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AUG 4 1999

July 30, 1999

Ms. Magalie Roman Salas, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Secretary Salas,

Enclosed please find one original and ten copies of our formal reply comments in reference to "*Creation of a Low Power Radio Service -- Notice of Proposed Rule Making and Order*", FCC 99-6, MM Docket No. 99-25, dated February 3, 1999.

Please stamp the tenth copy as our official receipt and return it to us in the pre-addressed, prepaid envelope.

Please contact me immediately if any additional material or clarification is desired.

Thank you for consideration of our opinions and suggestions.

Sincerely,

Deborah S. Proctor
General Manager

No. of Copies rec'd 0+10
List ABCDE

1928 State Road 2054 □ Post Office Box 828 □ Wake Forest, North Carolina 27588-0828 □ 919/556-5178

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:	)	FCC 99-6
Creation of a	)	
Low Power Radio Service --	)	
Notice of Proposed Rule Making	)	MM Docket No. 99-25
and Order	)	February 3, 1999

Comments of Educational Information Corporation

Consideration of a Low Power FM Service is premature at this time. It is only prudent that the Commission permit the development of digital audio broadcasting standards and expansion of the FM band prior to developing a new spectrum management scheme for LPFM. Also, the FAA has not addressed the major air traffic hazard concerns which exist in the proposed FCC certification of LPFM transmission equipment.

Originally there were to be two FM bands, not just one. In the zeal to promote television, though, one of those bands was taken away and given to the "new" television system. Only later it was realized that the band wasn't suitable for television -- it was taken away and assigned to something else, and was lost to the FM service.

Thus we have no Channel 1 TV, and we start the TV dial with Channel 2. In it's zeal, that Commission jumped to a bad conclusion, and made all the new FM broadcasters in the lower FM band junk thousands of dollars of good transmission equipment which could have served the public well. The premature authorization of LPFM will do the same to the millions of people in the thousands of square miles of secondary service area of almost every FM station currently operating in the nation. I believe it is safe to say that most of the

listeners to any FM station do NOT live in it's protected contour, and every one of those listeners will be subject to the loss of service due to interference from the LPFM service. Let us remember that in all the other broadcast services, AM, VHF-TV, and UHF-TV, the Commission recognized the extended service area of each class of station, and afforded it interference protection to the point of usable signal. It did not do this with FM -- it only protected the primary service, depending upon it's table of allotments to provide protection to the secondary service area. Before LPFM can even be considered, protection to existing station's secondary service areas must be enacted.

Unfortunately, the FCC seems to have a fast track agenda for LPFM, and seems fixed on finding reasons to bring back the Class D FM service which a past FCC decision, into which went much thought and engineering experience, determined was not in the public interest. Consider that the Commission infers that all 13,000 hits to it's LPFM web site were from proponents: *"Additionally, the Commission received over 13,000 inquiries in the last year from individuals and groups showing an interest in starting a low power radio station."* Simply because a web site received a number of hits means nothing -- the computer does not tally who is for or against a proposal, and in theory, a handful of people could have looked at the site a total of 13,000 times using an automatic redial program -- clearly the Commission has a bias in the item under consideration, and in all other aspects of government, this would mandate that another agency consider the question from a detached, arms-length, position. I understand that hate-groups have web pages, too -- is it not absurd to think that every hit to those sites is *"from individuals and groups showing an interest in starting a hate-group"*?

Another fact of the matter is that the FCC cannot regulate or enforce the technical aberrations of existing FM and AM stations. Yet the Commission wants to crowd in additional stations? We must remember that a pirate FM station had operated for some time

in the Washington DC area right under the Commission's nose on the frequency of 87.9 FM, just below the FM band? Or that pirate stations operate so boldly outside of the FCC regulations and the FCC's inability to stop them that pirates have internet pages and solicit phone calls from the general public? The Commission can't deal with the several hundred present day LPFM (local pirate FM) broadcasters, much less convince this commentor that it can deal with thousands of additional stations. Search the internet for pirate sites and find out for yourself -- despite our protest, an unlicensed station in New Jersey is using our call letters as this comment is being submitted!

The Commission speaks of "certification" of LPFM equipment. The Commission does not consider the havoc of hundreds of home built and "self-certified" LPFM's with poor radiation and spurious characteristics will wreak on the aircraft frequencies, those being directly adjacent to the upper part of the FM band, at 108-118 MHz. This is a question of public air traffic safety and Federal Aviation Administration comment should be sought. Consider all the problems which cable television system "leakage" can cause to aircraft communications, and cable systems are not intended to radiate power, and only deal with milliwatt signals, not kilowatt signals. Nor does the Commission consider the havoc these LPFM's with even good radiation and spurious characteristics could wreak on television channel six, being directly adjacent to the lower part of the FM band, at 82-88 MHz. The fact that the Commission will write down words which "ensure" that no interference problems will occur is meaningless when one considers that the Commission cannot remove the current pirate broadcasters from the air without an extended legal and procedural nightmare; and the Commission doesn't even know that a pirate exists unless someone tells them about it because the Commission has little, if any, FM-band monitoring ability.

There is no question that the interference from new LPFM stations will seriously erode the service area and the listenership of almost all existing radio stations. Many stations provide reliable service out to their 34 dBu contour (50 microvolt) and indeed, the FCC used to unofficially consider this signal lever as the secondary service area FM stations, and this contour previously was shown on all FM application forms. In fact, our station has listeners being served who live in our 25 dBu contour and enjoy our FM broadcasts at their residences. LPFM will take our station away from them. How will they know to comment to the FCC on the LPFM issue until they lose their favorite stations? Will the FCC revoke the license of any LPFM which interferes with a licensed station? The Commission may say it will, but this commentor has sent the names and addresses of over one hundred people to the owner of a translator with only secondary service status, complaints continue, and so does the operation of the translator, on our first adjacent channel. The public radio station towards the east of us also receives complaints, made a formal objection to the FCC as we did, and yet the translator continues to operate on their first adjacent channel. So much for the Commission's ability to protect primary stations from a secondary service interference -- and it says it can protect existing FM stations from LPFM interference?

Unfortunately, the Commission side-steps the fact that the interfering area of any class of LPFM station is much greater than the service area of such a station (by ten times and more), that the addition of an LPFM service will destroy secondary service from current stations on a ten-to-one basis. That is, for every square mile of service from a LPFM station, ten or more square miles of existing secondary service to the listeners of a currently licensed station will be lost. This is most definitely not in the public interest.

Additionally, the nation's foremost technical developers are working on Digital Audio Broadcasting. There is no better group of audio engineers in the world, and it is this

commentor's understanding that every development group has asked the Commission to stay the LPFM proposal until after an digital standard is adopted and implemented. The Commission is duty-bound by it's public interest mandate to heed this knowledgeable advice.

Even the Commission has expressed some concern whether an LPFM service "... *would limit or impair the ability of full power stations to implement digital transmission technology such as in-band-on-channel (IBOC) conversion.*"

But how concerned can the Commission be if it advances LPFM before the IBOC standards are even determined? This one point alone would cause the Commission to place a stay on the LPFM proceeding if the Commission had an objective position on the subject.

The author of this comment has a degree in electrical engineering, has certification from professional engineering societies, and understands the physics and practical aspects of FM broadcast propagation. Low Power FM can work and it can become a reality and it can do so without causing harm to existing stations -- but not like this! The Commission already missed the mark with Low Power Television! How many LPTV stations are owned by community broadcasters or minorities -- and how many are owned by home shopping networks? *Those who refuse to learn from mistakes of the past are doomed to repeat them.*

The FCC should help existing FM stations maximize their service to their listeners first (the Commission has previously shown that higher power stations have higher spectrum efficiencies), establish and implement a digital audio broadcasting system, finish the transition to High Definition TV, expand the FM band to 82 MHz (just as it expanded the AM Band), and then allow LPFM to have an orderly and pre-assigned place in the expanded FM band.