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MITCHELL RADIO GROUP

September 15, 1999

Office of the Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

RE: **MM Docket #99-25**

Dear Sir:

I am President and majority holder of a group of radio stations in Nebraska, which, with our latest acquisitions, will number 15 by early next year. These stations are located in Omaha, Fremont, Kearney, Holdrege, Hastings and North Platte, Nebraska, and include 7 AM's and 8 FM's. I myself have been a broadcaster since the early 1950's, and I feel strongly that low power FM is wrong for broadcasting.

First of all, low power FM will cause interference to existing stations. IN order to establish a low power service, it will be necessary for the FCC to drastically alter the interference protection standards currently in force. Elimination and/or alteration of those standards will result in increased interference to existing broadcaster's signals and a loss of service to listeners.

It will harm the development of in-band, on-channel (IBOC) digital radio. IBOC is being developed based on current projection standards. The systems utilize the 'sidebands' of the analog signal to transmit the digital signal without need for additional spectrum. Any alteration to the second adjacent channel spacing restrictions could harm radio broadcasters in their transition to digital.

The low power FM proposal will not achieve what the Commission wants. Serving urban communities and neighborhoods is a stated goal of the Commission in establishing this service. Yet, even if the Commission eliminates second and third adjacent channel protection, very few stations would be available in the urban markets.

Low power FM will not create viable stations to increase minority and female ownership. Even if it is determined that a station is available in a particular area, there is no guarantee that minority and female owners will want and/or actually receive a license, whether they are allocated on a first come, first served basis or through an auction process. Furthermore, the economic viability of low power stations is questionable.

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In the 1980's, the Commission began a proceeding that ultimately ended in the revision of its rules that allowed thousands of new stations on the air. The result of 'Docket 80-90' WAS THAT THERE WERE TOO MANY STATIONS IN THE MARKETPLACE. The Commission subsequently loosened radio ownership restrictions in order to bolster the industry. A culmination of this was the lifting of the national radio ownership restrictions and further loosening of the local restrictions in the Telecommunications Act of 1996. Docket 88-90 was the direct cause of consolidation. The Commission should not travel down this path again. 'Those who don't learn from history are bound to repeat it.'

The Commission has limited resources. The low power FM notice proposes to provide assistance to LPFM applicants...assistance unlike any ever provided to full-power applicants. Additionally, there is the increased regulatory and enforcement burden, not only for the newly licensed LPFM stations, but also for all of the unlicensed 'pirate' radio stations that refuse or are unable to obtain licenses and continue to broadcast without them. The Commission is proposing to place amateur stations in the middle of a mature service.

One to ten watt stations, as proposed by low power FM advocates, are an inefficient use of the spectrum. In 1978, the Commission altered its rules to prohibit further licensing of ten watt Class D non-commercial educational stations because it determined the spectrum could be used more efficiently by larger stations that can reach more people. That decision is as viable today as it was in 1978.

Finally, it seems axiomatic to me that the way to handle this issue is to urge use of the Internet as a low cost way to offer programming. Some commercial daytime stations are already using the Internet to broadcast nighttime programming, such as local sporting events, etc. This approach would be ideal for those who would be interested in LPM.

Sincerely,



John C. Mitchell
President
Mitchell Broadcasting Company

JCM/pm