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From: "Joe Tibiletti" <jtibiletti@hotmail.com>
To: K1DOM.K1PO1(JBARNES)
Date: Fri, Jul 30, 1999 12:57 PM
Subject: comments on rm-9242 Mass Media 99-25

-----comments-----rm-9242,
mm docket 99-25. This comment is being submitted by Cosmopolitan Enterprises of Victoria, Inc., licensee of radio station KTXN-FM, a class C1 fm radio station licensed to Victoria, Texas. Commentor is against the concept of low power radio, in most instances, and refers to previously submitted comments in this same docket it submitted to elaborate. In essence previously stated arguments against the concept are now referenced and re-submitted. Additionally, commentor wishes to call the attention of the commission to the fact that the Emergency Activation System is still in its infancy as to implementation and serious questions exist as to proper signal to activate receivers of the public in the field as to weather disturbances and other emergencies. Low power stations would tend to not have a signal adequate to be of use. There needs to be legislation of standardization as to receivers and their abilities to discriminate signals and required minimum signal of usability. Additional tests of reception in the radio receivers are needed to determine the discrimination of one signal from another several channels away--in emergencies this would only compound the reception of radio signals by the general public in shelters, both underground and above ground which would tend to have a heavy level of iron and concrete protection for the refugees, but would decrease the usefulness of radios as to minimum signal intensity of use. This is the case with both AM and FM radio. More than likely the emergency radios would not be of the top of the line variety and thus would have serious challenges to usability--stations on second adjacent channels would only confuse the issue when one is awaiting a notification from the primary stations in the system.

Reception tests are in order for other reasons--before any consideration is given to the matter of low power FM stations--as to the minimum usable signal in various areas. This was done in the late 1940s when FM was in its infancy, but has not been done in modern times where FM is for all practical purposes, the most used form of radio broadcasting. Listening to second adjacent channel stations along the border from Mexico, where a 3 kilowatt and a 30 kilowatt are located two channels removed from each other and 2 miles from each other geographically, results in background reception of the second adjacent channel station under the desired station. The need for a test of such a low power station --say 100 watts 2 channels removed from a 100,000 station -- as to operations in all areas is a must. The cost of operations is not much less for a lower power transmitter station than a full power station--save for the power bill;music rights, payroll,taxes, rent, etc. are not changed or lowered by a lower power transmitter. Existing stations need to have a new evaluation of service in place before new stations--namely low power ones--come into their listening areas. Under-served audiences are illusory in most areas and what numbers of listeners would be left to be served by the low power stations is subject to serious questions. Generally, it is found in the marketplace that when a niche is not being served, there is a serious question as to why existing media have not served it, or left it--as for example classical music or easy-listening music, which KTXN has tried twice to no commercial success. New design receivers are in order for the audio complement to digital television broadcasting, in this area serious questions must be answered as to type of adequate service for location and need, then how to receive the new enhanced IBOC signals. We must not slow technology down for the sake of

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a secondary at best service use of the spectrum. The IBOC technology--the cutting edge radio service of the world-- would be precluded from being put into force with second adjacent channel stations overlapping into their envelopes. While there seems to be over 13,000 queries about station ownership yearly with the commission, there is always people at the door of radio stations trying to buy. It is a real life scenario of the Vaudeville "does anybody want to buy a duck?" There is a large chunk of spectrum available for low power radio-- that is if it is proven to be operationally and where applicable commercially viable by using the vacant VHF and UHF -TV channels,e.g, using channel 3 in Los Angeles and allowing for horizontal and vertical polarization with odd and even frequency endings --that is 100 kilohertz jumps between stations would allow for 10 station frequencies per megahertz times 5 megahertz (giving a half megahertz guardband on either side of the low power radio) there could be a grid of stations at proper spacing and signal to noise ratio desired to undesired for at least 25 stations using alternative frequencies times 10 or more depending on area to be involved. This could yield up to 500 low power stations in Los Angeles. taking the other non used VHF channels 6, 8, 10, and 12 and the potential number would grow to 2500 stations. This could be explored before putting low power on the existing FM band... A wholesale study needs to be made. A further need is for the existing AM stations that are limited to daytime to get a night signal on FM in this manner. First daytimers on clear channels, then class S stations on clear, regional and finally local channels.

Submitted by this commentor in the response to the ACAMBA RM-9419 is a list of AM station channels and the number of stations that are in need of night time assistance. Commentor requests that these stations be given assistance first in this docket. Commentor is in favor of low power fm--but still not on the second adjacent channel -- in areas where there are no available fm channels, where a translator could serve as a local voice in regular broadcasting for every city in the country for sports, religious, and emergency information, for travel information as in Charlotte, NC, for minorities disfranchised from local programming, and for religious stations where sizeable groups are not now served. Additionally, the minorities need an level playing field with all players having an equal facility. An affect to the public would be the psychological feeling of weak service when they try to listen to the low power stations at a distance from their transmitters--thus prejudicing the coverage of low power radio stations. The matter of the investment in transmission equipment is not that much different for a low power station --1000 watts and below -- than that of a full power stationis. In fact the Emergency Action Notification System would require an identical investment. Serious questions as to viability of these stations for advertising arise, for one side, the number of mom and pop operations are going down, while the number of chain outlets--who place ads through the by the numbers time buyers in the agencies--is always increasing. It stands to reason that lower power would result in lower coverage. Ad buys would not be as often for the low power outlets. If there must be low power fm, let it be as a separate service with its own frequencies.----- This

comment is filed with the Federal Communications Commission by Cosmopolitan Enterprises of Victoria, Licensee of radio station KTXN-fm,Victoria,Texas , by John J. (Joe) Tibiletti, President, KTXN-fm, Bard Letsinger,station manager for KXBJ 89.3 Victoria,Texas, Steve Coffman, General Manager KTXN-Fm for Third Coast Radio, LLP, 302 Sam Houston Drive,Victoria, Texas,local marketing agreement operator of said station and Mark Olsovsky for Superior Electronics,605 Sam Houston Drive, Victoria, Texas.,77901 filed electronically and signed by John J (Joe)Tibiletti, 2618 FM

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