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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

RE: Docket 99-25

Dear Commissioners:

On behalf of the members of the United Drive-In Theatre Owners Association, a professional organization representing the drive-in motion picture theatre industry, I am inquiring as to what provisions will be made by the Federal Communications Commission to protect the interests of the operating drive-in theatres in this country in the event the proposed Low Power FM Radio Service becomes a reality. Our association just recently became aware of this issue and believes that it is a matter of great concern. The vast majority of the over 500 drive-in theatres operating in the United States depend upon low-power radio transmitters to carry the motion picture soundtrack to their patrons cars. To deprive them of this ability might well mean the end of drive-in theatres, tragically at a time when there is a definite resurgence in interest in these theatres by the American public.

Although the first drive-in theatre was built in 1933, the bulk of drive-in construction took place between the end of World War II and the early 1970s. As I am sure you are aware, these outdoor theatres were originally built with hard-wired speakers that patrons used to listen to the movie sound. However, this early technology has largely become a thing of the past owing to the tendency of the underground wiring to deteriorate with time and due to the decision by many theatre equipment manufacturing companies to no longer produce drive-in theatre in-car speaker systems. Because of this, most drive-in theatre owners today must rely on low-powered radio transmitters as a means of carrying movie sound to patrons' in-car or portable radio receivers.

Low-power radio transmitters are critical to the drive-in theatre industry. They have been in use at drive-ins for approximately two decades and their availability has permitted long-closed drive-ins whose underground speaker wiring is no longer intact to be reopened, have permitted new drive-ins to be built in a number of states (five brand new drive-ins were built in Alabama alone during the past few years), and have permitted many existing drive-in theatres to add additional screens so as to be able to offer additional films viewing choices to their customers and to remain competitive with multi-screen indoor theatres. If theatre owners have to incur the costs of excavating and wiring their fields, as well as face the difficulty of locating and financing speakers suitable for drive-in use, it could quite possibly result in the end of drive-in theatres in the United States. Many theatre owners, when adapting to the superior "radio sound" technology in years past, removed their theatre's speaker poles and disposed of their in-car speakers. Not only was the old equipment no longer needed, removing the poles also allowed outdoor theatres to admit more autos to their field since the number of available speakers was no longer an issue. If forced to go back to the older technology they might well discover it not financially feasible to spend large amounts of money on businesses that are generally seasonal and do not in many cases result in a tremendous profit.

Low-power FM radio transmitters are particularly important to the drive-in theatre industry. AM radio transmitters were used during the infancy of drive-in theatre radio sound but proved unsatisfactory. Most drive-ins now use AM sound only as a backup system or for the benefit of patrons who do not have an FM radio. Today's movie-going public has great expectations of any theatre they attend due to the prevalence of modern indoor theatres that feature exceptional quality projected images and digital sound capabilities. While drive-ins can in most cases compete with indoor theatres as far as bright and clear film projection, the ultimate practical sound system that drive-in theatres can provide is FM stereo sound. Most drive-in patrons are quite happy with FM stereo sound since they can take advantage of their car radio receivers to produce impressive sound. This is especially true of those who have customized radio and speaker systems in their automobiles. If this technology were to be

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no longer available to us as an industry, it is quite likely that many customers would cease to patronize outdoor theatres in lieu of enclosed theatres with advanced sound systems.

Our concern is that Low Power FM Radio Service stations will monopolize the FM band in drive-in theatre operating areas and disallow any use of low power FM transmitters by these businesses. While other industries use low power transmitters only for advertising, such as real estate and automobile sales industries, these industries would not be shut down if they did not have this technology at their disposal. They could still utilize newspaper ads, radio and television commercials, handouts and word of mouth as a means of conveying their message. Obviously, drive-in theatre operators could not use these same alternate methods to carry film sound to customers who chose to view movies at outdoor theatres.

Unlike indoor theatres, of which a great majority are owned by large corporations, most drive-in theatres are independently owned, family operated businesses. They are in many cases truly "mom and pop" run theatres that provide a quality entertainment option to local citizens and are trying to survive in a world of competition with corporate owned multi-screen indoor theatres. In many cases, particularly in rural areas, they are the ONLY places to see a film. Drive-ins are still how many Americans go to the movies.

Please be assured that most drive-ins are family-oriented entertainment venues and one of the few means of entertainment left that allows families to enjoy time together. With the prominence of television, video cassettes, video games, and the internet, many entertainment options are singular indoor options that do not permit people to socialize and spend time together. Even indoor theatres do not always fit this bill since they are enclosed spaces that often do not allow children to attend during the evening hours.

Drive-in theatres often offer a family-oriented movie as their first feature, followed by a more mature film as a second feature for parents to watch after smaller children have likely fallen asleep. Most drive-ins are also nicely maintained and offer first run film product viewing to their patrons, not the "B-Grade" fare that the film and television media often stereotype our theatres as offering. Furthermore, drive-ins still provide the same amenities that first endeared them to the public in the early days. Parents can still take the children in lieu of hiring a sitter, one can make use of the full-service concession center for dinner and snacks, and in many cases one can even take the family pet.

Since many of the over 500 drive-in theatres operating in the United States are multiple screen operations, the number of drive-in screens currently total nearly 750. As I previously mentioned, drive-in theatres have in many cases reopened after long periods of dormancy, brand new drive-ins have been built and many long-operating outdoor theatres have added additional screens. With our industry on an up-swing, I ask you to please not allow the Low Power FM Radio Service to be responsible for its demise. Doing so would not only close hundreds of small businesses, but also put an end to a cultural icon that is near and dear to many Americans.

I would welcome an opportunity to discuss this issue with you at your convenience. Please feel free to contact me at 412-849-9599. Your consideration of this matter is greatly appreciated. I am requesting that these comments be included in your formal proceedings regarding Docket 99-25. I also request to be kept apprised of the status of the matter as it is further considered by your agency.

Sincerely,

Lawrence R. Loy, Business Representative, U.D.I.T.O.A.

for

Jim Lipuma
President, UDITOA

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