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MM 99-25

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OFFICE OF THE CHAIRMAN

EX PARTE OR LATE FILED

To: The Honorable William E. Kennard Chairman
Commissioner Gloria Tristani
Commissioner Michael Powell
Commissioner Susan Ness
Commissioner Harold Furchgott-Roth

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OCT 19 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Federal Communications Commission
The Portals
455 Twelfth Street S.W.
Washington, DC 20554

cc: President Clinton, Hillary Clinton, Vice President Al Gore, Rep. Lois Capps

MM Docket No. 99-25: The Creation of Low Power FM Licenses: RM-9242, RM-9208

Dear Honorable Chairman Kennard, July 27, 1999

I support non commercial Low Power FM (LPFM) radio. I believe that technological progress has put democratic communication, in the United States of America, at great risk of becoming a concept rather than the reality it was meant to be. Our government has sided with the wealthy corporate broadcasting machine ever since the broadcasting spectrum was mandated to be managed in the interest of the public. Community involvement communications needs a forum that isn't tied to a medium that is dependent on outside sources for funding, whereby the financiers become dictators of content. This of course can lead to fascism. Without taking away the unfair advantage for manipulating and controlling the public's point of view, non commercial LPFM offers the most affordable means for a community to begin the process of getting involved without the unfair influence of those who can afford "Free Speech," over the airwaves. The conducting of public affairs for private advantage, has helped to create a toxic level of pollution in our environment and in our minds.

Our local communities need spectrum space, no matter how small, to have the opportunity to produce affordable local originated programming. Whether community or individual, the right of expression, even by those less fortunate, inspires civilized public discourse which can bring our communities together, insuring a better tomorrow.

I fully support the Microradio Empowerment Coalition/National Lawyers Guild/Committee on Democratic Communications comments in regards to the FCC's proposed rule, MM Docket 99-25.

Rick London
P.O. Box 1316
Nipomo, CA 93444

encl.: Supporting correspondence

No. of Copies rec'd 0+1
List ABCDE

***Rick London P.O. Box 1316 Nipomo CA 93444 (805) 481-0348***
***Londonet@aol.com***

Thirteen-WNET
Mr. William F. Baker
450 West 33rd Street
New York, NY 10001

July 13, 1999

Dear Mr. Baker,

You were kind enough to speak with me, after the media forum at Cal Poly, about Low Power FM (LPFM) radio. I was there advocating the non commercial side of LPFM.

My inspiration for writing to you at this time, comes from a recent PBS special by Bill Moyers entitled "Free Speech For Sale." Although I am aware of the fact that PBS is on the same side of this issue as the NAB, I seemed to sense your comprehension of what is really going on.

We could use some unbiased coverage by the mainstream media to inform the public about what non commercial LPFM means to them. As you know the FCC has issued a Notice of Proposed Rule Making on LPFM, to which the present deadline for public comment is August 2, 1999, followed by a thirty day period for reply comments.

As a fellow human being, and "I-am-not-a-communist," I thought you might find it in your heart to do what you can, to help bring a fair and honest presentation of this issue to the attention of the public. Perhaps by just forwarding this information on to Mr. Moyers.

It is extremely difficult for people in broadcasting to see the wisdom behind non commercial LPFM. I, too, once made a very good living, thanks to the broadcasting industry. It was through circumstances beyond my control that I came to realize that I was actually "a Hebrew living in the house of Pharaoh," so to speak.

As a result of our efforts to get the word out where ever possible, I recently received the enclosed letter from Oprah's company. I share it with you, only as one of many examples of the difficulties we are having in getting the mainstream media to cover our side of the story. Perhaps I sent her a little too much history. One thing is for sure. It wasn't a script or a project.

I've also enclosed my letter to Harpo Productions minus the "Congalton Letters" plus a recent copy of HopeDance, which contains a feature on the Micro Radio Empowerment Coalition.

While the ham operators appear to be pro LPFM, as you had suggested, we still deserve a fair hearing by the mainstream media. Should it be within your power, please give serious thought to how you can provide some small opportunity for us to use the airwaves as originally intended: "in the interest, necessity and convenience of the public."

Sincerely,

Rick London

June 28, 1999

RICK LONDON
PO BOX 1316
NIPOMO, CA 93444

Dear MR. LONDON:

Thank you for sending LOW POWER FM to **HARPO PRODUCTIONS, INC.**

[illegible] contributing to the production [illegible] does not allow us to accept unsolicited projects and scripts.

We wish you the best in your endeavours.

Sincerely,

[illegible] PRODUCTIONS, INC.

JJ/mc

P O BOX 909715
CHICAGO ILLINOIS 60690

*Rick London P.O. Box 1316 Nipomo CA 93444 (805) 481-0348*
*Londonet@aol.com*

Harpo Productions
P. O. Box 909715
Chicago, IL 60607

May 12, 1999

Low Power FM (LPFM) radio is an issue that has become very dear to my heart. There are many within the ranks of the "Microradio Movement" (a grassroots' phrase coined by M'Banna Kantako of Springfield, Illinois some 12 years ago) who are able to express themselves far better than I. Never the less, I am compelled to share with you my personal point of view.

I am still recovering from a six year litigation that ended in the Summer of '95. I never seemed to be able to get the press or the courts to take an unbiased look at my side of the story and at this point recognize the futility of setting the record straight.

However, were it not for that ordeal, my involvement with Excellent Radio may never have had happened; and for that I am truly grateful.

My volunteer work at Excellent Radio was empowering and helped to raise my self esteem. It was during this same period of time that fate was kind enough to direct me to a group of Adult Children of Alcoholics. Even though my parents weren't alcoholics, I was able to identified with the "Problem" and realized that I was an adult child of a "Holocaust Survivor." As a child I was often told how to feel and rarely allowed to express myself when it was most important to do so.

Similar **healing forces** can be found in both 12 step support groups and non commercial LPFM community radio stations that inspire **community involvement communications**. They are both empowering and raise self esteem. The former on an individual basis, the latter at the community level. The principles are the same.

The members of the National Association of Broadcasters haven't been using their rights to the broadcast spectrum in the interest, necessity and convenience of the public, in regards to this issue. It seems to me that your program could be the exception to the rule.

Early this year our local AM talk radio station finally let us on the air to discuss LPFM. That experience led to what I call the "Congalton Letters," which I have enclosed in a separate SASE. I was trying to offer some insight into the evolution of my appreciation for the potential of non commercial LPFM. Additionally, I've attached to this letter my most recent correspondence to the person whose litigation I refer to above.

A draft of our attorney's comments to the FCC's Notice of Proposed Rule Making can be found at the National Lawyer's Guild's Committee On Democratic Communication's website:NLGCDC.org and you can go to Radio4All.org for additional information.

Sincerely,

Rick London

May 1, 1999

Dear Billy,

Yesterday, the Daily News' piece by Ron Gibens ran in our local paper, talking about your evolution from pop to classical, which inspired me to write to you.

12 years ago today, you held a press conference announcing your performances in the USSR. You stressed the importance of music as a form of communication, that most people, in spite of their differences, could relate to.

I believe, that experience sowed the seeds that has allowed me to see the wisdom of **non commercial** Low Power FM radio (LPFM) and how it can empower our local communities to heal themselves by raising self-esteem through affordable participation, broadcasting under 100 watts.

On January 28, 1999 the FCC under the leadership of its chairman, William Kennard, issued a Notice of Proposed Rule Making (NPRM), for comments regarding the legalization of both commercial and non commercial LPFM. There is fierce resistance to this idea by the National Association of Broadcasters (NAB), who currently control the broadcast spectrum, which was originally intended for the interest, necessity and convenience of the public.

We are very sensitive to the NAB's concerns about interference and spectrum integrity. However, before the broadcast spectrum is converted from analog to digital and while there is still some spectrum left, space should be made available for non commercial public discourse to be heard over the air, as it was prior to 1978.

I became passionately involved with the non commercial side of this issue after taking a closer look at the Telecommunications Act of 1996, which has triggered unprecedented consolidation, restricting access to the spectrum and free speech.

I would like to speak to you about Community Involvement Communications, Inc. (CICI). It's a foundation with interest in this area. I've been working with Jim Hickman on this concept, along with others. This idea has evolved out of our work with Excellent Radio and Charley Goodman. We're currently developing a pilot program working with Public Libraries.

With all the violence going on in the world and in our communities, I thought you might be able to relate to the healing potential non commercial LPFM and give Jim and I the opportunity to personally request some form of involvement on your part.

We are not pirates. We want to be licensed. We want to pay ASCAP and BMI.

If you can think of "Local Community Radio" the way you thought of the blight of the "Baymen," you might find that this is an issue worth risking the wrath of the NAB. It's a catch 22. A person with your standing in the broadcasting community would lend credibility to the truth of this matter and help others to realize the importance of this issue before it's too late.

We believe that we can work together with stations broadcasting in excess of 100 watts. We were able to broadcast the Grover Beach City Council meetings for three years at no charge to the city. No other station in our area would do such a thing. Their broadcast range encompasses dozens of cities not interested in the unique issues facing Grover Beach. LPFM also can afford to bring to the attention of the larger stations, new local artists and formats such as classical; prior to them becoming popular and attractive to advertisers.

It was through civil disobedience and the efforts of the National Lawyer's Guild's Committee on Democratic Communications, that led to the FCC's consideration of this issue. We've made unbelievable progress. But the members of the NAB still have tremendous control over what the public gets to hear. The Internet is helpful, but not nearly enough.

If you have any interest and empathy for this great cause, I have enclosed a recent letter to Chairman Kennard from our Congresswomen Lois Capps (who I think you would like), along with my last letter to her and a few pieces on Excellent Radio and the Microradio Empowerment Coalition.

Eventually there will be those in exalted positions who will come to embrace and support this endeavor.

Please think about it.

Most sincerely,

LOIS CAPPS
22D DISTRICT, CALIFORNIA

1118 LONGWORTH BUILDING
WASHINGTON, DC 20515-0522
(202) 225-3601

COMMITTEE ON COMMERCE

# Congress of the United States
## House of Representatives

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March 17, 1999

The Honorable William Kennard
Chairman, Federal Communications Commission
1919 M Street NW
Washington, DC 20554

Dear Chairman Kennard:

I am writing in regards to the Federal Communications Commission's interest in encouraging new opportunities for community-oriented radio broadcasting through the establishment of a system to license low power FM (LPFM) and microradio stations. I have a particular interest in how the FCC might implement the licensure of non-commercial, locally-owned low-power stations that I'd like to share with you.

Excellent Radio, a 14-watt non-commercial station located in the coastal community of Grover Beach, California, was on the air from March, 1995 until June, 1998, when the station's owner decided to suspend broadcasting after a federal judge ruled in the FCC's case against Free Radio Berkeley. During its three years on the air, the station aired an eclectic mix of music, including jazz, reggae, and blues, as well as Grover Beach City Council meetings, childrens shows and a wide range of community forums on important issues of interest to its listeners. Excellent Radio was an excellent example of how such a community-oriented, non-commercial station can entertain and enrich a community while inviting greater participation in the democratic process.

Excellent Radio provided a forum for community members to participate more fully in the public discourse about many important local issues affecting their families, schools, neighborhoods and community. I believe it also provided a model that could be used successfully in many other communities. When larger numbers of people in any community become more informed and more involved in the discussion about issues that affect them, that entire community benefits.

I know there are those who oppose the licensing of LPFM and micro stations because of concerns regarding increased competition and decreased broadcast quality. I understand that, as part of this process, the FCC will be proposing some interference protection criteria to protect existing radio services and the technical integrity of radio service, and I appreciate your efforts to

address concerns about interference that might result from the licensing of additional radio stations. Clearly, consumers would not benefit if the changes the FCC is now considering resulted in interference with existing signals. Again, I think Excellent Radio provides a good model. Because of its very limited broadcast area and its non-commercial nature, Excellent Radio provided a unique and valuable service to the community of Grover Beach without competing directly with other commercial stations that broadcast to larger, more regional audiences.

When Excellent Radio went off the air last June, my constituents in Grover Beach lost an important link connecting them to each other and to their community. Thank you for your interest in developing a system for licensing community-oriented LPFM and microradio stations, and for your consideration on this matter.

Sincerely,

Lois Capps

**LOIS CAPPS**
**Member of Congress**

# Richard A. London

P.O. Box 1316 Nipomo, CA 93444
(805) 481-0348 Londonet@aol.com

Congressional Representative, Lois Capps
via Anne.McMahon@mail.house.gov
by fax (805) 546-8368 (4 pages)

March 16, 1999

Dear Lois,

Recently, Anne indicated that we might be able to have a phone conference about community Low Power FM radio (LPFM), rather than waiting for the opportunity to have a face to face meeting.

Should we have that opportunity to speak by phone, I wanted to emphasize your personal and professional experience with healing, as it relates to the healing potential of non-commercial LPFM.

Our social scientists are finally coming to the realization of just how important it is to raise our children in a loving and guiding environment, where they can be **heard** as well as be seen. That children who are raised in such a fashion, no matter what their parent's economic standing, are less likely to search for their serenity as adults in a bottle or a pill nor be consumed by unhealthy anger. That honest and sincere communication is a healing force which raises self-esteem and that its opposite is a significant factor in the development of dysfunctional behavior within our families.

I believe that the same holds true for our communities. Years of being manipulated by sound bites and one liners that benefit the few is starting to take its toll. It's increasing the polarization of our communities. Non-commercial LPFM can help to bring us back together, especially when you think of LPFM as a community center without walls. It is the simplest and most affordable way to inspire the opportunities for community **involvement** communications.

We must insure a place on the broadcast spectrum for local non-commercial public discourse, while there is still unencumbered space available.

By way of analogy, it would appear that one of the last remaining ancient Redwood forests, Headwaters, is to be preserved for most of us to enjoy, instead of a very few of us, monetarily profiting from it. In spite of the fact that there are only 5% of these magnificent trees still left for us to see in person, the commercial forces would probably have cut down every last one of them, if it were not for the kind of activism and civil disobedience that still continues.

We have seen how excessive commercial development creates pollution and continues to poison our water, air and food supply. To me, the task of controlling the progress of commercial

development, is as challenging as arresting a selfish malignancy in order to prevent it from destroying its host.

We are having a difficult time getting the truth out about the worthiness of non-commercial LPFM to the public. The people who make their living by controlling what we get to see and hear in the media, remain extremely bias. This is an ancient story told many times.

Being raised by a Holocaust Survivor and in the Jewish tradition, I later went on to marry a Catholic girl. I am able to appreciate the lessons, from both the Old and New Testaments and am teaching my son the same. My point is that Pharaoh believed that the Jewish people were put on this earth to be his slaves and nobody could tell him different.

The National Association of Broadcasters (NAB) believes that the broadcast spectrum was put here for them to control and to make money, purportedly in the interest, necessity and convenience of the public. They are unable to appreciate the benefits of non-commercial LPFM for that very reason.

Pharaoh couldn't or wouldn't understand where Moses was coming from and the Timber Industry has a hard time appreciating the non-commercial value of a stand of two thousand year old Sequoia trees.

We are perceived by the NAB, with a kind of disdain, that might have been felt, by some, when Rosa Parks refused to go to her place in the back of the bus. Rosa Parks reached a point where that kind of injustice was intolerable and then led by example.

I know that you believe in non-commercial LPFM. Thanks to the volunteer efforts of so many people, Excellent Radio was able to demonstrate, for more than three years, the potential of non-commercial LPFM, by serving the unique programming needs of Grover Beach, CA., **without causing interference**.

While signing on to Congressman Bonior's letter, in support of LPFM in general, couldn't hurt and should be done, it is clearly not enough. And while trying to get you to write your own letter to the FCC, in support of non-commercial LPFM, would be helpful, it is clearly not enough.

Congressional Rep. Billy Tauzin, chairman of the House Commerce telecommunications subcommittee, seems to know for sure that LPFM will lead to no good. What are the chances that the NAB's recently formed "Task Force" on maintaining spectrum integrity won't arrive at that same conclusion? Unfortunately, very few people realize how influenced Mr. Tauzin's judgment is, by the desires of this most powerful broadcasting lobby.

This all seems so totally contradictory to how we believe you feel about a LPFM station, like Excellent Radio and its potential to do good within the community.

As you know the Telecommunications Act of 1996 triggered a very significant consolidation of ownership and control of radio stations. The local community expression is being squeezed out by syndicated programming across the country. Who knows how long KVEC will remain the exception before succumbing to this new rule?

Excellent Radio has made several requests for the FCC to grant us a waiver, in order to prove how empowering and self esteem raising a station like Excellent Radio can be to its community. Although not granted, our persistence, along with others, has led to the FCC's Notice of Proposed Rule Making (NPRM), which the NAB vehemently opposes.

Although the FCC has granted waivers to its "Rules and Regulations" to **corporate** broadcasters, in the past and for various reasons, the very nature of non-commercial LPFM inhibits the kind of financial support that can influence this decision making process. Were it not for the National Lawyer's Guild's, **Committee on Democratic Communications** legal defense of our civil disobedience, our message would not have gotten to you.

We would like you to consider making the request for a waiver on our behalf. Perhaps a request from our Congresswomen to Chairman Kennard and the other FCC Commissioners will get the kind of attention that is given to a Disney or a Westinghouse. LPFM is just as important as their issues, maybe more. We want to go back on the air, on a trial basis. It is the way for us to prove the truth about our potential.

I still so vividly recall when the tobacco industry's top executives gave testimony at the latest Congressional Hearings investigati[illegible]y, swearing under oath, that they had no knowledge of the addictive properties associated with nicotine. Clearly, those who have the **Gold** think they can make the **Rules**.

I am reminded about a situation back in March 1995, when a very heavy rain storm knocked out radio towers across our county, leaving Excellent Radio practically on the air all by itself, reporting on the situation. As we try to figure out how to prepare for the ramifications of Y2K, stations like Excellent Radio should be considered an invaluable part of the plan.

In 1979 the FCC banned any broadcast stations of less than 100 watts of power, thereby effectively eliminating small economical community based broadcasting. It was as if a Federal Newspaper Commission in the name of efficiency, decreed that to save paper and ink, only newspapers of at least 1,000,000 circulation would be allowed. All local papers, church newspapers, PTA bulletins and community weeklies were outlawed. This situation in broadcasting is quite analogous.

Our country was founded on such democratic principles as **free speech** and the right to assemble. Democratic communication was pretty basic back then. All you needed was a soap box and a crowd. The broadcast spectrum was still a big secret. People had practically no choice but to

conduct public discourse face to face. The importance of a face to face, to be judged by a jury of your peers, still remains the cornerstone of our judicial system. The fact that it takes money to increase your chances of having a fair hearing seems to be ignored. It's wonderful to be able to express oneself without fear of incarceration. It's a right not to be taken for granted. However, **it's a meaningless right** when you can't get a fair hearing. As a matter of fact it's debilitating and can lead to apathy, cynicism and discontentment. True democratic communication is the immunity that protects us from the disease of the selfish few.

**Most importantly, non-commercial LPFM can help make campaign finance reform a reality.**

By the time you read this, the second deadline to Rep. Bonior's letter will have come and gone. The NAB has requested an extension of time, beyond April 12, for making their comments to the FCC on the NPRM. Of course it is in their interest to delay. That's why the wavier is so very important, if not just to hear the request coming from somebody like you. **Please help...**

Most sincerely,

Rick London

# THE MICRORADIO EMPOWERMENT COALITION

## MISSION

The Microradio Empowerment Coalition is a coalition of microradio stations, community groups, organizations, and individuals who are committed to working together to end the FCC's ban on low-power broadcasting with a new regulatory setup that establishes a community based system of non-commercial microradio stations, starting this year, and carrying over through radio's transition from analog to digital broadcasting.

## PRINCIPLES

The Microradio Empowerment Coalition is founded on the principle that Democracy depends on community access to information and culture and that access is only genuinely achieved when there exist communications media that are non-commercial, accessible, based in and responsive to the diverse local forces which characterize every community. Building, supporting, and expanding a non-commercial media system is essential to helping to building, supporting and expanding democratic society. Only with a real democracy will we ever move toward a just and fair society.

## ANALYSIS

The core of communications in this country, the mass media, are business driven enterprises that profit through commercialism. Commercial media have no real obligations to the public interest, no commitment to citizen access, localism, diversity, or civic journalism. The business of commercial media is to deliver (sell) audiences to advertisers for profit Its commitment is not to educate or enlighten public awareness for the democratic good. With the passage of the Telecommunications Reform Act of 1996, concentration of media ownership has increased, to the further detriment of democratic society.

Since the 1930s, the Federal Government has favored commercialism in the management of the airwaves, establishing license requirements that few grass roots non-profit community groups could ever hope to fulfill or afford. Since 1978, the government has aggressively enforced a ban on low-power community broadcasting.
Starting in 1989 and gathering steam over the past five years, a civil disobedience movement organized by microbroadcast activists has been growing, and recently, showing signs of having impact. Two weeks after hundreds of microbroadcasters demonstrated outside the headquarters of the Federal Communications Commission (FCC) in October 1998, FCC Chairman

Kennard made a speech to the NAB in which he signaled an interest in considering new regulations for micropower broadcasting. People are very concerned that such regulation will favor another tier of commercial stations.

PURPOSE AND PROPOSALS

The purpose of the Microradio Empowerment Coalition is to mount a campaign to win enactment of new federal regulations permitting non-commercial, low-power, community radio broadcasting, and to explore ways of creating a decentralized network of centers that offer training, advice, and resources for the advance of non-commercial, community oriented media. Coalition members agree on the following points:

1. Non-commercial service

2. Only one station per license holder

3. Local license holding, no absentee licensees

4. That stations shall be locally programmed. However recorded materials such as music, poetry, documentaries, features etc. may be used. Sharing of program materials and resources among micro and community stations is strongly encouraged. No more than 20% of air time from off-site feeds or syndicated tapes.

5. That licensees be unincorporated not-for-profit associations, or non profit organizations.

6. That equipment shall be "type accepted" which meet basic technical criteria in respect to stability, filtering, modulation control, etc.

7. That problems, whether technical or otherwise, shall be first referred to the local or regional voluntary micropower organization for technical assistance or voluntary mediation. The FCC shall be the forum of last resort.

8. Amnesty and return of property for microbroadcasters who suffered government seizure of property and fines.

9. That licensing fees shall be affordable to all communities.

10. That within two years new spectrum space shall be allocated for continued expansion of microradio broadcasters so that any community group that wishes to broadcast has access to available *frequencies space. Further, all

manufacturers of consumer radio receivers for sale in the United States shall be required to include this spectrum set aside for microradio broadcasters.

COALITION MEMBERSHIP

1. Joining. Each new coalition member organization joins by signing on to founding statement above, sending with it a letter of support.

2. Pressure Congress

As part of our campaign, each new coalition member sends a letter to their representatives in Congress requesting support for non-commercial microradio regulation, cc-ing each FCC Commissioner individually. (Snail mail is probably best, but e-mail is better than nothing.)

Send to:
William Kennard wkennard@fcc.gov
Susan Ness sness@fcc.gov
Harold Furchgott-Roth hfurchtg@fcc.gov
Michael Powell mpowell@fcc.gov
Gloria Tristani gtristan@fcc.gov

Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

3. Requested Dues--All sliding scale [illegible] for organizations with an annual budget under $100,000; $100 for organizations with annual budget of $100,000 or more.

4. Member organizations are encouraged to meet with civic groups in their community or area of interest, such as clubs, religious organizations, unions, media watch dog groups and the like, and solicit from them letters of support for the principles of the MEC.

5. Public Education, Outreach, and Publicity.

Coalition members are encouraged to write articles and letters to press editors, attend or organize community meetings, rallies, etc. Send copies of newspaper stories, etc. to the FCC commissioners. Organizations are encouraged to use available resources like newsletters, web sites and listserves to help support and build the coalition.

6. Coalition members are encouraged to support their local microbroadcasters

Honorary Chair Robert W. McChesney , Steering Committee Diane Flemming, Sara Zia Ebrahimi Peter Franck, Greg Ruggier

FRIDAY MORNING

Santa Maria TIMES

50 cents ■ Friday, January 29, 1999 ■ Our 117th year — No. 283

■ BROADCASTING

# Excellent day for Excellent Radio

## FCC warms to very low power radio idea

By Eric Firpo
Times Staff Writer

GROVER BEACH — Charlie Goodman is bubbling with pride and you'll have to excuse him.

According to the mastermind behind the now-defunct, 10-watt station, 88.9 Excellent Radio in Grover Beach, the Federal Communications Commission on Thursday cast a vote for David in the never-ending battle against Goliath.

After months of debate, the FCC voted 4-1 to offer proposals that would allow the now-banned licensing of tiny FM radio stations, those between 1 and 1,000 watts.

"I've never been so damned happy," Goodman said. "I mean it. I'm so elated. It's such a vote in favor of free speech and democracy ... I can't think of a moment I've ever been so proud."

The FCC action "could create a whole new class of voices using the airwaves," the AP quotes FCC chairman Bill Kennard, "... Opportunities

■ See RADIO, page A-4

Continued from page A-1

for churches and community groups ... so many of whom feel they are being frozen out of opportunities to become broadcasters."

The FCC reported it received 13,000 inquiries from an array of governmental, private and non-profit entities that might want to start a low-power station.

Goodman has a ways to go before his three-year-old station at the corner of Grand Avenue and 11th Street can legally flip the switch and begin broadcasting again.

The public has 60 days to comment on the proposals floated by the FCC, and another 30 days to comment on the comments before a final vote is taken, Goodman said.

Goodman said the FCC is considering having three tiers of licenses based on the size of the low-powered station. And there are myriad other details to work out, he added.

"A lot of technical things that have to be considered," Goodman said. "And you have to figure out how to assign licenses."

The eclectic Excellent Radio, a local mix of talk and music, voluntarily went off the air several months ago after the FCC forced the closure of a similar station in Berkeley.

Goodman has been working to ever since for the legitimacy of low-watt FM stations, and there's finally light at the end of the tunnel.

"They are looking at sometime before the end of the year, service being allowed," he said. "It's a paradigm shift. It means communities can empower themselves. That's what this country's about. I can't think of anything in my life that's more powerful than low-power FM."

# City of Grover Beach, California

## PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH RECOGNIZING EXCELLENT RADIO 88.9 FM

**WHEREAS**, Excellent Radio 88.9 FM was a radio station which aired from the Excellent Center for Art and Culture in Grover Beach; and

**WHEREAS**, Excellent Radio 88.9 FM provided a forum for community members to discuss local issues; and

**WHEREAS**, Excellent Radio 88.9 FM also provided a diverse cultural selection of musical entertainment; and

**WHEREAS**, in 1996, Excellent Radio began airing the regular City Council meetings live on 88.9 FM; and

**WHEREAS**, Excellent Radio provided the citizens of Grover Beach easy and convenient access to local government information; and

**WHEREAS**, Excellent Radio is no longer broadcasting due to a recent FCC ruling; and

**NOW, THEREFORE, BE IT RESOLVED** that as Mayor of the City of Grover Beach and on behalf of the City Council, I hereby recognize Excellent Radio for educating and entertaining members of the community.

**IN WITNESS THEREOF**, I hereunto set my hand on this 6th day of July, 1998.

DEE SANTOS, MAYOR

Attest:

PATRICIA A. PEREZ, CITY CLERK

# Excellent Radio 88.9 FM Responds to FCC
## *with Positive, Community-Supported Approach*

By David Ciaffardini

Excellent Radio 88.9 FM has been broadcasting throughout a five-city area every day for six months without a license from the Federal Communication Commission. But don't refer to the station as "pirate radio." Although romantic notions may be attached to the pirate term, Excellent Radio personnel consider it derogatory and counter to their broadcasting mission.

The volunteers who keep Excellent Radio on the air don't consider themselves rebels of the airwaves, have never operated in a clandestine manner and have no interest in using the airwaves to rape, pillage or rob. They ask that their station be identified simply as a non-commercial micro-power radio station that offers a valuable, positive service to the community it operates in. Indeed, people living along California's Central Coast welcome Excellent Radio broadcasts into their homes. Women and children smile and wave when they stroll by the station's storefront broadcast studio or step inside to pick up free bookmarks and bumper stickers displaying the station's splashy 88.9 FM logo. Station visitors would be disappointed if they expected to find station volunteers preaching anarchy on the airwaves and waving a black flag emblazoned with a skull and cross bones.

Although stiff-lipped federal authorities may consider the station's operators to be scofflaws, the station's happy, constructive approach to liberating the airwaves has earned it incredible support from local politicians, bureaucrats, business owners and a legion of listeners from all walks of life who are among the station's more than 50,000 potential listeners. City government officials not only tolerate the unlicensed station, they applaud its efforts, going so far as buying city equipment which allows the station to broadcast city council meetings and other public hearings live from city hall on a regular basis. The homeless, poor and disenfranchised also celebrate the station's efforts, realizing it offers them a public voice while they are ignored by other media outlets.

The high-visibility and community support achieved by Excellent Radio may be unique among micro-power broadcasters. Excellent Radio founders say they've developed the station to be a paradigm for people in other cities to emulate if they desire a pragmatic, inexpensive and entertaining device to piece together fragmented communities and prepare and inspire citizen participation to create solutions to individual and collective problems.

Since March 1995 Excellent Radio has been broadcasting at least nine hours a day every day for six months from a highly visible storefront along the main thoroughfare in Grover Beach, California. The station broadcasts from a small space in the building provided by Charley Goodman, a local retailer who, in 1992, set aside a portion of his store space to house the Excellent Center for Art and Culture, a not-for-profit cultural center and art gallery. According to Goodman, a pioneering micro-power radio station was a natural extension of the culturally enriching work begun earlier at the center. The station began as part of a community art project entitled "Father of Lies vs. Mother of Invention (necessity)—humanity@risk," a multi-media exhibit that explored and commented on the tendency of mass media to distort truth thereby fostering a desperate need for grass roots efforts to provide accurate information and empower people to solve their own problems.

The Excellent Radio broadcasting studio takes up an 8 x 10 foot space, just enough room for a few tables and chairs, an audio mixing board, and various home audio components, plus a wall full of posters and bulletins. The transmitter, purchased in kit form from Free Radio Berkeley and the Radio Shack power pack that energizes it are easily overlooked, together being about the size of a loaf of bread and placed inconspicuously in a corner underneath a table. A black coaxial cable exits through a small hole in the wall, leading to a roof-top 20-foot mast that sports a small, second hand antenna scavenged from commercial radio discards.

It has not been necessary to sound proof the studio. The small amount of ambient noise that spills into the microphones is considered an asset rather than a problem as it increases the grass-root, street-level broadcasting atmosphere desired. A similar set up could be put in nearly any store without interfering with business activity in other parts of the building.

The station's doors remain unlocked from noon to five p.m. every day and listeners are invited to visit the station to witness the inner-workings of the station. Visitors' ideas, news, views and announcements are welcome and Excellent Radio provides several ways for them to be shared over the airwaves. Visitors may speak over the microphone during visits, they can call in by phone and talk over the air, or one of the on-air hosts can read aloud written announcements received by mail, or over the station's fax line. The station has a Macintosh computer able to accept E-mail and other forms of on-line information that can be down-loaded by on-air hosts and shared with listeners. Every Saturday, listeners of any age are invited to stop by for free, impromptu broadcasting lessons with the opportunity to spin records and compact discs and talk live on the microphone—no experience necessary.

Excellent Radio currently broadcasts about 70 hours per week, with the broadcast day beginning at noon on weekdays and 9 a.m. on weekends. Most days broadcasting lasts until 10 PM, some shows go later. About three quarters of the programming is devoted to music, featuring a wide range of free-form and specialty music programs including shows devoted to rock, reggae, blues, jazz, R&B, world musics, along with free-form music programs that are in theory open to any kind of music imaginable, but are always supposed to remain a distinct alternative from music programs offered by any of the 20 licensed commercial and non-commercial stations in the region.

The remaining portion of the broadcast days are devoted to community affairs programming. Weekdays from 6 to 8 p.m. the station broadcasts live in-studio community forums featuring local experts and concerned citizens discussing various local issues. Using a Gentner Microtel telephone interface (about $250) the station can take phone calls and patch them over the air, allowing listeners to take an active part in the discussions. Faxed input is also welcomed. Excellent Radio encourages a "salon" type equality in the studio, creating an atmosphere where everyone's opinions are given equal respect despite differences in participant's education, wealth, or ethnic background.

Topics of discussion featured on the community affairs shows have included veterans affairs, nutrition, local environmental problems, public education, voter registration, health care, juvenile delinquency, and the rights of skateboarders. Unlike syndicated talk shows, station personnel try to down-play or avoid partisanship, scapegoating, fear-mongering, and casting blame. Instead, they try to focus discussion toward establishing positive solutions to community problems by promoting compassion, understanding and consensus among people with opposing viewpoints and varying backgrounds.

To fill out the community affairs programming when there has not been time to set up a live program, the station broadcasts prerecorded programs from various sources including David Barsamian's outstanding Alternative Radio series, the Making Contact series, and tapes from She Who Remembers. The station also draws programming from many sources that other stations over-look or ignore such as the public library where all kinds of spoken word audio cassettes are available to borrow and broadcast. A video cassette player patched into the mixing board facilitates broadcasting audio portions of video documentaries and lectures, many of which can be entertaining, informative and effective as radio broadcasts.

At least twice a month the station broadcasts city council meetings patched in live over the phone lines from city hall. Plans are being made to broadcast other local government public hearings. The station also provides live broadcasts of monthly poetry readings and acoustic music concerts that take place in the cultural center. Various nationally known musicians have also been interviewed live on the station.

Excellent Radio volunteers consider themselves freedom advocates, helping liberate the airwaves for everyone in America by planting seeds they hope will grow into legally sanctioned micro-power community broadcasting. They believe that a forthright, above-board, non-confrontational, positive, broadcasting approach is a healthy route to follow demonstrating micro-power radio's community enhancing benefits. This way they hope to legitimatize micro-power broadcasting in the minds of government regulators and the pubic in general. They believe they're helping pave the way for changes in government regulations that will allow the birth of thousands of non-commercial micro-power stations throughout the United States.

Goodman and other station volunteers say they have deep admiration and gratitude for the courageous efforts of Springfield, Illinois micro-power broadcaster M'Banna Kantako, whose unyielding efforts in the face of FCC threats they credit as vital inspiration for their own work. However, unlike M'Banna Kantako, the volunteers at Excellent Radio are not opposed, in theory, to licensing procedures for micro-power broadcasters, as long as licensing fees are inexpensive and the requirements don't restrict program content and are designed to allow as many broadcasters access to the airwaves as technically possible. Goodman and others at the station believe that a simplified, streamlined licensing system, similar to registering motor vehicles and licensing drivers, is acceptable and preferable to advocating absolute anarchy on the airwaves.

Excellent Radio volunteers also credit their survival and success to the pioneering work of Stephen Dunifer's Free Radio Berkeley and his legal defense provided by the National Lawyers Guild mounted in response to a civil suit brought by the FCC. When a Federal Court Judge ruling in the case in January 1995 refused to grant a preliminary injunction to the FCC, thereby preventing, at least temporarily, the government agency from shutting down Free Radio Berkeley, it signaled to Goodman and others that it was time to create Excellent Radio. Subsequently, in April, the FCC sent a letter to Goodman warning him that operating an unlicensed station could subject him to penalties of a year in jail and a $100,000 fine. On the station's behalf, National Lawyers Guild attorney Alan Korn replied, officially requesting a waiver from current FCC regulations until a procedure allowing the licensing of micro-power (under 100 watts) stations is established.

The letter explains that operators of Excellent Radio do not wish to intentionally violate FCC regulations, but that current rules prevent them from legitimately communicating through micro-power broadcasting. Granting such a waiver, Korn states, would be in the public interest, particularly in light of the strong support the station's broadcasts have received. The letter states that Excellent Radio operators have no objection to the FCC monitoring it's broadcasts to ensure the station doesn't interfere

with other stations. The letter also states the station is willing to accept FCC rules providing for "some form of authorized secondary non-interference basis for broadcasting with advance notice to the FCC." The letter goes on to state that the station's operators "like most citizens, simply cannot comply with the Commission's present licensing scheme which requires a minimum of tens of thousands of dollars to purchase, license and operate a mega-watt commercial or 'educational' broadcast station."

Excellent Radio bases its request for a waiver, in part, on the station's strong community support. This support did not spring miraculously from a vacuum as soon as the radio station began broadcasting. It grew from many years of community involvement by key figures involved with the station's launch. Goodman's operating the not-for-profit Excellent Center for Art and Culture for three and a half years, providing a venue for dozens of non-profit art and cultural exhibitions and programs, created a substantial track record of community involvement and support, earning himself and others involved respect and praise from community members grateful for the cultural enrichment their work has provided their community.

In addition, Goodman and several of the station's volunteer programmers and behind-the-scenes personnel have lengthy track records working on air and behind the scenes at various licensed commercial and non-commercial radio stations in the region.

As far as gaining community support and listenership, more important than any name recognition that Excellent Radio volunteers offer, is the positive, persistent, and unpretentious direction the station has followed. The station has been on the air every day and constant attention has been given to maintain the best possible signal from limited equipment. It has been vital for the station to have access to a trained and experienced radio engineer to help build and adjust the radio transmitter kit, maintain and adjust the mixing board and antenna, and in other ways tune the system to assure the station gets the best possible signal without interfering with other broadcasters in the area.

At this state of micro-power broadcasting history it is important to demonstrate to the public that micro-power stations can be run responsibly without interfering with other operations. In most cases it's crucial that would-be broadcasters have the help of a trained broadcasting engineer, even if it means having to pay for the service, according to Goodman. Having a good engineer around to help maintain a clear, consistent and non-interfering signal pleases listeners and creates valuable peace of mind especially when there arises a need to justify a station's beneficial and benign existence to government authorities.

Which brings up the matter of finances. Although a main point of promoting micro-power broadcasting is to allow people on the airwaves who otherwise could not afford it under current FCC regulations, Goodman said it is important to realize that any form of broadcasting will cost some money and that having a bit more money than one might originally plan for will make things go smoother and promote greater success. He recommends holding community garage sales and getting cash for recyclable as ways of rounding up extra micro-power broadcasting funds. Having extra money for promotional items such as bumper stickers and flyers helps establish a micro-power station as a viable, substantial part of the community with as much legitimacy as licensed radio stations. Having a little money to buy electronic processing devices to improve broadcasting quality, and to be able to buy extra microphones or a telephone interface (makes it easier to have talk shows) and be able to quickly repair or replace broken equipment without having to go off the air for extended periods of time, allows broadcasting consistency that will garner confidence and community support, making a station's unlicensed status virtually irrelevant as far as listeners are concerned.

In the case of Excellent Radio, Grover Beach city officials, when questioned whether they should be working with a yet-to-be-licensed station, decided their involvement didn't pose the city any liability. The licensing issue is a procedural matter between the FCC and the station and of no concern to the city, according to the Grover Beach city manager. When the matter was referred to the city attorney, he issued an opinion, stating that to deny Excellent Radio the opportunity to broadcast city council meetings and other public hearings might put the city in violation of the Brown Act, California's open meeting law.

The bottom line is that the vast majority of citizens are naturally inclined to support micro-power broadcasting efforts, unless the broadcaster in question is completely antagonistic to the community without allowing divergent viewpoints to be aired. About the only opponents of micro-power broadcasting are the owners and managers of licensed radio stations who fear that proliferation of micro-power radio will depress the market value of their broadcasting franchises. Otherwise, virtually everyone in every community, including politicians, bureaucrats and law enforcement officers, prefer to have more radio stations available for them to tune into. And because micro-power radio allows people greater access to the microphone side of the broadcasting equation, it is an intriguingly attractive concept to local politicians eager to engage the ear of their constituencies.

Excellent Radio has found it easy to charm even the rare individual inclined to dislike the station's music programming or viewpoints it airs. To win these critics over, according to Goodman, all one needs do is offer them a modicum of respect, and either offer them an opportunity to go on the air and share their viewpoint or offer them information and advice on how to set

up their own micro-power station so they can pursue their own unique broadcasting vision. Any antagonism quickly evaporates as they realize that only a micro-power broadcaster would offer them such a benevolent and practical response.

Goodman and others at Excellent Radio 88.9 FM say they realize their approach to micro-power broadcasting may not be appropriate or desirable to everyone who intends to broadcast without an FCC license, but they believe their approach is a model worth considering for all those who want to establish a long-standing, community supported station that will win over people's hearts and minds and pave the way for a new era of communication history—a future when micro-power broadcasting is not only welcomed by the citizens of this country, but is unquestionably supported and protected by the laws of federal, state and local governments.

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