufficiently common programming interests such that the desired niche programming will develop."* In fact, we have provided boxes full of such evidence, in the form of well over 4,000 letters from Metro Detroit citizens, all hoping to hear more local music on the air (copies of the letters are available for inspection). Now that we've put our evidence on the table, we invite N.P.R. to show theirs.

As far as *"consolidation...group ownership can foster important services to listeners,"* in reality the exact opposite has happened here in Detroit, with the specific loss of formats due to ownership consolidation. Consolidation has also led directly to the removal of local airplay at Detroit stations. When Disney bought ABC which owned the local station, WPLT-FM The Planet, the local-friendly station staff were sacked and replaced by a local-hostile staff. The station which once led the way in local airplay became one of the worst.

Contrary to the alarmist language used by LPFM opponents, especially by the N.A.B., in this NPRM and also in public, one finds in paragraphs 109-110 that our neighbors on both borders allow for low power broadcasting and have apparently not experienced calamity as a result.

8.d NEED FOR LOW POWER SERVICE

A particularly interesting exercise results from an assessment of the need for an LPFM system by the standards used by the commercial broadcast industry itself. We examine specifically the recent study in *Duncan's Radio Comments* (an online publication of the industry newsletter *Duncan's American Radio*). The 1997 study, *"based on results from 168 Continuous Measurement and Standard Report Arbitron markets,"* seeks to explain why the existing broadcast industry, instead of growing, continues to lose listeners year after year, consistently over the past decade. According to the study, the current APR (Average Persons Rating, or percentage of the 12+ population listening in any average quarter hours) of less than 16% is the lowest since 1981, with the industry losing essentially a percentage point every year.

Obviously this is of enormous concern to the industry! As the study states, *"if delivery slides too much, it could offset the remarkable sales gain"* (delivery is a particularly interesting euphemism for the word "demand") and *"if usage rates go down, radio's overall cost-per-point goes up. Agencies and advertisers would be less inclined to use radio, and operators would feel the crunch."*

As a side note, these statements clearly show the motivations driving the broadcast industry. Are they concerned that their diminishing APR suggests a failure in regards to their public interest responsibilities? No! They are concerned about profits! And it is not that profit is the main thing -- to them it is the only thing. There is no better evidence of character deficiency on the part of the commercial broadcasters than their own words.

Given this information, it is likely the industry puts a great effort into accurately determining why they continue to lose listeners by the droves. So what lessons does the broadcast industry feel it needs to learn in order to begin recapturing their audience?

* They believe they must spend more on marketing and promotion.

* They believe "...listeners may have gone away because we took their favorite station away."

* They believe "There is a disturbing trend away from localness."

* They believe "Programming segmentation has gone a little too far."

* They blame "increased commercial loads."

We in the *Michigan Music Campaign* feel that a sufficient amount of the Earth's resources have already been dedicated to bumper-stickers and billboards for local radio, and that more of this is unlikely to benefit anyone. It should also be mentioned that reason number four stands in apparent contradiction with reason number two. In any case, reason number four is given a mere two paragraphs in the entire report, which also include statements like "it's important to 'super-serve' a core of loyal listeners." As well, they include the qualifier, "a little." Obviously the broadcasters are not too sure about programming segmentation having gone too far.

But three of their five explanations point to desires of the public that LPFM is ideally suited and is in fact designed to fulfill.

Community radio will make it feasible for parties to operate niche market stations, such as commercial classical mentioned in the study, that would otherwise be financially impractical or, more to the point, merely profitable but not *enough.* (Detroit's classical station, WQRS-FM, recently switched to an alternative music format because the owners were not happy with the level of profit they were achieving with classical music. In fact, the failure of alternative music at that station has caused yet another format change!). For myself, it has been decades since a station existed which I would have considered a "favorite." There is precious little on the airwaves today which interests me in the slightest. But LPFM promises to create many new stations which will attract myself back to radio.

If the listening audience demands "localness" as the study concludes, then it is hard to imagine anything more suited to the role than community radio! The study reports, *"This bond with the local listener is the very heart and guts of radio. People use radio for companionship and to connect with the world. If all they needed was music, they all have tape decks and CD players, neither of which bombard them with commercials or music they don't like. Radio is the reassuring voice. Good radio is part of the fabric of the local community. If all listeners ever hear is a slick, disembodied voice that never refers to anything local, the bond is broken..."*

This is really quite eloquent and perfectly on target. But let us remember: this is the inner voice of the broadcast industry – which publicly degrades everything about community radio! Don't take our word for the need for LPFM -- just listen to what our opponents are saying!

Rather than welcome LPFM, which would indeed demonstrate character on their part, the broadcasters instead are moving to create *virtual* "localness," through the wonders of modern technology, so that a DJ in Tucson can appear to be having an actual conversation with a caller from Detroit, when in reality that "conversation" is nothing but spliced bytes.

The study continues: *" This bond with the local listener is radio's long-term insurance policy. Radio's greatest asset is the FCC's allocation system, which limits the power of stations so that they only cover one city (or at most a city and the region around it). That has always given radio a unique advantage over many other media, particularly media that are national in scope."*

This statement makes two points: that radio is a unique opportunity (and not just simply one more form of media, as suggested by Commissioner Furchtgott-Roth), and that local broadcasting is particularly and uniquely desirable. We agree!

Finally, the study concludes that because of consolidation (which also is held accountable for the reduced promotional budgets at stations) the reasoning is, *"We own the station they're most likely to change to,*

so we have them either way. Why limit spot loads?"

We believe this statement reflects the true and truly crass nature of commercial broadcasters in regards to the public interest. They speak the language of high ideals, but at the very foundation they perceive *"the public"* as something to be tricked and exploited. In fact, in Detroit one company owns four of the rock/alternative stations, so this matter impacts us directly.

We find two lessons to be learned by Duncan's study. First, it is clear by the industry's own information that there exists a tremendous demand for niche "favorite" stations, for "localness," and for fewer commercials – all of which can best be provided by LPFM stations.

Second, we learn from this study what exactly worries the very nervous broadcast industry. The National Association of Broadcasters (N.A.B.) CEO, Mr. Eddie Fritts says that LPFM is the most serious issue for the broadcast industry in the last 30 years. Publicly, he points to concerns about interference, terrestrial digital, etc. But based on this study, it is quite reasonable to conclude that what *really* worries the broadcast industry about LPFM – is competition. Indeed this view is proved by the statement in a letter from the Michigan Association of Broadcasters that *"Increased competition could over-saturate the market. Profits could deteriorate..."*

We thank our industry opponents for providing such an elegant justification for LPFM.

There are a couple of minor additional points which ought to be raised. Para. 3 of the NPRM repeats the petitioner's claim that LPFM *"will allow . . . people of limited means to have a voice in broadcasting in America."* In fact, it will allow for so much more. *"Limited means"* clearly implies a minority of the population, a segment which owns less than most people. In fact, by today's regulations only a tiny percentage of the population qualifies for the right to broadcast legally. For the most part, this segment also coincides with the most wealthy and powerful Americans. The need for LPFM is that it will make it possible for the first time in history for the overwhelming *majority* of the American population to legally

enjoy and use one of our most intrinsically valuable public resources. The promise of LPFM is to extend the right of broadcast from far less than one percent to perhaps more than 90%! What an absolute triumph of democracy it will be, when this plan is approved!

When assessing the need for LPFM, one must consider ownership consolidation and diversity issues, which we cover in Sec. 4.

There is also an issue of fundamental fairness at stake. Our American social contract is based on an understanding that we are all equal before the law. Indeed, many scholars have suggested a concern about the 14th Amendment when examining current regulations which appear to ban access to the public airwaves on the basis of class. In a country that puts so much value on one-person-one-vote, the public will be greatly displeased should the agency determine that the rights of the average, working-class would-be broadcasters are in fact less sacred than those of the wealthiest members of society.

Para. 10 bases the fundamental need for LPFM on the negative effects of recent broadcast consolidation. We agree with the agency's assessment of consolidation's negative effects and how LPFM will help remedy them. However if, as suggested by Commissioner Furchtgott-Roth, it is determined that consolidation is not *"an appropriate motivation"* for creating a new low-power service, we must point out that the need for a low-power service has always existed, and before recent consolidation trends. Radio was initiated and developed by amateurs, who have never stopped playing a critical role in its development. In fact, the recent national movement to re-legalize community radio began at least 10-15 years ago, so it is quite impossible to hang the whole thing on the consolidation following the 1996 Telecom Act. The Telecom Act made a bad situation very much worse, but the situation was already there. And even if the broadcast industry's 70-year history was flawless, there still exists in this logic no justification in barring so many people from the public airwaves.

We agree with the sentiments in para. 11, that *"a variety of demands may best be met by more than one station type."* And we agree with the statements in para.12, that describe a lack of serious alternatives

available to the general public. However, we also point out the unique qualities of radio which cannot be duplicated by any other form of media. And we also mention that this line of thinking comes perilously close to 1st Amendment prior restraint. Even if a perfect alternative existed, the government must still demonstrate a compelling interest in limiting a form of expression.

8.e SPECTRUM CONSIDERATIONS

We encourage the F.C.C. to reconsider its stated intention of limiting Low Power radio to the existing FM band. See Chapter Six, *Spectrum Availability Analysis*, and Chapter 10 *LPFM*, section a., *Estimated Sufficient Minimums.*

We agree with the F.C.C.'s conclusion that the AM radio band should not be used for LPFM, and that a single national channel would be far from sufficient.

It is our impression that certain F.C.C. rules regarding eligibility for non-commercial educational licenses are not appropriate.

Regarding par. 21 of the NPRM, we believe the agency's definition of *"efficiency"* needs to be revisited. Should the goal of efficiency be to ensure that every nook and cranny of the broadcast spectrum is crammed full of – *anything*?! What is the point of replacing static with information no one is interested in? With commercial broadcasters consistently losing listeners year after year, this question is of substantial relevance.

Wouldn't *"efficiency"* be more meaningful if it was used in regards to the amount of programming which is actually of some value to the public? We must remember that it was this misguided definition of *"efficiency"* which led to the F.C.C. moving in the opposite direction 21 years ago, with the discontinuation of Class D licenses. A far better measurement of efficiency would be to establish to what degree American citizens are satisfied with what they find on their radio dial.

9. TIERS

9.a OVERVIEW

We agree with the F.C.C.'s conclusion that a multi-tier system for Low Power FM is best.

We also find merit in the Amherst Alliance's conclusions that the spread is too great between LP-10 or micro-radio, LP-100 and LP-1000. As a solution, Amherst proposes a more flexible HAAT scheme, or "wattage-based transitional tiers." We would support a system that introduces flexibility without being overly confusing or complex.

9.b LP-1000

We urge the Commission to adopt a 1,000 watt LPFM service only for rural areas with ample free spectrum space. Stations of this size would naturally preclude the establishment of several LP-100 stations in metropolitan areas with already limited spectrum availability. For Metropolitan Detroit, more people would be served and in a more diverse manner, by several LP-100 stations than by one LP-1000.

We agree that LP-1000 stations should be required to operate *"under the majority of the service rules and obligations applicable to primary stations generally."*

However, for rural areas with widely distributed populations and for which there is substantially less demand for spectrum space, we believe LP-1000 stations would be appropriate.

If LP-1000 stations are reserved for strictly rural areas, concerns about translator or booster stations are diminished since such stations could easily move to another spot on the dial most of the time. In any case,

LP-1000 stations should be given a clear preference because of the fact they will broadcast original, unique content. Translator and booster stations should not be "grandfathered," to protect their contour from LP-1000 signals.

9.c LP-100

Our greatest interest is in the proposed LP-100 service. As such, we believe it is vital that these stations be given primary status. Also, LP-100 stations must have priority over translators and boosters, without *"grandfathered"* protections for those stations. Local programming should be given priority.

We are impressed with the Amherst Alliance's research which indicates a 100 watt service would work best for most of the areas where most Americans live.

We support the suggestion that existing "grandfathered" Class D licenses also be given primary status, and that such stations should be allowed to convert to LPFM licenses.

We agree with the C.D.C.'s assertion that "small" must not automatically be equated with "secondary."

We generally oppose the idea of allowing translator or booster rebroadcasts of LP-100 signals.

We agree that the F.C.C. should lower the minimum wattage for LP-100 stations from 50 watts to 30 in order to possibly create room for more stations.

Paragraph 30 of the NPRM refers to this service being intended for *"communities of moderate size...serv(ing) from a few hundred to several thousand listeners."* We wonder if in our case, these numbers might be significantly low, with the proposed service more likely to reach tens of thousands of

listeners, and in some cases perhaps over one hundred thousand. We note the conclusion drawn by the Amherst Alliance that an LP-100 station in Detroit might have a potential audience in the range of 274,000, based on our population density of 7,200 people per square mile.

We agree with the idea that LP-100 stations should *"be permitted to select channels without regard to interference received from other stations."*

9.d MICRO-RADIO

We support the creation of a 1-10 watt *"micro-radio"* service, as described in paragraphs 34-37. Such a service could be especially important for the urban poor who make up so much of the population of the City of Detroit itself. On the one hand, the highly concentrated population means such stations could reach quite a large audience. In this regard, we note the conclusion drawn by the Amherst Alliance that a micro-radio station in our area might have a potential audience of up to 94,000 people, based on our population density of 7,200 per square mile.

On the other hand, the proportionately lower costs of starting such a station would be especially meaningful in an area with a median household income of just $18,742.

We are impressed with the reasons given by the Amherst Alliance for a micro-radio service.

We would be willing to accept secondary status for these stations in some cases.

We would like to suggest increasing the range to 1-50 watts. If the F.C.C. adopts a lower minimum for LP-100 stations than 50 watts (such as the proposed 30-watt minimum), that minimum should be the ceiling for micro-radio.

As far as how the institution of such stations might affect the eventual transition to terrestrial digital radio, we feel very strongly that a digital solution can and must be found that is tolerant of micro-radio, and LPFM in general. The extremely dubious *"benefits"* of the IBOC system – irrelevant signal-to-noise improvements, the ability to receive special advertising messages, etc. – hardly come close to warrant the complete removal from the public airwaves the overwhelming majority of the American public.

Mbanna Kantako of Springfield Illinois, whom many consider the father of the micro/community radio movement sweeping the nation, provides a stirring example of the invaluable role such independent microradio stations could play in impoverished neighborhoods, whose residents suffer in so many ways; crime, police abuse, government neglect, environmental racism, etc. The value of thousands of these stations towards rebuilding our ravaged inner cities and renewing a sense of community is hard to overstate.

10. LPFM

10.a ESTIMATED SUFFICIENT MINIMUMS

How many LPFM stations are necessary in a city like Metro Detroit in order to sufficiently satisfy public demand for specialized programming? We suspect that such a question cannot be answered either comprehensively or definitively. However, it is possible to put forth an educated hypothesis.

The City of Detroit has a population of approximately one million people. The population of the entire Metro Detroit area is approximately 4.3 million people.

During the first half of the 19th Century, as part of the general westward expansion, great numbers of immigrants arrived in Detroit, especially English, Irish, German and Dutch. Other ethnic groups with a substantial base in Detroit include but are not limited to Greeks, Polish, Hispanic and Arab peoples. Detroit also has a very large Black population. Some consider the city among the most segregated in the nation.

With these facts in mind, it seems that a bare minimum number stations that could adequately serve Metro-Detroit's ethnic communities is perhaps 10-12, with 20-30 much more preferable.

The area boasts an enormous range of local political, social justice, environmental activity, etc. There are hundreds of grassroots activist groups in existence, representing every possible position. However, few of these would have the need for their own station, nor would they be prepared to operate a station. Finally, there is certainly not enough listener demand for each to have their own station. What seems feasible though, is the possibility of cooperative efforts between sympathetic elements of this political activism. For example, one could imagine Peace Action, the Metro Detroit Green Party, the anti-corporate Alliance For Democracy and Affirmations or Triangle Foundation (gay/lesbian organizations) sharing a station, and providing a forum for dozens of smaller groups.

Because of the multi-dimensional character of politics, to conclude that a handful of stations representing either polar opposite – left versus right – is sufficient, is simplistic and confining. But at the very least and in the interest of some level of choice, there should be at least four such stations serving any given locale, two each representing liberal and conservative. Thus, Metro Detroit probably requires a minimum of 20 such stations.

Of course, as with any metropolitan area, the range of cultural interests in Detroit is infinite. However, at least two cultural communities have been particularly vocal in their unhappiness about the limited kind of music heard on Detroit radio. The first, of course, is the *Michigan Music Campaign*, which decries the lack of local popular music. The other is the even looser coalition of classical music supporters who mourn the loss of WQRS-FM two years ago. We do not doubt that other smaller cultural communities would also like more of their own favorite music on the air.

It would certainly be nice if in an area of more then 4 million people there was room on the dial for at least one classical station! Such a station could also provide programming for smaller niche musical demands. In all, perhaps six such stations could well serve Detroit's *"musical minorities."*

For more popular music, i.e. rock/pop/metal, hip-hop, rap, funk, techno/industrial, R&B, country, folk, blues, jazz, etc., the need is for stations willing to play music that is independently and locally produced. The community of local musicians is enormous! We have a database of close to 2,000 active bands in this area, by no means a comprehensive list. Detroit needs at least 12-20 stations to serve this impressive demand.

It should also be noted that for these popular forms of music for which stations already exist, there is an earnest need for far greater diversity. Yes, we have country stations, but they only play the most commercial forms of the music. The same is true for our jazz, rock and other stations. Indeed, one of the driving forces behind the creation of unlicensed micro-broadcasters over the past decade is the army of music afficionados driven out of their mind through employment at existing full-power stations and their

tightly controlled play-lists.

Although it is our impression that there are a sufficient number of Christian stations already broadcasting in the Detroit area, certainly other religions are wholly unrepresented. One can easily imagine another 12 stations for religious purposes.

It would seem obvious that every city and township government would benefit from its own station. However, with about 100 such governing bodies in this area, that would certainly seem difficult to establish. However, most cities would not be prepared for such comprehensive new responsibilities and costs; others would want to share stations. Thus, perhaps as few as 20 stations would serve this purpose.

Finally, perhaps another dozen stations would be sufficient for other interests – such as hobbies, recreation, etc. – to participate. In fact, it is difficult to imagine the entire range of parties which might be interested in a broadcast license. However, one can at least make a guess based on the broad range of shows on public access TV.

Thus, to adequately serve the wide range of voices, communities and identities in Metro Detroit would seem to require an absolute minimum of somewhere around 80 to 120 stations. However, one could imagine such public demand growing to even 500 stations in the future.

Two final points need to be made: First, this analysis is not intended to suggest the desirability of a quota-based system of license allocation. It is merely intended to demonstrate the level and type of demand that exists.

Secondly, the estimation that Metro Detroit needs 80-120 stations should under no circumstances be used to conclude that community radio is unfeasible, and thus the plan should be scrapped if it proves impossible to find room for anywhere near this number of stations. Indeed, analysis of MM Docket 99-25 suggests there may be room for only four or five such stations based on the F.C.C.'s plan.

If we in Metro Detroit gain even just a single new community radio station as a result of this proceeding -- that will still be a very good thing for our city. Even a crumb is always better than nothing. On the other hand, this analysis should make clear why every possible option to provide for much greater number of licenses must be explored, including; narrowed channel bandwidth, expanded spectrum, shared licenses, relaxed geographical spacing requirements, a contour-overlap interference protection methodology rather than one based on distance separations, a methodology based on terrain, relaxed adjacency protections, allowing community stations to accept but not create interference, directional antennas, spectrum masks, etc.

Most importantly of all is to reconsider the digital dead-end promised by IBOC, which appears not to work even under current FCC spacing requirements. Other digital systems would apparently provide an enormous increase in the number of available channels in Metro Detroit – and might in fact make it quite easy to accommodate the 120+ community stations our population requires. To institute IBOC without meaningful public debate about the ramifications is unconscionable.

Failing any of this, we in Metro Detroit are compelled to begin looking at the possibility of challenging existing licenses, the automatic renewal thereof, or any of the other more aggressive approaches mentioned in Sec. 11 *Alternative Proposals* or elsewhere within these comments. Indeed, we have witnessed such sentiment growing in many areas across the country.

10.b INTERFERENCE CONCERNS/ADJACENCY & OTHER RESTRICTIONS

We ask the agency to consider the feasibility of a contour overlap methodology (para. 4) when allocating licenses in the hopes of licensing the maximum number of stations possible.

We also ask the F.C.C. to consider the REC Network's plan for relaxed geographic restrictions.

On the other hand, we think a system based on distance separations would simplify the process for the broadcasting novices we hope to encourage through Low Power FM.

If the choice is between accepting a level of interference from a neighboring station and not having a station at all, the answer is obvious: we certainly support allowing Low Power stations to accept (but not create) interference from existing neighbors.

The views of paragraphs 42 through 45 of the NPRM are correct in our opinion. Our only point of clarification would be to repeat that the benefits we are certain to gain from Low Power FM are of far greater importance than the severely limited benefits terrestrial digital promises but has yet to prove it can offer (para. 42).

The fact published in para. 43, about the F.C.C.'s 1997 elimination of 3rd-adjacent channel protection for full power *"grandfathered short spaced stations"* proves the insincerity of the broadcasting industries' objections to LPFM based on interference concerns. The NPRM points out that this decision was *"supported by nearly all parties,"* including the broadcast lobby. It strikes sorely of hypocrisy that the existing broadcast industry should expect Low Power stations to abide by rules they themselves are unwilling to tolerate – for their full-powered stations! As well, the other example of grandfathered short-spaced FM stations mentioned in para. 46 illustrates another embodiment of the same kind of hypocrisy.

It is absolutely critical and entirely fair-minded to relax interference standards for Low Power stations as stated in para. 44. It is increasingly obvious to us that the vociferous objections of the broadcast industry in terms of interference are for the most part disingenuous.

But what if the opposite were true, that these proposed Low Power stations would wreak havoc among the 100k sirens in our community? Under these circumstances, we would still tend to favor the rights of the new broadcaster over the party who has enjoyed exclusively this exceedingly valuable privilege in the past.

When a person checks out a book from the public library, they don't get to keep it forever; they must let others have a chance to borrow it. When a person lays out their blanket on the public beach, they are not reserving that spot in perpetuity -- they do not have the right to limit others from accessing that beach out of concern that someone might kick sand on their blanket. When driving on the public highway or walking on the public street, one is obliged to make room for the others who want to enjoy that property. Yet when it comes to broadcasting, why is it assumed that the rights of the party who has *all along* benefitted from the privilege automatically trump the rights of those who've *never* benefitted – and not just today but for the rest of eternity!?

In fact, to even question this logic is considered heretical! However, to the average Americans who've been kept off the airwaves in the past and suspect they will be kept off in the future, this dogma is wearing considerably thin.

In light of the above, we concur heartily with the statement in para. 45, that *"creating opportunities for new LPFM service should outweigh any small risk of interference to and from LP-100 and LP-1000 stations."* And we agree with the position in para. 46 that *"small amounts of potential 2nd and 3rd channel interference . . . (are) counterbalanced by substantial service gains."*

However, we also agree with the sum of the positions stated in para. 50, that because of the *"aggressive efforts of existing broadcasters to maximize service,"* the agency should not *"extend reduced 2nd and 3rd adjacent channel protection standards to full power FM stations."*

We have already amply stated our objection to IBOC terrestrial digital. So we are especially concerned about language used by the F.C.C. which implies that the decision has been all but already made – although there has been virtually no public debate and little examination of competing technologies. The future ramifications regarding terrestrial digital overwhelm those of Low Power FM, yet in comparison LPFM has been subjected to far more intensive scrutiny, both public and administrative. This situation needs to be corrected before IBOC or any other system is even considered for implementation.

In fact, we are reminded of Commissioner Furchtgott-Roth, who complains about MM Docket 99-25 that the agency is becoming *"an advocate instead of a neutral decision-maker . . . I believe that, if we are to enjoy the appearance of fairness in the rule-making process we should not use government funds to promote a particular result prior to even the issuance of an NPRM."* It is somewhat ironic that we share these exact concerns – except in regards to the F.C.C.'s handling of IBOC! Para. 49 clearly and repeatedly assumes the eventual adoption of IBOC. We hope Commissioner Furchtgott-Roth will not be selective in his legitimate criticism of unfair agency advocacy.

Again, since the benefits of Low Power radio are so overwhelmingly superior to the mere promises of IBOC, regarding para. 49 we strongly disagree with the conclusion that Low Power radio should not be adopted until proven compatible with IBOC. With utmost emphasis, we insist the opposite is true. Given a choice between a negligibly clearer signal or even one new community station – we choose the latter.

We support the idea of *"tight spectral masks"* as mentioned in para. 48 – but for all broadcasters. And as stated, with the long history of several hundred short-spaced full-powered translators operating without interference for many years, we feel it is disingenuous for the broadcast lobby to object to eliminating 2nd channel interference protection for LPFM stations. Para. 48 is correct when stating that "the low ERP levels proposed for LPFM stations, together with a tight spectral mask...should significantly reduce the potential for harmful interference even if 2nd -adjacent channel interference protections are not adopted.

It should also be entered into the record, when discussing potential interference from LPFM, that community radio supporters found it exceedingly difficult to hire a Professional Engineer at any price who was willing to buck the industry and risk blacklisting by performing a receiver study to contrast that being prepared by the N.A.B.

We ask why, under the circumstances, the F.C.C. does not consider it important to conduct its own studies, which would be much more likely to objective and honest, especially considering the broadcast lobbies' repeated public statements that they intend to use their study, not to answer questions about

interference, but to defeat LPFM.

It is under this grossly distorted playing field (with the weight of cold hard cash serving as a *"black hole,"* not letting even light itself escape) that the debate over community radio has taken place. Only one side can afford to fly in to Washington and state capitals dozens of their lobbyists at a time and consistently. Only one side can afford to maintain a monolithic edifice and so close to the F.C.C.'s offices. Only one side can produce campaign contributions calculated to make a Congressperson faint on the spot. Only one side has the economic influence to strike fear into P.E.s from one border of our nation to the other. Any fair consideration of LPFM must take this reality into account.

Ironically, it is the other side, the side which favors LPFM, which has the overwhelming support of the public. Hopefully that still counts for something!

10.c EMISSIONS & BANDWIDTH

We encourage efforts to maximize the number of available licenses through bandwidth limitations. In fact, it should be the goal of the agency to minimize the existing bandwidth allocations of all broadcasters, including full-powered, in the public interest of satisfying the public demand for stations. The impressive technological advances of the past decades render 200k spacing obsolete, especially when tens of thousands of Americans are demanding licenses. The F.C.C. ought to begin requiring higher standards and better selectivity for receiver manufacturers immediately so that the impressive benefits of a narrowed bandwidth system will one day be enjoyed. If Americans were told that the technology readily exists to allow 200 channels in the space of 100 (or perhaps even more with a superior terrestrial digital technology), they would demand the F.C.C. facilitate the changes.

The one concern regarding a more narrow bandwidth for LPFM is that of stereo broadcasting, as referred

to in para. 56, which is absolutely essential to our needs.

We would accept agency certification requirements for LPFM transmitters.

10.d OWNERSHIP & ELIGIBILITY

Local control is the crux of the need for Low Power FM. We propose it is the fact that the people who own Detroit's radio stations don't live in Detroit which explains why they also feel no particular or personal connection to our city. We certainly don't feel like we are a part of the city where they live -- why should we think they know and understand Detroit? The problems associated with absentee landlords in the real estate industry are instructive in this regard.

The value of the unique characteristics of Detroit music is most immediately apparent to the residents of Detroit (as of course is true respectively about every other city and community on the planet). The first to see the importance of promoting Toledo's unique cultural characteristics, for example are not too surprisingly the people who come from Toledo!

Radio station owners who live in Detroit will be far more inclined to at least consider these kind of intangible values. Those who don't live here but merely profit off our airspace don't ever see the intangibles, blinded as they are by the bottom line.

We feel strongly that LPFM licenses should be restricted to one-per-owner. In fact, this sounds like a perfect way to allocate full-power licenses as well! If at all possible within the framework of the Constitution, owners should be required to live within the broadcast range of their station.

We also support a policy of restricting licenses only to parent companies, parent non-profits or, in the

case of individual applicants, the principles. We object to the granting of LPFM licenses to subsidiaries, affiliates, franchises or agents of any kind. We also object to the granting of LPFM licenses to large non-profit institutions, and annual income and asset thresholds should be established for this purpose.

No existing broadcasters should be permitted to apply for or possess LPFM stations. No one should be allowed to own either a telephone company, cable TV company, broadcast satellite company, large or medium newspaper, TV station, large scale web service or any other form of mass media *and* an LPFM station. The goal of LPFM should be to give voices to the voiceless -- as many as possible.

Commercial LPFM licenses should be restricted to individuals or businesses meeting the Small Business Affair's definition of a small business. In fact, we wonder if the S.B.A.'s definition is already overly broad. The principle office of such businesses must be within the broadcast range of the station.

Also, the sale of LPFM stations must be limited to parties which meet these criteria. As well,, there should be no sales or transfers of LPFM licenses.

We feel very strongly that the concerns stated in para. 58 are groundless, and we are suspicious about the attempt to create a *"back door"* through which the broadcasting titans could gain control of LPFM stations. We agree that it is important, through tight ownership and participation restrictions, to ensure that LPFM is not *"compromised or subsumed by existing stakeholders."* If *"individuals and entities with valuable broadcast experience"* really want to *"contribut(e) to the success of the service"* -- they can always write a book! And the idea of allowing those with an *"attributable involvement in broadcasting to establish LPFM stations in communities where do not have an attributable interest in a broadcast station"* is again, unacceptable. The whole purpose must be to empower more Americans, new Americans – not to give even greater power to that slim minority who already control the media! As well, we are highly suspicious of the *"cooperative arrangements"* mentioned in para. 59.

We appreciate the desire to find ways to assist novice broadcasters, rather than other trends and patterns

which suggest an elitist desire to limit participation. However, a much better approach would be for the agency to create a department which would serve as a broadcasting parallel to the S.B.A. How beneficial it would be for the agency to provide staff which could work with novice broadcasters, thus negating any need for "coaching" from those with full-power licenses. One can envision a communications commission which presented seminars, published books and pamphlets, established databases, and provided expert advice to novice broadcasters -- this vision would best represent such an institution that truly held the *"public interest"* as its *"bedrock principle."*

Regarding the concerns in para. 59 as to Congress' intent concerning ownership limits as demonstrated in the 1996 Telecommunications Act, we feel it is impossible for Congress to have expressed any relevant implications of intent about an entirely unique system that wasn't even under consideration at the time. If Congress would now like to go on record with its opinions about community radio, that is its prerogative. Having failed to do that, and dealing with an entirely new and singular set of circumstances, it falls to the F.C.C. to decide the matter, at least for now.

We would also like to point out how much appreciation we would feel if Congress had as much concern for the opinion of the American public – the basis of its own authority – as the F.C.C. does for its own source of authority. History does not paint a pretty picture when describing Congress' role in passing the 1996 Telecom Act. When were we ever asked what we thought about it? How much input into the writing of that bill was provided by the American public, and how much by the broadcast lobby? The recent anguished cries from members of Congress over not being consulted by the F.C.C. fall rather flat before the American public, with whom Congress rarely feels a need to consult.

We are more concerned than the agency in terms of national ownership of LPFM stations (para. 60-61). Therefore we continue to demand a limit of one station per owner. And the *"certain efficiencies,"* referred to in para. 61 regarding full-power stations -- of which we remain doubtful anyway -- are not applicable for LPFM.