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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**By Overnight Delivery**

Office of the Secretary  
Federal Communications Commission  
1919 M Street NW  
Washington, DC 20554

**Re: Reply Comments on Notice of Proposed Rulemaking  
MM Docket No. 99-25**

Dear Secretary:

Enclosed are one original and four copies of reply comments of Citizens' Media Corps and Radio Free Allston on MM Docket No. 99-25. Please file them in the normal manner.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Marc J. Goldstein

MJG:mjg

cc: John T. Williams  
Stephen Provizer

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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

IN THE MATTER OF  
CREATION OF A LOW POWER RADIO  
SERVICE

NOTICE OF PROPOSED RULEMAKING

MM Docket No. 99-25

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**REPLY COMMENTS OF CITIZENS' MEDIA CORPS AND  
RADIO FREE ALLSTON FOR MM DOCKET NO. 99-25**

**Introduction.**

The Citizen's Media Corps and Radio Free Allston hereby reply to comments filed by the Corporation for Public Broadcasting ("CPB") and National Public Radio ("NPR") in MM Docket No. 99-25.

The comments filed by CPB, NPR are based on a few simple premises: That Public Radio is already fulfilling America's need for eclectic, non-commercial programming; that the public service programming provided by Public Radio represents the diverse voices of communities across the country; that NPR, while a national service, fulfills local needs, and that LPFM stations will not be able to survive given their limited reach, but will nonetheless erode viewer donations and undermine the financial foundation of NPR.

**I. LOCAL VERSUS NATIONAL NON-COMMERCIAL SERVICE**

We will begin to address these contentions by turning to the comments themselves:

[CPB] is concerned that the introduction of LPFM stations into the FM band, particularly into reserved noncommercial frequencies, will frustrate the goal of making public radio universally available throughout the nation. Noncommercial radio is a broadcast service designed to reach large

numbers of people as efficiently as possible consistent with Section 307(b) of the Communications Act.<sup>1</sup>

We agree with the premise that noncommercial radio should reach the greatest possible number of listeners. Our disagreement is with the idea that this should be accomplished primarily through a centralized public radio service, operated from Washington, D.C. We agree that NPR does provide useful programming, which often has a more public-service orientation than that distributed by other noncommercial (religious) syndicators or that which is commonly found on commercial stations. However, we believe the record shows that few public radio stations fulfill the function that non-commercial LPFM stations would.

Satellite programming, while it may very well address important *national* issues, is, by definition, not local, even when local weather and traffic spots are plugged in.

CPB has an appendix that purports to show how well it serves local interests, but closer examination reveals its faults. First, it includes television programs, not just radio. Second, the length of the list is more a function of the number of states included, less of the number of shows produced. If Radio Free Allston ("RFA") can serve as an example, we would expect LPFM stations to produce a vastly greater number of programs of local interest. RFA alone had programs in five languages—Spanish, Haitian Creole, Brazilian Portuguese and Russian, as well as four programs in English, all partially or completely devoted to local public interest issues. As we said earlier, we freely admit that there is programming produced by NPR that could not be duplicated by LPFM stations. But it must be acknowledged that the reverse is also true.

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<sup>1</sup> Comments of Corporation for Public Broadcasting (hereinafter "Comments of CPB"), summary, at p.i.

## II. LPFM STATIONS WILL REACH THEIR TARGET COMMUNITY AUDIENCE WITHOUT UNDUE INTERFERENCE

CPB argues:

An LPFM station's limited reach, likely minimal operating hours, and susceptibility to interference from nearby stations will make it very difficult to establish and maintain service. Some LPFM stations will survive, but those that do could well reduce the public service from co-channel and adjacent channel stations and prevent these stations (many of which are minority-owned) from reaching far greater numbers of listeners, thus sacrificing the interests of many listeners for the sake of a few broadcasters.<sup>2</sup>

We acknowledge that the limited reach of LPFM stations means that vehicles traveling out of the coverage area will be unlikely to tune in. On the other hand, much of the work of a community happens *within* the community. Aside from homes, offices and businesses, those moving about the coverage area picking up and delivering children to activities, delivery vehicles, joggers with portable radios, etc., will all have continual access to the local LPFM station.

As far as "susceptibility to interference from nearby stations" is concerned, interference is doubtless a two-way street. We anticipate that any LPFM service initiated by the FCC will create a situation where licensed stations *of any size* will be relatively free from interference.

CPB states, "those [LPFM stations] that do [survive] could well reduce the public service from co-channel and adjacent channel stations...." We assume the commentators mean the "service area" of co-channel and adjacent channel stations. If so, then we refer to our previous point, that there is no sense in instituting a system unless all stations can be relatively free of interference. Indeed, "the interest of many listeners" is our chief concern.

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<sup>2</sup> Id.

As far as the technical study cited, we are confident that the FCC will look closely at the motivations of those who commissioned any particular study. In the real world of radio, it is the megawatt stations that listeners find splattered all over the dial, not the small, grandfathered 25-watt stations. When all residents of the radio dial are held accountable, we are confident there will be ample room for LPFM stations.

### **III. PHILOSOPHY, OWNERSHIP AND FINANCES**

The CPB states:

[T]he solution the Commission proposes would undermine the philosophical, technical and financial structure of radio in general, and would create particular stresses for noncommercial broadcasting, where over-concentration [of ownership] does not exist....<sup>3</sup>

To the accusation of wanting to change – not undermine – the philosophical, technical and financial structure of radio, we plead guilty. We consider the current structure at best inept and outdated, at worst corrupt and destructive. In fact, this question starkly illustrates the difference between those who are in accord with the direction radio has been moving and those who believe pressure must be applied to change this direction. [See our initial comments for a more extended analysis of the problems in radio].

As to the contention made here that concentration of ownership does not exist in public broadcasting, we must take issue. NPR is a top-down organization, with money and policy decisions being made in Washington. True, member stations can refuse to follow options or guidelines from NPR, but at the risk of losing financial support.

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<sup>3</sup> Comments of CPB, summary, at p. iii.

CPB argues at length that the financial realities of running a station have two ramifications for this process: One, that LPFM's will not be able to support themselves and secondly, that LPFM stations:

“could well deprive an existing or future full power station of the ability to reach potential audience members, robbing listeners both inside and outside the protected contour of the service that they have grown to expect without any guarantee that the service will be replaced.”<sup>4</sup>

Let's examine more closely some of the financial aspects of this debate. For their part, NPR stations are run by a professional staff (and supported by interns who hope to someday take their place). Especially in urban areas, there is also a layer of middle and upper management and staff whose sole function is fundraising.

On the other hand, while LPFM stations might very well have some professional staff, the responsibility for programming will fall mainly to community volunteers. In many cases, as stations such as Radio Free Allston showed, volunteers with a minimum of training but with a great deal to share, can provide a full and fulfilling daily schedule of programming.

There will be also be nothing akin to middle management at LPFM's.

Finally, consider the fact that if the FCC chooses to license local non-profits or other groups rooted in the community, there will be no need for fundraising staff, as that responsibility falls to the Board of Directors.

What other costs will be involved?

The Commission itself has said that it will do everything possible to keep down the cost of licensing LPFM.

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<sup>4</sup> Comments of CPB, summary, section 3, at p. 7.

The amount of space necessary to house an LPFM station is small and we believe that, given the benefit for the community—amply illustrated by the many positive LPFM comments received by the Commission—that many such spaces will either be donated or acquired at a very low price.

The acquisition of music is basically cost-free, as it is supplied by DJ's, bands and record companies.

This leaves equipment as the only remaining significant expense.

The transmitter and audio links are, of course, the areas of chief concern in terms of interference. The consensus among engineers is that the technology currently exists to make reliable, stable and inexpensive broadcast equipment widely available.

In sum, LPFM stations will be lean, no-frills operations, which should work in tandem with the good will of the community. We believe that a combination of fundraising events, membership dues, grants and local business support, overseen by a board of directors or a committee of station participants will ensure the survival of LPFM stations.

The extent to which the financial support of a given community flows toward its LPFM and away from the NPR affiliate will simply be a reflection of how necessary that LPFM station was in the first place. If ever there was an opportunity for the market to operate in a free, local, unsubsidized fashion, this is it. Any other regulatory approach would simply be protectionism.

#### **IV. OWNERSHIP DIVERSITY SHOULD AND WILL BE ADDRESSED**

The CPB comments do cite areas which we agree represent cause for concern: the LPFM proposal offers no specific means of encouraging diversity in new ownership and mutually exclusive applications will be decided either by auction or by lottery (non-commercial).

However, in our initial comments, we offer specific, detailed approaches to dealing with these issues, as did several other commentors. We will not repeat our suggestions here except to say that we propose that weight be given to organizations or groups with demonstrable roots in a specific community, which have shown by their previous actions that they have a public-service orientation. We also suggest a method by which the owners of an LPFM station can be held publicly accountable for their programming.

We believe that where the goal is clear, the means to implement it can be found.

#### **V. THE INTERNET IS NOT TRULY AN ALTERNATIVE**

The final comment we wish to make is on the subject of the Internet as a viable alternative for those seeking outlets for communications. It has become more and more common, when the issue of public access arise, for media organizations to say "They've got the Internet." Our response is that, at this point in time and for some time to come, the Internet is no substitute for the mass medium of radio.

Recent studies have shown clearly that there is a gap between those communities that have rapidly increasing access to the Internet and those for whom access is stagnating. For example, according to a study cited by the Benton Foundation, the Internet access rates for non-Hispanic White households (29.8%) is much higher than for Hispanic ones (12.6%); this gap (17.2%) widened by 56% in just one year. This is especially important to many LPFM advocates who want every listener to share in the benefit of these new stations, but are particularly interested in utilizing LPFM as a platform and a source of information for those who traditionally have no voice.

As we have said on previous occasions, there is no more democratic medium than radio.

**Conclusion.**

Our intent in these reply comments is to show that America needs access to a local radio service which is primarily motivated by a public service mission. We acknowledge that NPR produces and distributes some valuable programming. However, by virtue of the centralized and bureaucratic nature of the system and its affiliates, NPR does not provide the kind of important local, multi-language, informational, eclectic programming that can be provided by LPFM stations.

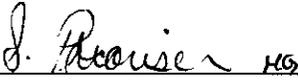
We also wish to bring to the Commission's attention the fact that their simple, voluntary and community-rooted nature, along with the availability of inexpensive broadcast equipment, make these stations financially viable.

Respectfully submitted,

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By its attorneys,

  
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Dated: August 31, 1999