

September 17, 1999

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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**In the Matter of ) MM Docket No. 99-25**

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**Creation of a Low ) RM-9208**

**Power Radio Service ) RM-9242**

)

)

Supplemental Written Comments of *Susan Trescott-Ness*

Filed on Behalf of Herself & The Below Listed Concerned Organizations & Individuals

Responding to the January 28, 1999 release of a Notice of Proposed Rule-making in FCC  
Docket No. MM 99-25 (a.k.a. RM-9208 and RM-9242), Susan Trescott-Ness and the following  
signatories hereby submit supplemental formal written comments on the Commission's  
Proposed Rule to establish a Low Power FM Radio Service (LPFM).

## **Introduction:**

This filing primarily represents additional signatories to our Comments filed July 29, 1999 and August 29, 1999. It also includes additional city council resolutions passed in support of LPFM. This filing does not represent new material or concepts, but is primarily intended to further demonstrate the vast scope of support for Low Power FM radio.

As clarified earlier, these Comments represent the fundamental points of the Comments filed by the Michigan Music is World Class Campaign. That filing consisted of approximately 200 pages and 30,000 words.

One of our key points is that the F.C.C. is obligated to institute an LPFM service simply due to the virtually unanimous public demand -- how can it be in the public interest to deny what just about every American citizen apparently desires?! In all honesty, it was difficult to find people who would NOT sign (other than high-level elected officials who are, perhaps, under the influence of the powerful broadcast lobby).

Obviously, it would have been unreasonable to ask a significant number of parties to read a 30,000 word document. So we distilled the comprehensive filing of the Michigan Music Campaign, extracting the vital concepts and philosophy. The resulting Comments below, some 340 words, were then circulated for endorsements throughout our community primarily between

Aug. 1 and Aug. 30, 1999. Additional endorsements were gathered between Sept. 1 and Sept. 16, 1999.

We think any reasonable party will conclude the endorsements gathered by our unpaid volunteers over this short time represent nothing short of dramatic and compelling evidence. This is especially true when contrasted with the virtual void of demonstrated opposition to LPFM existing outside of the broadcast industry. Indeed, we doubt the broadcast industry has been able to produce even 100 people across the entire country not associated with the industry who oppose LPFM!

Congress mandates that the public airwaves be used in such a way that serves the public interest! That must be the first -- and final -- issue in any matter before the F.C.C. We submit that the public itself knows best what is in our interest. We also submit that the public would not be pleased with the suggestion that we are not capable of deciding, or that others know, what is best for us!

We estimate that approximately 30% of the State of Michigan, or three million citizens, are represented by our city and county resolutions. Of all these resolutions, only a single nay vote was cast (and that council member, oddly enough, seconded the motion!). Approximately 250 mayors and council members voted unanimously (with the one exception) in favor of LPFM

community radio!

These resolutions, and also the endorsements below, come primarily from a small geographic area, four or five counties of the State of Michigan. We hold it to be simple common sense that the enormous demonstration of support displayed below represents not a freak aberration, but exactly what one should expect to find across the entire country if a comprehensive polling effort were to be conducted (we encourage such a polling project, in fact).

What IS an aberration is that, despite the lack of media opportunities and access available to us and despite our era of unprecedented media consolidation, a grassroots citizens= media lobby was able to coalesce even in one small area on an issue. This reality further proves the need to foster MANY new forms of communication available to the general public and the common person. This example provides evidence that, except in rare occasions, the general citizenry is not armed with the necessary tools to express ourselves -- not just adequately, but in any substantial manner!

Indeed, LPFM SHOULD be the beginning of a new trend at the F.C.C. which -- instead of assisting existing media empires to grow even more powerful and intimidating -- would seek to much better facilitate the common expression so vital to the health of our democracy. With all respect, we suggest that the agency has for the most part failed in this fundamental duty.

P.J. Bednarski, editor of Electronic Media, says, "I don't think there's been a time in broadcast history in which consideration of local diversity or public interest has been held in lower regard."

We know that the present Commission has the insight to recognize the obvious truths expressed above. We hope the Commission also has the courage to ensure that the struggle over LPFM does not become yet one more "battle between the rich and the very wealthy," in which the first casualty is almost always the public interest.















## **Our Comments**

1. As Chairman Kennard correctly states, the F.C.C.'s public interest mandate is the agency's bedrock principle.≡ As such, in all matters, including that of Low Power FM (LPFM) radio broadcasting, the fundamental issue with which the F.C.C. must concern itself is that of determining and fulfilling public interest and demand. It is impossible to square with the public interest a ruling which fails to abide by the virtually unanimous public support and demand for LPFM.



2. The F.C.C. is obligated to institute a system of license allocation which does not discriminate on the basis of economic standing; where the rights of one are not held superior to the rights of others and; where those rights are not held in perpetuity such that the rights of others are never recognized.



3. We are concerned about:

A. fundamental issues of fairness regarding the allocation of public resources;

B. the twin threats to democracy of:

i. media consolidation

ii. rising economic thresholds which bar access to public media resources;

C. cultural homogenization as a result of media consolidation;

D. local economic issues.



4. We are concerned that when comparing the stewardship of our airwaves to that of other forms of public property where public use and participation is encouraged, access to the public airwaves has been held in elitist reserve, despite the historic role played by amateurs and hobbyists in the development of radio technology. We believe that in general the F.C.C.'s role should not be to limit and restrict communication and the expression of ideas between American citizens, but rather to foster and facilitate it to the greatest extent possible.



5. We agree with the F.C.C.'s majority view that this LPFM service

A. can and should serve a wide range of purposes;

B. can and should allow access to the public airwaves to a wide range of Americans;

C. can and should serve a myriad of unique and diverse interests;

D. can and should provide service to currently unserved communities.



6. We urge the Federal Communications Commission to adopt MM Docket 99-25 in a timely manner.







Respectfully submitted by,

Susan Trescott-Ness

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**SUPPORTED BY:**

(Signatures on file and available for inspection. Some signatures were very difficult to read!



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**9-7-99**

Eastpointe

Resolution No. 1425

WHEREAS, community radio allows for a small geographic area, such as Eastpointe, to have its own voices on the air, including community-related discussions and locally produced music; and

WHEREAS, community radio has been illegal since the 1970s; and

WHEREAS, the Federal Communications Commission is currently in the process of accepting public input on the re-legalization of community radio -- Mass Media Bureau's Docket No. MM 99-25; and

WHEREAS, MM 99-25 will not interfere with existing broadcasters, nor even reserve a portion of the broadcast spectrum for community service, but will allow community groups and business owners to apply for broadcast licenses; and

WHEREAS, the Eastpointe City Council believes that the re-institution of low power FM radio service will be a worthwhile public service, providing diversity of ownership, public choice, business promotion and communications reflecting the needs and character of the community.

NOW THEREFORE, BE IT RESOLVED, that the Eastpointe City Council does hereby support the community radio concept and encourages the Federal Communications Commission to restore low power FM radio service and adopt MM 99-25.

Yeas: Abke, Young, Accavitti, Redmond, Curley

Nays: none

Absent: none

passed unanimously

