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August 9, 1999

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OFFICE OF THE SECRETARY

The Honorable William E. Kennard
Chairman
Federal Communications Commission
445 12th Street, S.W.
Room 8-b210
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Chairman Kennard:

I am writing in opposition to the creation of a new low power FM radio service as proposed in the Commission's Notice of Proposed Rule Making ("NPRM"), released February 3, 1999. I am a radio broadcaster on the island of Puerto Rico. Puerto Rico possesses a number of unique factors which make it ill-suited to the expansion of the FM band. Puerto Rico therefore, should be excluded from whatever rulemaking the Commission undertakes with regard to low power FM radio.

The island of Puerto Rico is a relatively small land area, less than 100 miles long and roughly 35 miles wide, that is currently saturated with AM and FM broadcast stations. Compared to the United States, Puerto Rico is made up of a mere 3,427 square miles, less than one tenth of the percent of the land area of the United States, a land area slightly larger than the State of Delaware. Nonetheless, despite its relatively small size, Puerto Rico has roughly 120 licensed radio stations. By comparison, Delaware has a mere 28 radio station for an area roughly similar in size.

Puerto Rico has a unique topography. It is a small island with a large mountain range dividing the island from east to west. As a result, a disproportionately large numbers of radio stations have been licensed in Puerto Rico, many of which are licensed to small communities. Currently, all communities in Puerto Rico are well served by the existing AM and FM stations.

Another factor which makes Puerto Rico ill-suited to the newly proposed class of FM stations is the fact that the island has been designated by the FCC as a "coordination zone", designed to protect the Arecibo Radio Astronomy Observatory near Arecibo, Puerto Rico from radi interference.(1) In its *Report and Order*, the Commission stated "the Observatory is a unique scientific tool, and. . . harmful interference to the Observatory's operations is a serious concern."(2) As a coordination zone, all broadcaster on the island are currently required to coordinate license modifications with the Observatory . Thus, to add the new class of stations to the island would not only add to the congestion of the radio frequencies,

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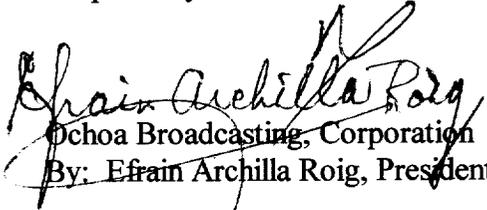
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but also increase the likelihood of interference to the Observatory. Given the priority the Commission has placed on protecting the Observatory from interference, it would be inconsistent with the *Report and Order* to flood the Puerto Rican airwaves with even more radio stations.

In sum, such service would not benefit the residents of Puerto Rico, where a great number of radio stations adequately serve the public, and the broadcast spectrum is already crowded. As such, Puerto Rico would be better served without microradio broadcasting to further clutter the airwaves and it should be excluded from any rulemaking that the Commission undertakes in this matter.

Respectfully submitted:


Ochoa Broadcasting, Corporation
By: Efraim Archilla Roig, President

(1) *Amendment of the Commission's Rules to Establish a Radio Astronomy Coordination Zone in Puerto Rico, Report and Order*, ET Docket No. 96-2, RM-8165, October 15, 1997.

(2) *Id.* at 5.