

July 29, 1999
 Before the
 Federal Communications Commission
 Washington, D.C. 20554
 In the Matter of
 Creation of a Low
 Power Radio Service
 MM Docket No. 99-25
 RM-9208
 RM-9242

AUG 2 1999
 FCC MAIL ROOM

To: The Commission

COMMENTS OF CHARLES & TRISH GOODMAN / EXCELLENT RADIO, Grover Beach, CA

In 1992 The Excellent Center for Art and Culture was established in Grover Beach, California for the expressed purpose of celebrating human diversity through the use of the arts. From 1992 through 1995 a very successful series of shows took place, by many established artists and amateurs, which set out to address a variety of social issues. It became evident to folks at the Center that there were far more people with things to say than there was space to say them. At the same time we were noticing that across America this same situation existed. The lack of opportunity to express through socially accepted means was directly responsible for the rise in the use of violence and terrorism as a new means of expression. Most alarming of all to us was the recognition that our children and their sense of human nature had begun to change to the point we felt that perhaps the future of humanity itself was at risk of extinction. This realization was the overriding urgency behind the creation of the multimedia art project entitled "The Father of Lies vs. The Mother of Invention (necessity)—Humanity@Risk", and the act of "civil disobedience" in the form of a Low Power FM station called Excellent Radio.

Nearly four years later the rise of violence in all sectors of our society has become painfully obvious to everyone. Children killing children doesn't require a specialist to recognize that fundamentally the results of our child rearing practices have veered away from our understanding of what's right and wrong. Has the overwhelming weight of the messages we get and give in life so distorted that we must come to accept the loss of humanness as an acceptable cost of doing business in our modern world? Or do we start to change that condition by allowing a vehicle for more nurturing information to be disseminated? The establishment of a Low Power FM (LPFM) system is the beginning of such a vehicle.

Excellent Radio broadcast for nearly three and a half years. During that time we learned that the most important product of any micro-power radio station is the overwhelmingly positive affect as seen in the raising of self-esteem and the sense of empowerment experienced by each community and its members. The ability to convey on a daily basis the values of a sane and functional society is the necessary first step to achieving a balanced information media. Without a balance the only information available to us is primarily designed for commercial usage. Commercial usage by its very nature tends to separate society by sex, age, race, and politics.

Excellent Radio would like to applaud the direction that the FCC is taking in establishing a Low Power FM system in the United States and at the same time would, due to the

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urgency of this society's health condition, ask that a "fast track" be taken on an interim basis to establish some LPFM stations as pioneers to reverse the cancerous direction our current system is creating. We believe that the employment of (ET Docket No. 96-256 - Experimental Radio Rules Revised to Promote Innovations, New Services; Permit Schools to Hold Licenses - Jan 1,1999) would be a legal and proper way of overriding the currently contradictory regulations and political battles LPFM will no doubt be subjected to as the new system slowly goes into place. Much can be learned in this interim period and Micro-Power Radio is full of highly qualified hands-on experts willing to get involved for "the welfare of the community."

Excellent Radio would also hope the FCC will consider how valuable a community voice could be in the times of stress and fear which may visit the country during the Y2k change over. The benefits of LPFM are obvious. Not utilizing LPFM would be dangerous.

Excellent Radio submits these suggestions in addition to our complete endorsement of the Microradio Empowerment Coalition/National Lawyers Guild/Committee on Democratic Communications comments in regards to the FCC's proposal, Docket 99-25.

Enclosures: (5)

Aug 1995

Excellent Radio 88.9 FM Responds to FCC *with Positive, Community-Supported Approach*

By David Ciaffardini

Excellent Radio 88.9 FM has been broadcasting throughout a five-city area every day for six months without a license from the Federal Communication Commission. But don't refer to the station as "pirate radio." Although romantic notions may be attached to the pirate term, Excellent Radio personnel consider it derogatory and counter to their broadcasting mission.

The volunteers who keep Excellent Radio on the air don't consider themselves rebels of the airwaves, have never operated in a clandestine manner and have no interest in using the airwaves to rape, pillage or rob. They ask that their station be identified simply as a non-commercial micro-power radio station that offers a valuable, positive service to the community it operates in. Indeed, people living along California's Central Coast welcome Excellent Radio broadcasts into their homes. Women and children smile and wave when they stroll by the station's storefront broadcast studio or step inside to pick up free bookmarks and bumper stickers displaying the station's splashy 88.9 FM logo. Station visitors would be disappointed if they expected to find station volunteers preaching anarchy on the airwaves and waving a black flag emblazoned with a skull and cross bones.

Although stiff-lipped federal authorities may consider the station's operators to be scofflaws, the station's happy, constructive approach to liberating the airwaves has earned it incredible support from local politicians, bureaucrats, business owners and a legion of listeners from all walks of life who are among the station's more than 50,000 potential listeners. City government officials not only tolerate the unlicensed station, they applaud its efforts, going so far as buying city equipment which allows the station to broadcast city council meetings and other public hearings live from city hall on a regular basis. The homeless, poor and disenfranchised also celebrate the station's efforts, realizing it offers them a public voice while they are ignored by other media outlets.

The high-visibility and community support achieved by Excellent Radio may be unique among micro-power broadcasters. Excellent Radio founders say they've developed the station to be a paradigm for people in other cities to emulate if they desire a pragmatic, inexpensive and entertaining device to piece together fragmented communities and prepare and inspire citizen participation to create solutions to individual and collective problems.

Since March 1995 Excellent Radio has been broadcasting at least nine hours a day every day for six months from a highly visible storefront along the main thoroughfare in Grover Beach, California. The station broadcasts from a small space in the building provided by Charley Goodman, a local retailer who, in 1992, set aside a portion of his store space to house the Excellent Center for Art and Culture, a not-for-profit cultural center and art gallery. According to Goodman, a pioneering micro-power radio station was a natural extension of the culturally enriching work begun earlier at the center. The station began as part of a community art project entitled "Father of Lies vs. Mother of Invention (necessity)—humanity@risk," a multi-media exhibit that explored and commented on the tendency of mass media to distort truth thereby fostering a desperate need for grass roots efforts to provide accurate information and empower people to solve their own problems.

The Excellent Radio broadcasting studio takes up an 8 x 10 foot space, just enough room for a few tables and chairs, an audio mixing board, and various home audio components, plus a wall full of posters and bulletins. The transmitter, purchased in kit form from Free Radio Berkeley and the Radio Shack power pack that energizes it are easily overlooked, together being about the size of a loaf of bread and placed inconspicuously in a corner underneath a table. A black coaxial cable exits through a small hole in the wall, leading to a roof-top 20-foot mast that sports a small, second hand antenna scavenged from commercial radio discards.

It has not been necessary to sound proof the studio. The small amount of ambient noise that spills into the microphones is considered an asset rather than a problem as it increases the grass-root, street-level broadcasting atmosphere desired. A similar set up could be put in nearly any store without interfering with business activity in other parts of the building.

The station's doors remain unlocked from noon to five p.m. every day and listeners are invited to visit the station to witness the inner-workings of the station. Visitors' ideas, news, views and announcements are welcome and Excellent Radio provides several ways for them to be shared over the airwaves. Visitors may speak over the microphone during visits, they can call in by phone and talk over the air, or one of the on-air hosts can read aloud written announcements received by mail, or over the station's fax line. The station has a Macintosh computer able to accept E-mail and other forms of on-line information that can be down-loaded by on-air hosts and shared with listeners. Every Saturday, listeners of any age are invited to stop by for free, impromptu broadcasting lessons with the opportunity to spin records and compact discs and talk live on the microphone—no experience necessary.

Excellent Radio currently broadcasts about 70 hours per week, with the broadcast day beginning at noon on weekdays and 9 a.m. on weekends. Most days broadcasting lasts until 10 PM, some shows go later. About three quarters of the programming is devoted to music, featuring a wide range of free-form and specialty music programs including shows devoted to rock, reggae,

blues, jazz, R&B, world musics, along with free-form music programs that are in theory open to any kind of music imaginable, but are always supposed to remain a distinct alternative from music programs offered by any of the 20 licensed commercial and non-commercial stations in the region.

The remaining portion of the broadcast days are devoted to community affairs programming. Weekdays from 6 to 8 p.m. the station broadcasts live in-studio community forums featuring local experts and concerned citizens discussing various local issues. Using a Gentner Microtel telephone interface (about \$250) the station can take phone calls and patch them over the air, allowing listeners to take an active part in the discussions. Faxed input is also welcomed. Excellent Radio encourages a "salon" type equality in the studio, creating an atmosphere where everyone's opinions are given equal respect despite differences in participant's education, wealth, or ethnic background.

Topics of discussion featured on the community affairs shows have included veterans affairs, nutrition, local environmental problems, public education, voter registration, health care, juvenile delinquency, and the rights of skateboarders. Unlike syndicated talk shows, station personnel try to down-play or avoid partisanship, scapegoating, fear-mongering, and casting blame. Instead, they try to focus discussion toward establishing positive solutions to community problems by promoting compassion, understanding and consensus among people with opposing viewpoints and varying backgrounds.

To fill out the community affairs programming when there has not been time to set up a live program, the station broadcasts prerecorded programs from various sources including David Barsamian's outstanding Alternative Radio series, the Making Contact series, and tapes from She Who Remembers. The station also draws programming from many sources that other stations overlook or ignore such as the public library where all kinds of spoken word audio cassettes are available to borrow and broadcast. A video cassette player patched into the mixing board facilitates broadcasting audio portions of video documentaries and lectures, many of which can be entertaining, informative and effective as radio broadcasts.

At least twice a month the station broadcasts city council meetings patched in live over the phone lines from city hall. Plans are being made to broadcast other local government public hearings. The station also provides live broadcasts of monthly poetry readings and acoustic music concerts that take place in the cultural center. Various nationally known musicians have also been interviewed live on the station.

Excellent Radio volunteers consider themselves freedom advocates, helping liberate the airwaves for everyone in America by planting seeds they hope will grow into legally sanctioned micro-power community broadcasting. They believe that a forthright, above-board, non-confrontational, positive, broadcasting approach is a healthy route to follow demonstrating micro-power radio's community enhancing benefits. This way they hope to legitimize micro-power broadcasting in the minds of government regulators and the public in general. They believe they're helping pave the way for changes in government regulations that will allow the birth of thousands of non-commercial micro-power stations throughout the United States.

Goodman and other station volunteers say they have deep admiration and gratitude for the courageous efforts of Springfield, Illinois micro-power broadcaster M'Banna Kantako, whose unyielding efforts in the face of FCC threats they credit as vital inspiration for their own work. However, unlike M'Banna Kantako, the volunteers at Excellent Radio are not opposed, in theory, to licensing procedures for micro-power broadcasters, as long as licensing fees are inexpensive and the requirements don't restrict program content and are designed to allow as many broadcasters access to the airwaves as technically possible. Goodman and others at the station believe that a simplified, streamlined licensing system, similar to registering motor vehicles and licensing drivers, is acceptable and preferable to advocating absolute anarchy on the airwaves.

Excellent Radio volunteers also credit their survival and success to the pioneering work of Stephen Dunifer's Free Radio Berkeley and his legal defense provided by the National Lawyers Guild mounted in response to a civil suit brought by the FCC. When a Federal Court Judge ruling in the case in January 1995 refused to grant a preliminary injunction to the FCC, thereby preventing, at least temporarily, the government agency from shutting down Free Radio Berkeley, it signaled to Goodman and others that it was time to create Excellent Radio. Subsequently, in April, the FCC sent a letter to Goodman warning him that operating an unlicensed station could subject him to penalties of a year in jail and a \$100,000 fine. On the station's behalf, National Lawyers Guild attorney Alan Korn replied, officially requesting a waiver from current FCC regulations until a procedure allowing the licensing of micro-power (under 100 watts) stations is established.

The letter explains that operators of Excellent Radio do not wish to intentionally violate FCC regulations, but that current rules prevent them from legitimately communicating through micro-power broadcasting. Granting such a waiver, Korn states, would be in the public interest, particularly in light of the strong support the station's broadcasts have received. The letter states that Excellent Radio operators have no objection to the FCC monitoring it's broadcasts to ensure the station doesn't interfere with other stations. The letter also states the station is willing to accept FCC rules providing for "some form of authorized, secondary non-interference basis for broadcasting with advance notice to the FCC." The letter goes on to state that the station's operators "like most citizens, simply cannot comply with the Commission's present licensing scheme which requires a minimum of tens of thousands of dollars

to purchase, license and operate a mega-watt commercial or 'educational' broadcast station."

Excellent Radio bases its request for a waiver, in part, on the station's strong community support. This support did not spring miraculously from a vacuum as soon as the radio station began broadcasting. It grew from many years of community involvement by key figures involved with the station's launch. Goodman's operating the not-for-profit Excellent Center for Art and Culture for three and a half years, providing a venue for dozens of non-profit art and cultural exhibitions and programs, created a substantial track record of community involvement and support, earning himself and others involved respect and praise from community members grateful for the cultural enrichment their work has provided their community.

In addition, Goodman and several of the station's volunteer programmers and behind-the-scenes personnel have lengthy track records working on air and behind the scenes at various licensed commercial and non-commercial radio stations in the region.

As far as gaining community support and listenership, more important than any name recognition that Excellent Radio volunteers offer, is the positive, persistent, and unpretentious direction the station has followed. The station has been on the air every day and constant attention has been given to maintain the best possible signal from limited equipment. It has been vital for the station to have access to a trained and experienced radio engineer to help build and adjust the radio transmitter kit, maintain and adjust the mixing board and antenna, and in other ways tune the system to assure the station gets the best possible signal without interfering with other broadcasters in the area.

At this state of micro-power broadcasting history it is important to demonstrate to the public that micro-power stations can be run responsibly without interfering with other operations. In most cases it's crucial that would-be broadcasters have the help of a trained broadcasting engineer, even if it means having to pay for the service, according to Goodman. Having a good engineer around to help maintain a clear, consistent and non-interfering signal pleases listeners and creates valuable peace of mind especially when there arises a need to justify a station's beneficial and benign existence to government authorities.

Which brings up the matter of finances. Although a main point of promoting micro-power broadcasting is to allow people on the airwaves who otherwise could not afford it under current FCC regulations, Goodman said it is important to realize that any form of broadcasting will cost some money and that having a bit more money than one might originally plan for will make things go smoother and promote greater success. He recommends holding community garage sales and getting cash for re-cyclable as ways of rounding up extra micro-power broadcasting funds. Having extra money for promotional items such as bumper stickers and flyers helps establish a micro-power station as a viable, substantial part of the community with as much legitimacy as licensed radio stations. Having a little money to buy electronic processing devices to improve broadcasting quality, and to be able to buy extra microphones or a telephone interface (makes it easier to have talk shows) and be able to quickly repair or replace broken equipment without having to go off the air for extended periods of time, allows broadcasting consistency that will garner confidence and community support, making a station's unlicensed status virtually irrelevant as far as listeners are concerned.

In the case of Excellent Radio, Grover Beach city officials, when questioned whether they should be working with a yet-to-be-licensed station, decided their involvement didn't pose the city any liability. The licensing issue is a procedural matter between the FCC and the station and of no concern to the city, according to the Grover Beach city manager. When the matter was referred to the city attorney, he issued an opinion, stating that to deny Excellent Radio the opportunity to broadcast city council meetings and other public hearings might put the city in violation of the Brown Act, California's open meeting law.

The bottom line is that the vast majority of citizens are naturally inclined to support micro-power broadcasting efforts, unless the broadcaster in question is completely antagonistic to the community without allowing divergent viewpoints to be aired. About the only opponents of micro-power broadcasting are the owners and managers of licensed radio stations who fear that proliferation of micro-power radio will depress the market value of their broadcasting franchises. Otherwise, virtually everyone in every community, including politicians, bureaucrats and law enforcement officers, prefer to have more radio stations available for them to tune into. And because micro-power radio allows people greater access to the microphone side of the broadcasting equation, it is an intriguingly attractive concept to local politicians eager to engage the ear of their constituencies.

Excellent Radio has found it easy to charm even the rare individual inclined to dislike the station's music programming or viewpoints it airs. To win these critics over, according to Goodman, all one needs do is offer them a modicum of respect, and either offer them an opportunity to go on the air and share their viewpoint or offer them information and advice on how to set up their own micro-power station so they can pursue their own unique broadcasting vision. Any antagonism quickly evaporates as they realize that only a micro-power broadcaster would offer them such a benevolent and practical response.

Goodman and others at Excellent Radio 88.9 FM say they realize their approach to micro-power broadcasting may not be appropriate or desirable to everyone who intends to broadcast without an FCC license, but they believe their approach is a model worth considering for all those who want to establish a long-standing, community supported station that will win over people's hearts and minds and pave the way for a new era of communication history—a future when micro-power broadcasting is not only

welcomed by the citizens of this country, but is unquestionably supported and protected by the laws of federal, state and local governments.

*For more information contact Excellent Radio 88.9 FM, 1101 Grand Ave., Grover Beach, CA 93433, U.S.A.;
phone: 805-481-7577; fax: 805-473-9577; E-mail: ~~exlntetr@aol.com~~*

Article author David Ciaffardini is a free-lance writer and editor whose articles have appeared in The Los Angeles Times, Penthouse, Whole Earth Review, Maximum Rock 'n' Roll, Wire and dozens of other periodicals. He was the editor of Sound Choice magazine and is a member of the Audio Evolution Network, an international organization dedicated to the positive evolution of music, radio and related matters. He may be contacted by mail at P.O. Box 989, Oceano, CA 93445, U.S.A.

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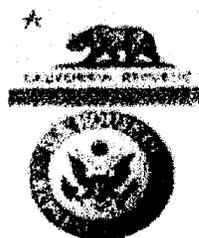
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**Congresswoman
Lois Capps**



March 17, 1999

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The Honorable William Kennard
Chairman, Federal Communications Commission
1919 M Street NW
Washington, DC 20554

Dear Chairman Kennard:

I am writing in regards to the Federal Communications Commission's interest in encouraging new opportunities for community-oriented radio broadcasting through the establishment of a system to license low power FM (LPFM) and microradio stations. I have a particular interest in how the FCC might implement the licensure of non-commercial, locally owned low-power stations that I'd like to share with you.

Excellent Radio, a 14-watt non-commercial station located in the coastal community of Grover Beach, California, was on the air from March, 1995 until June, 1998, when the station's owner decided to suspend broadcasting after a federal judge ruled in the FCC's case against Free Radio Berkeley. During its three years on the air, the station aired an eclectic mix of music, including jazz, reggae, and blues, as well as Grover Beach City Council meetings, childrens shows and a wide range of community forums on important issues of interest to its listeners. Excellent Radio was an excellent example of how such a community-oriented, non-commercial station can entertain and enrich a community while inviting greater participation in the democratic process.

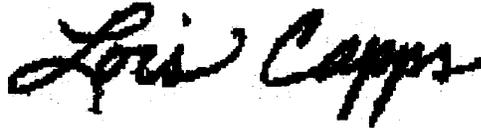
Excellent Radio provided a forum for community members to participate more fully in the

public discourse about many important local issues affecting their families, schools, neighborhoods and community. I believe it also provided a model that could be used successfully in many other communities. When larger numbers of people in any community become more informed and more involved in the discussion about issues that affect them, that entire community benefits.

I know there are those who oppose the licensing of LPFM and micro stations because of concerns regarding increased competition and decreased broadcast quality. I understand that, as part of this process, the FCC will be proposing some interference protection criteria to protect existing radio services and the technical integrity of radio service, and I appreciate your efforts to address concerns about interference that might result from licensing of additional radio stations. Clearly, consumers would not benefit if the changes the FCC is now considering resulted in interference with existing signals. Again, I think Excellent Radio provides a good model. Because of its very limited broadcast area and its non-commercial nature, Excellent Radio provided a unique and valuable service to the community of Grover Beach without competing directly with other commercial stations that broadcast to larger, more regional audiences.

When Excellent Radio went off the air last June, my constituents in Grover Beach lost an important link connecting them to each other and to their community. Thank you for your interest in developing a system for licensing community-oriented LPFM and microradio stations, and for your consideration on this matter.

Sincerely,



**LOIS CAPPS
Member of Congress**

If you would like to voice your opinion about any federal legislation you can contact any of these three offices.



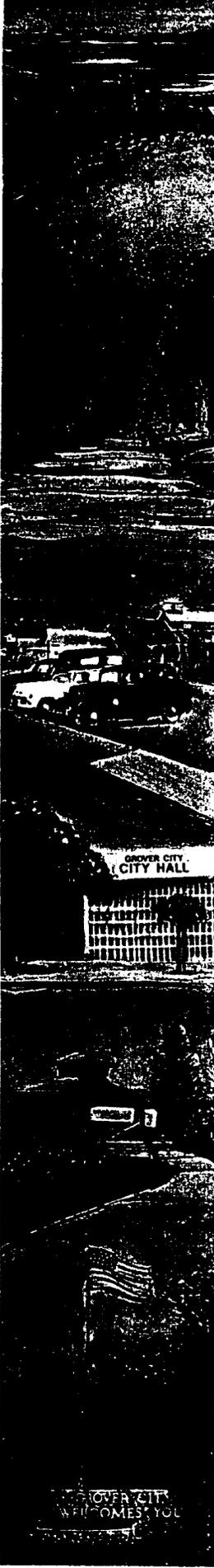
Or, feel free to E-mail

lois.capps@mail.house.gov

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City of Grover Beach, California

PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH RECOGNIZING EXCELLENT RADIO 88.9 FM

WHEREAS, Excellent Radio 88.9 FM was a radio station which aired from the Excellent Center for Art and Culture in Grover Beach; and

WHEREAS, Excellent Radio 88.9 FM provided a forum for community members to discuss local issues; and

WHEREAS, Excellent Radio 88.9 FM also provided a diverse cultural selection of musical entertainment; and

WHEREAS, in 1996, Excellent Radio began airing the regular City Council meetings live on 88.9 FM; and

WHEREAS, Excellent Radio provided the citizens of Grover Beach easy and convenient access to local government information; and

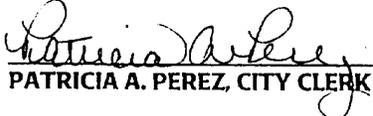
WHEREAS, Excellent Radio is no longer broadcasting due to a recent FCC ruling; and

NOW, THEREFORE, BE IT RESOLVED that as Mayor of the City of Grover Beach and on behalf of the City Council, I hereby recognize Excellent Radio for educating and entertaining members of the community.

IN WITNESS THEREOF, I hereunto set my hand on this 6th day of July, 1998.

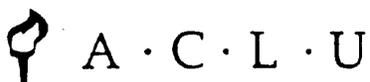

DEE SANTOS, MAYOR

Attest:


PATRICIA A. PEREZ, CITY CLERK



American Civil Liberties Union of San Luis Obispo County



April, 28, 1999

William Kennard, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Commissioner Kennard:

The Executive Board of the ACLU Chapter of San Luis Obispo County applauds your efforts to provide citizens with opportunities to exercise their First Amendment rights through the issuing of low-power radio licenses.

A right, which we assumed citizens already had, because the airways belong to the people. The dominance of the airwaves by commercial interests does not further democracy, which makes them the real "pirates."

Locally, two low-power radio stations, which had been providing citizens with a valuable voice, were forced to shut down because of the threats from the FCC. This is intolerable in a democratic government.

Please allow citizens to serve their communities with alternative voices, which can only promote democracy and will help to restore faith in government---a government which, according to the Preamble to the Constitution, and the Constitution itself, belongs to the people.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Hank Alberts'.

Hank Alberts
President

2 enclosures

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