DOCKET FILE COPY ORIGINAL

WHVW 950AM

RE 950

AUG 2 1999

The Heart and Soul of American Music™

To The Federal Communications Commission,
RE: MM Docket No. 99-25
From: J.P. Ferraro, WHVW Radio.
29 July 1999

Overview :

As a broadcaster, I wish to comment on the current proposal for low power FM broadcasting. The basic premise is a good one, however the current proposal is a senseless chaotic mess and a disaster waiting to happen. I will try to outline why I feel the current proposal to be flawed and offer a suggestion for what I believe would be a better approach. I will also ask for some relief for our smallest broadcasters: broadcasters like myself who are single station owners of AM stations with severe night time power reductions.

Introduction:

The story as I understand it, is that the Commission wants to find a way to allow "hobby" broadcasting and alleviate the "pirate" situation and the potential for chaos it brings to the airwaves. Also, I would presume, the Commission is anxious to prevent a replay of the 1970's CB craze on the nation's broadcast bands. The current proposal will not accomplish any of this for the following reasons:

First: The vast majority of people who are/will be interested in this opportunity are the type of broadcaster that has been the impetus for this proposal in the first place: hobby broadcasters or *pirates*. Yet (known) pirates are to be excluded as licensees! What sense does that make? *They'll just keep right on being pirates*, and we'll retain all the potential interference problems.

Second: All major metro areas have been out of spectrum space for decades; and most small cites were 80-90'd to death 15 years ago. For most people there will simply be no room.

Third: No one seems to have given any thought to just what we, as a society, *want* out of this new service: should we just create a new service without giving it any direction or planning? Censorship is unconstitutional as well as repugnant. But if we don't *define a purpose and guidelines*, we may very well wake up one morning to find our radios peppered with hundreds of little "Hate-108"'s and "Nazi-99"'s. Isn't it prudent to continue to demand standards of public service in exchange for using the public's airwaves? Let's use the untapped wealth of these would-be broadcasters to create *quality* programming. Let's *not* create a new service without purpose or direction, and toss it to the four winds to see where it will land.

Characteristics of new service, background and approach: If we are to create a new service we need to tailor it to the needs of the people it is designed to serve, who will, in turn, serve the general public.

The intended licensees (to my understanding)are the hobby broadcasters, people who not only enjoy working with the technical aspects of the art, but who also wish to present

No. of Copies rec'd 0
List ABCDE

316 MAIN MALL • POUGHKEEPSIE, NEW YORK 12601 • PHONE 914-471-9500 • FAX 914-454-9555 • REQUEST LINE 471-WHVW (471-9489)

programming of one sort or another. One major factor we must consider is the type of operation these new licensees can (and want) to run. The vast majority of them do not have the time or resources needed to run a full-time radio station. Most do not want to make radio a full-time career or come up with the substantial investment (in time as well as money) a full time radio station would entail. They presently broadcast for a few hours each week or so then go off the air. What we need is a service that allows people to pursue radio as a hobby: and we *already have* such a service: it's called Amateur Radio.

Amateur or "ham" radio has been serving the needs of radio and electronics buffs for decades, as well as performing a vital public service in times of emergency. Since about 1920, however, hams have been prohibited to broadcast anything beyond two-way style communications and experiments: music, and other forms of entertainment intended for a general audience have been specifically enjoined.

A proposal for amateur broadcasting: A far more logical approach to this whole situation would be to create new frequency assignments for both AM and FM broadcasting under the aegis of the Amateur Radio Service. The rules would be a hybrid of present Amateur Radio rules and the old Broadcast rules. Here's how it could work: Two new bands would be created, one for AM, one for FM, *not taking any spectrum from present amateur assignments*. A few suggestions might be the unused "long wave" band (150-270 Kc.) or 2010 to 2490 Kc for AM, for FM perhaps some space above 300 Mc. could be found. These stations would be divided into two classes: full-time operation and part time operation. Full time assignments would be open tho those groups and individuals who wish to program (as a public service) educational, artistic or informative programs, such as radio drama, historic or unusual music or programs of a scientific nature, etc. Part time assignments would be used be used for all other broadcast purposes and to make sure the demand does not exceed the supply. The Commission would assign a license for a specific frequency at specific times, with a minimum of one continuous 6 hour block per week between 6AM and midnight, local time. Applicants would be allowed to request days/blocks, with the Commission making assignments if preferences are unavailable. To minimize Commission workload, and to make things easier in general, power assignments (which should be 500 W or less) would be uniform in each band. Everyone gets the same chance, and protected contours. As with all other transmissions in the Amateur Radio Service, these broadcasts would be non-commercial, however stations would not be enjoined from seeking subsidizing grants. Two thirds of the channels in each band would be reserved for part time assignments, one third for full time. An amateur broadcaster would be allowed one AM or FM license, or one of each, but not two of the same. The only change to regular Amateur Radio Service assignments would be a rule change to allow certain VHF and above amateur frequencies to be used as RPU and network relays for these new stations. Technical rules could drawn from regular broadcast rules, and anyone eligible to apply for a ham license would be eligible to apply for an amateur broadcast station. An amateur broadcast license would not be valid for ham radio, and vice-versa. Finally, a method would have to be devised to assure receivers for these new bands would be available and easily accessible to the general public.

The advantages of such a system are great: 1). Operation on separate bands would help confine interference to the amateur broadcast bands, interference to standard broadcasters would be held to an absolute minimum. Since the amateur community holds an excellent record of careful and proper operations, it is reasonable to assume that they will continue to do so. 2). Operation on separate bands would also make it easy for the general public to recognize this

service as a separate entity; relieving regular broadcasters of blame for any problems that may ensue. 3). Lastly, by defining a purpose for this new service we have an opportunity to create a wealth of cultural, scientific and informational (etc) stations that we, as a society so sorely lack.

Relief for small AM broadcasters: Time was when a small AM station did well even though it might have a severe night time power reduction or even be a daytimer. This is not the case today. With most areas saturated with 80-90 FM's (and) huge multi-station groups for competition, most small, individually-owned AM stations (like mine) are in dire shape and need help. One thing that is most important: the relief must be inexpensive to implement.

Qualifications: This relief should be confined to those most in need of it. To qualify, a licensee should be allowed no more than two stations: one, (the qualifying station) a station with a 40% or above night time power reduction or a severe night interference problem. If the licensee owns a second station, overlapping contours would be prohibited unless it too has greater than 40% night time power reduction, has a severe night time interference problem or is a daytimer. In either case, relief would be granted to only *one* station.

Possible remedies:

1). Unless there is no night time operation allowed, allow full power operation at night (or until midnight) if reasonably possible. Even though this sounds good, (in my case it would mean 500 watts instead of 57), it's primary value would be overcoming interference from power lines, computers, etc. For my station it would add very little actual distance to the coverage, and would never approach daytime contours, *but it's head-start on power line noise would be a big help*.

2). Allow an additional operating frequency in the "tropical band" at 1Kw. This new audience could very easily help a small, independently owned AM station back into the black. Converting an old broadcast transmitter would make the whole operation relatively easy and inexpensive. The existing tower and supports could be incorporated into an inexpensive antenna scheme. Since 1000 watts can roughly buy you 1000 miles in this band (if the contours are properly protected), spectacular coverage could be had with a small investment and *without a high electric bill*.

Conclusion:

I feel that I have offered a plan that would help "hobby" or "pirate" broadcasters take to the airwaves legally, with enough space, and in a way that would be palatable to the rest of the broadcast community, while relieving the broadcast bands of a potentially huge interference problem.

For small AM broadcasters like myself, my suggestions would offer a significant measure of relief, helping the noise situation and granting a new audience without prohibitive expense. By restricting the qualifications to those who *really* need it, the numbers of qualifiers will be kept low and the system would be easy for the Commission to implement.

Lastly, by proposing a set of guidelines for this new broadcast service, I feel that we can come up with a source of high-quality programming for the public while also giving a lot of creative people (who may never get the chance otherwise) the opportunity to step up to the microphone.

Thank you,
J.P. Ferraro