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

In the Matter of	)	MM Docket No. 99-25
	)	
Creation of a Low	)	RM-9208
Power Radio Service	)	RM-9242

Reply Comments of the United States Catholic Conference

The United States Catholic Conference (AUSCC≅) submits the following reply comments in the above-captioned Notice of Proposed Rulemaking (ANotice≅), released February 3, 1999 by the Federal Communications Commission (AFCC≅).

The USCC is a nonprofit corporation organized under the laws of the District of Columbia whose members are the active Catholic Bishops in the United States. The USCC advocates and promotes the pastoral teachings of the Bishops in such diverse areas as education, family life, health care, social welfare, immigration, civil rights, the economy, housing, and communications. In its *Notice*, the Commission requests public comment on how to establish a low power FM radio service which meets the local needs of the community to which these new stations are licensed. Protection of the public=s First Amendment right to disseminate and receive information on the scarce public resource of the airwaves is a matter of particular concern to the USCC.

USCC generally supports the Comments of the United Church of Christ, et. al., filed August 2, 1999 in the above-captioned proceeding. UCC=s comments urge the FCC to regulate low power FM to ensure that it serves the purpose for which it was created. The FCC=s Notice explains that liberalization of regulation of full power radio has led to a system in which stations are held by a small number of corporate owners, leaving limited or no access to the FM airwaves for non-mainstream opinions and other programs which serve community needs. Notice at paragraphs 10--12. USCC agrees with UCC=s core argument that the 1984 radio deregulation order, Deregulation of Radio, 49 R.R.2d 1 (1981), has led inevitably to a radio industry which ignores new voices and programming meeting local community needs, and low power FM stations must be regulated to ensure that these new radio stations do not fail the communities they were intended to serve, as have their full power counterparts.

Specifically, UCC urges that at least half of programming on low power FM stations be

locally originated, that low power FM licensees meet the Title III public interest programming requirements of identifying sponsors of programs and offer reasonable access to federal candidates (so long as consistent with other statutory obligations, such as requirements under ϶501 (c) (3)), that low power FM licensees be owned and run by persons living in the area surrounding the station, and that reasonable limits on ownership of stations be imposed.

It is precisely these types of concrete regulations that are required to ensure that the public interest for which this new radio service is being created will actually be served. As the FCC itself has noted, it was the abolition of regulations delineating how full power radio licensees serve the public that resulted in the loss of public interest programming. This new radio service is being launched specifically to provide a place for such local, community-oriented programming. It is imperative, therefore, that the mistakes made in full power radio not be repeated with low power FM radio. Specific requirements must be imposed to ensure that the purpose of low power radio is fulfilled.

The USCC and other Catholic organizations have experienced firsthand the neglect of public interest programming by full power radio licensees. USCC offers Catholic dioceses public interest announcements (15 and 30 seconds, on general spiritual themes such as the power of forgiveness) for local distribution, but dioceses are consistently informed that such PSA=s will only be aired if the diocese pays for the time. A message about forgiveness, for example, could not be more timely and helpful to a community torn by violence and divided by economics and race. Yet, even this kind of public service is now equated with commercial messages by full power radio stations. Independent Catholic radio programmers such as the Paulists have effectively gone out of business. Their syndicated radio program had formerly been carried by hundreds of radio stations, but in the years following radio deregulation, they received fewer clearances for free, until no station would carry their programming unless payment was made.

Parishes, Catholic schools and other local Catholic entities have much information and, as members of local communities, can offer programming which reaches out to all community groups through low power FM stations. USCC, dioceses and remaining independent Catholic programmers continue to produce a variety of radio programs, including talk shows featuring authors, actors and others discussing their lives and work and how they incorporate spirituality in their lives, local public affairs programs, programs featuring sacred music, programs featuring family therapists, and children=s programs. Together they share this programming in an effort to place it on available existing radio stations. Low power FM stations would open up distribution outlets more inclined to broadcast such programming. Even if this programming is not produced locally, it can meet local needs. As the Commission has consistently recognized, A...the bedrock obligation contemplated by the >public interest=... includes ... religious programming. We believe that [non-profit and religious groups] play an important role in their communities and can provide valuable insight to broadcasters with regard to identifying and responding to issues facing the community.≅ Deregulation of Radio, 49 R.R.2d 1, 13 (1981); *see also* En Banc Programming Inquiry Statement, 20 R.R.1901 (1960)).

Traditional radio and television stations have been out of the financial reach of almost all parishes, schools and other entities connected with Catholic diocese. Since the FCC=s radio and

television deregulation orders more than fifteen years ago (Deregulation of Radio, 49 R.R.2d 1 (1981); Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commerical Television Stations, 56 R.R.2d 1005 (1984), even distribution of individual programs produced by Catholic entities has become Apay to play≅ with the price tag for regular broadcast increasingly out of reach. USCC urges the FCC to issue reasonable regulations, following the path set forth by UCC, to keep this new service open to the most diverse range of opinions possible.

Respectfully submitted,

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