

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

The Portals

445 12th Street S.W.

WASHINGTON, DC 20554

In The Matter Of:)	Docket No. MM 99-25
)	
Creation Of A)	Docket No. RM-9208;
Low Power Radio Service)	Docket No. RM-9242

REPLY COMMENTS OF **SPENCER GRADY CLARK**

I am a concerned citizen, with no personal interest in acquiring a Low Power Radio license. I support Low Power Radio because our country needs it.

FOCUS OF THESE REPLY COMMENTS

These Reply Comments are mainly a response to Written Comments filed by the National Association of Broadcasters (NAB), National Public Radio (NPR) and the Corporation for Public Broadcasting (CPB).

I also second certain points which were made in various filings by THE AMHERST ALLIANCE and numerous other supporters of Low Power Radio.

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RECENT JOINT STATEMENT ON MICRORADIO

Further, I am in agreement with -- and strongly urge the Commission's consideration of -- the recent JOINT STATEMENT ON MICRORADIO by Rogue Communication, The Amherst Alliance, Americans For Radio Diversity

(ARD), The Michigan Music Is World Class! Campaign (MMWC), WKJCE Radio, REC Networks, Citizens' Media Corps, the Committee for Democratic Communications of the National Lawyers Guild (CDC), the Micro-Empowerment Coalition (MEC) and numerous other signatories, both institutional and individual.

This Joint Statement On Microradio was filed with the FCC on July 31, 1999. To reflect a continuing flow of new signatories, Supplemental Statements were filed by Rogue Communication on August 2 and again on August 23.

The Joint Statement indicates, clearly, the many areas of agreement that exist within the modern Low Power Radio movement. These areas of agreement have sometimes been overshadowed by movement "multilogues" over whether commercials should be allowed and/or whether amnesty should be authorized for unlicensed broadcasts made AFTER issuance of the MM 99-25 Proposed Rule.

Nevertheless, the areas of agreement are there. The Commission can use them to create a viable AND meaningful Low Power Radio Service.

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THE NAB'S INTERFERENCE STUDY

There are at least 2 major reasons to question the accuracy of the NAB's study of PROJECTED interference from Low Power Radio stations. This study can be found in the NAB's August 2, 1999 Written Comments.

1. The basic finding of the NAB's study -- that is, a significant risk of significant radio interference in SOME metropolitan areas -- is contradicted by other studies of potential interference. The finding is directly OPPOSITE to that of an interference study commissioned by CDC, MEC, the Media Access

Project (MAP) and others. The finding also counters the results of an independent interference study by the FCC (although the FCC did note that its sample was smaller than the optimal size).

2. The NAB study is also contradicted by evidence from "the real world". Rightly or wrongly, UNlicensed broadcasters with UNregulated equipment have operated in "the real world" -- including many areas where the spectrum is crowded -- for decades. Further, their numbers grew rapidly after Congress slammed the door on entrepreneurial radio in the telecommunications "reform" legislation of 1996. Yet, despite the lack of licensing, the lack of equipment regulation and the post-1996 surge in the number of unlicensed broadcasters, most recent "busts" have NOT been based on allegations of radio interference.

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If UNlicensed broadcasting with UNregulated equipment is not causing enough interference to trigger many complaints, even in areas where the spectrum is crowded, why would LICENSED Low Power Radio broadcasters -- using REGULATED equipment -- cause a major increase in radio interference?

Even IF the FCC determines that the NAB study has some validity, the Commission should bear in mind the following points:

3. The NAB's study flatly declares that it could find no evidence of potential interference with car radios (over and above the levels which are already permitted under current FCC regulations). This is a major market.

4. As for other radios, the NAB's study shows that a CLEAR MAJORITY of the projected interference would occur in a CLEAR MINORITY of the 60 metropolitan areas that were studied. For every "yellow light" it flashes for a projected "hot spot" area like metro Las Vegas, it flashes 2 "green lights" for

"cool spots" like Chicago and Los Angeles. At most, the NAB's study is an argument for proceeding cautiously with Low Power Radio in SOME areas while moving Full Speed Ahead with Low Power Radio in MOST areas. In discussing its interference study, as in other contexts, the NAB continues to assert -- or, more precisely, to assume -- that Low Power Radio should be banned EVERYWHERE if it might cause significant interference ANYWHERE. This is a glaring gap in logic -- which the NAB makes repeatedly.

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It is far more logical (and also more reasonable) to investigate problems where they might exist and take appropriate preventive and/or corrective action in those areas. A closer look at SOME areas need not delay action in others.

SO-CALLED "ALTERNATIVES" TO LOW POWER RADIO

The NAB, in its Written Comments, has also claimed that Low Power Radio is not needed because "alternatives" -- notably, Internet audio -- are readily available. This is not true.

Virtually all Americans have access to radio AND can tune it in virtually anywhere. By contrast, access to the Internet -- while growing rapidly -- is still limited to a distinct minority of Americans, most of whom can only "tune it in" from specific (and typically fixed) locations. In addition, the Internet is (so far) disproportionately Asian, Caucasian and affluent -- leaving blacks, Hispanics and other groups seriously under-represented in Internet interaction.

Also, some of the same companies which dominate radio are now starting to buy up major firms which serve The Internet. Unless government applies proven anti-trust principles, the old pattern of "consolidation" may repeat itself.

None of the other MASS media would be friendly territory for "displaced"

Low Power Radio activists. All of the other mass media, including cable TV, are dominated by megacorporations AND require far more capital for market entry.

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LOW POWER RADIO AND DIGITALIZATION

It has been claimed that Low Power Radio technology is inherently incompatible with Digitalization of the In Band On Channel (IBOC) variety.

SOME Low Power Radio activists are opposed to Digitalization in any form. MOST Low Power Radio activists, however, view Digitalization as politically inevitable. To make room for it, they are willing to "bend", but they don't want to break. Their PRIMARY goal is not blocking IBOC, but persuading the FCC to STRUCTURE IMPLEMENTATION in ways which permit and promote "peaceful co-existence" between Digitalization and Low Power Radio.

A FEW members of the Low Power Radio movement are attempting to move "ahead of the curve" by exploring DIGITAL Low Power Radio. Some of them are exploring Light Wave Broadcasting as well. When and if Digitalization is implemented, the ranks of these pioneers will almost certainly increase.

LOW POWER RADIO AND "PUBLIC RADIO"

NPR and CPB have expressed concern that Low Power Radio may somehow damage Public Radio -- through interference and/or displacement.

Regarding INTERFERENCE, the evidence suggests it will be an isolated problem, if it surfaces at all. The POSSIBLE need for preventive or corrective action in SOME areas hardly justifies banning Low Power Radio in ALL areas.

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Regarding the possible DISPLACEMENT of NPR stations, MOST aspiring LPRS broadcasters are intent on protecting THEMSELVES from "bumping" -- NOT on "bumping" someone else.

Nevertheless, we do not see why Public Radio SATELLATORS should be protected from locally based competition. Standardized national programming over CORPORATE satellators can now be "bumped" by locally based stations. "Public" satellators should not be protected simply because they are subsidized.

If NPR doesn't want its satellators to be "bumped", or eclipsed in the ratings by local competition, then NPR can turn those satellators into the local stations that most of them used to be. This might be "just what the doctor ordered".

As an argument for special protection, NPR and CPB might assert that Public Radio has a unique and valuable mission in our society.

This is true -- but the same can be said of Low Power Radio.

The "Public" in Public Radio means only that it is FUNDED by the public (or at least those members of it who pay taxes). It is RUN by a government agency, which may or may not care what the public actually needs or wants.

Given the "grassroots" origin of Low Power Radio, its programming may well be more representative of the public's needs and wishes than NPR. Low Power Radio cannot duplicate what Public Radio does -- and Public Radio has shown no inclination to do what Low Power Radio does. America needs both.

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CONCLUSION

For the reasons I have stated, I do not believe that valid objections to a Low Power Radio Service have been raised by NPR, CPB, the NAB or anyone

else. I respectfully urge the Commission to move forward expeditiously with issuance of an effective Final Rule in this Docket, taking all necessary steps to assure that the new Low Power Radio Service is both viable AND meaningful.

Respectfully submitted,

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Dated: _____
September 8, 1999