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Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Ref: Low Power Radio Service
MM Docket No. 99-25
RM-9208
RM-9242

**Comments of
RayMark Broadcasting Company Inc.**

RayMark Broadcasting Company Inc. was formed in 1983 by two small market radio station managers who worked for the same employer. After years of working for someone else, we decided to start our own radio station and were awarded an AM license in Homer City, Pa. Six years later we were awarded an FM license in Curwensville, Pa. and then another FM in Spangler, Pa. Since then we have gone our separate ways and I am the remaining owner of the Homer City and Curwensville stations.

We didn't have money to start these operations, but were able to find financial backers. What we did have was the experience and knowledge of managing small market, community minded stations. And after fifteen years as an owner, I can still say I enjoy coming to work every day.

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But, what I have been reading about the Commissions thoughts on introducing new Low Power FM's has caused me concern for several reasons:

First and foremost, I feel the additional frequencies on an already crowded FM spectrum will create even more havoc. Unless I misunderstand things, there are little to no licenses currently available in major markets, which means most new Low Power FM's will end up in small market areas, like ours. But in each of our markets, the FM dial is already overloaded, causing interference and a technical nightmare. Curwensville, for example, is in a county with six other licensees. There are 15 additional stations that cover the area. How many more can you add?

In the event that new LP 10, LP 100 and LP 1000 watt stations are "sprinkled" throughout small to medium size markets, there are a few things that current stations and the new stations will have to deal with, beyond the technical details. How to survive with increased competition. In every market in America, advertisers must decide which radio station, network TV station, cable TV station, newspaper, internet web site, bargain sheet, billboard company, placemat, map, booklet...etc. form of advertising to use. Can a new Low Power station do what it takes to get a piece of a pie that's already crumbling?

Radio stations have an economic impact on the communities in which they serve. They create jobs, which creates money. If you increase competition without increasing the size of the community, something's got to give. Unfortunately it will be staff downsizing and pay cuts. Can small markets afford to add a new Low Power FM? That's a question no one will know the answer to until it is tried. But unless you are in a major market or owned by a conglomerate like

Jacor, you struggle in the radio business. Most just get by. Facts are facts. There are only so many advertising dollars to spread in each community.

I'm sure most small market broadcasters live by the same philosophy that we do. We do for others, for the communities in which we serve. We could not survive without local news and sports. We are obligated to provide our listeners with up to the minute weather and school and business closings. We volunteer our time at non-profit events. We air public service announcements and do community service programs. Why do we do this? For money? No. Because we could not survive in a small market unless we give our public what they want. Radio stations were created in the public interest. Why does the Commission see the need to create more of us? We are doing what you want us to do. If we weren't, you wouldn't renew our licenses.

Perhaps the Commission feels that by granting new low power licenses they will eliminate most of the pirate stations. I'm sorry to say this but I think no matter how many licenses are available, there will always be pirates. Regardless, you'll have more stations to police. Maybe the reason for introducing new low power licenses is to give minorities and women a chance to own a station. Well you know what? They already have the chance to own hundreds of stations all over the country. I have been researching different broadcasting publications and am aware of 68 stations in the U.S. that have gone silent in the past 8 months. There are proposals for an additional 161 new FM stations, 66 of which have been granted. Why doesn't the Commission worry about filling these licenses first, before creating new headaches. Just because you are a minority or a woman doesn't mean you can't own a radio station. Lack of experience is what holds you back. With experience you can find financial backers and with backers, you have a

chance at getting a license granted. The Commission should not feel obligated to make sure anyone in America who wants to own a radio station, gets one.

In addition to the FM spectrum, there are also licenses available on the AM band. This may not be a potential broadcaster's first choice, but as you can see by my experience, an AM station can survive. It would be a lot better if there was AM Stereo, but that's a whole other Commission story. And it is also my understanding that the Commission will be expanding the AM band. How many more FM frequencies do we need?

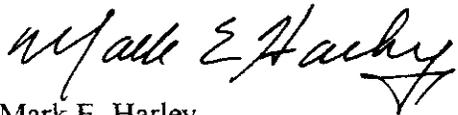
And if these new frequencies are awarded, who will they be awarded to? Does the Commission really think they can discriminate against current license owners? You're trying to eliminate discrimination, right? And I'm sure the Commission is not naive enough to think that existing broadcasters won't find a way to own a Low Power license indirectly. They'll find a way around the rules, just like a pirate does.

And once these new Low Power licenses are granted, who's going to monitor them? The Commission is having enough trouble keeping track of all the current stations. Or maybe these new owners won't have to follow any of the rules we do. They'll be legal pirates... able to broadcast whatever they want and can do whatever they want to do. Will they have to follow the same minority staffing policies that we do? Will they have to pay licensing fees? File employment reports? Reapply for their licenses? In an already understaffed Commission and underbudget government, who is going to handle all of the additional monitoring?

After all of this, I have one final comment to make. Many years ago the Commission did grant Low Power 10 watt licenses. They were operational "Class D" non commercial educational

stations that became a technical nightmare. In 1978, the Commission realized the error of its ways and knew that the spectrum could serve the public more efficiently if it were in the hands of larger stations. I'm asking the Commission to not make the same mistake twice. It will be costly to ALL involved. Don't let history be repeated.

Sincerely,

A handwritten signature in cursive script that reads "Mark E. Harley". The signature is written in dark ink and includes a stylized flourish at the end of the name.

Mark E. Harley
Owner/President
RayMark Broadcasting Co. Inc.