

Reply Comments regarding FCC NPRM 99-25, Low Power FM Proposal

Dear FCC:

First I want to thank you for allowing me to provide my view in the matter before the FCC and the American Public regarding LPFM and to thank you for taking this matter very seriously. I believe the FCC sees the importance of LPFM and its uses. In a world where money talks, it is hard for a person to make their views or even favorite songs known to others through media. While Free Enterprise is the foundation of our country I believe the large corporations basically control the media (i.e. Radio & TV). Because of that, those with different and/or opposing views or little or no money are silenced. While I do NOT condone illegal broadcasting, I think those are some of the reasons people broadcast illegally. If the FCC adopts LPFM (Docket 99-25) it would give the people a renewed sense community and a way to express their views, thoughts, ideas and that they still have a voice in the United States.

I also agree that it needs to be done right, that standards are not too high, but high enough as to keep interference and obscenity too a minimum.

The Following are my reply comments. These reply comments are based on the comments filed by Blair Alper at an earlier date.

Blair Alper states that the 1000w license should be scrapped. I agree as the requirements to maintain a clean 1000w signal are greater and would limit the amount of stations that could operate in a general area. I do believe that a 100w and 1-10w microradio license would be a better answer and put a less of a burden on the licensee. Blair also mentioned unlicensed operation at or below 500mw. This would allow a more "local" signal in a building or large property for information or just to listen to some music. I agree this should be implemented but they would be subject to interference or another broadcaster.

Technical Issues from Blair and My Reply's:

Paragraph 15-18: I support the commission's view that the best place for this new service is in the current FM band on those same channels currently used for full power stations.

I agree that the standard FM band and channel assignments should be used.

Paragraph 18-19: I support use of these low power channels for commercial operations. I believe that the section of the band already reserved for education and non-profit use adequately ensures that these interests will continue to be served by the new service.

Paragraph 20: I support making auxiliary link facilities available to low power stations.

I agree auxiliary links could assist or enhance LPFM service.

Paragraph 30: I support the creation of a 100 watt low power license, however, I suggest that it be reclassified as 25-100 watt. I have several reasons for this. Allowing lower power levels would let stations run the most appropriate power for the coverage area desired. This flexibility would allow stations to be "fit" where they might not otherwise be able to go. Special circumstances such as those that arise near the Canadian and Mexican borders could be more easily accommodated. Additional flexibility will be realized in antenna location. Many of these operations will use antennas located on simple structures on top of a small building. Some operations will use antennas located on much higher structures such as water towers. Allowing power flexibility allows both of these situations to be met with the power level being matched to the available resources and desired coverage area. The cost difference between a 25 watt transmitter and a 100 watt transmitter is also not insignificant.

I agree a class of 25-100w would better LPFM. It would allow a variety of different stations at different power levels for various reasons, to cover a smaller area or larger area, more stations in a given area, etc.

Paragraph 31 : I do not believe that these proposed new stations should have to be relegated to a secondary status. A smaller station has a smaller protected area. Beyond that, I believe that these stations should operate on a level playing field with that of a higher powered station. The higher powered station already has a "louder" voice. Do we now also suggest that it has a more important voice or should somehow carry more weight? This seems to be to be counter to how (I am told) our system of government works. "Secondary" status comes into play when we are talking about a radio station versus a booster or auxiliary link, not when we are talking about two radio stations, even of one is 1 watt and the other is 1kw.

I also think secondary status is bad for LPFM. This would be a way for full power stations to "crowd" out LPFM, thus we would be back to the same thing, big stations "owning" the airwaves.

Paragraph 34: I support the creation of the "micro radio" class of license as outlined. While the 1mv contour of these stations would be only 1-2 miles, I firmly believe that it is still well worth doing! Unlicensed operators have obtained excellent results with one watt power levels. Ten watts is a usable power level for a small community. I also remind the commission that just because you travel outside the range of a station's 1mv signal contour doesn't mean that the signal drops off the face of the earth. Usable signal is still present far beyond that point. I would also like to see a provision for temporary operation in order to facilitate a "special even station" as

requested in the Skinner Petition.

I do think "micro power" of 1-10w is at the core of Community type radio and LPFM. This allows people to provide local news and programs in a neighborhood or small town, and could even be run from a house or even a church or school.

Paragraph 35: I am not familiar with the FCC procedures regarding obtaining type acceptance certification for a transmitter. My research indicates that reasonably priced units are currently available. I reason that if

this proposal moves ahead that more would become available and prices would be kept down. Obviously, the equipment used MUST be clean. I am an experimenter and Amateur Radio license holder. While I do not currently have the knowledge to build a transmitter of this type, I do know people who do. I would urge that the commission make some mechanism available for people who wish to construct their own equipment to be able to do so. I believe that this type thing is very important. It is the driving force behind the improvement of the state of the art and development of new technologies.

I too am a Amateur Radio Operator and believe in having a clean stable signal, but do think that experimenting and low cost equipment is essential to LPFM.

Paragraph 40-41: Here you tackle the difficult issue of separation distance between stations. Clearly, locating stations based strictly on distance is the easiest thing to do. The wide spread availability of GPS receivers also makes for a solid determination of actual transmitter location. The problem comes in when you begin to consider the station's actual facilities. This is further complicated by my request that the LP100 class license be re-classified as 25-100 watts. It is my intention to encourage use of less than maximum allowable facilities, where appropriate. The question is, should channels be allocated based on actual facilities or maximum facilities? Does a station that elects to use less than maximum facilities lock itself at that level? What about the situation I proposed earlier where someone constructs a station at less than maximum facilities to fit it where it would not otherwise be able to go? Given these multiple concerns, I recommend that licenses be granted based on minimal spacing guidelines, which meet a specified field strength, based on maximum facilities, even if the station in question chooses to run at less than maximum facilities. If someone comes along later and wishes to "squeeze in" a station using less than maximum facilities to achieve the same field strength standards provided by the minimum spacing guidelines at maximum facilities, I believe they should be able to do so. I see this as allowing for a couple of things. The first station constructed can use less than maximum facilities, if desired, and still not lose the right to upgrade to maximum facilities later. Later stations can take advantage of less than maximum facilities to "fit in." The commission will be able to allocate most stations based on a simple and easy to implement criteria. Stations that wish to "fit in" at less than the established guidelines would bear the cost of figuring out how this could be done.

I basically agree with this statement and hope a reasonable level of criteria is applied to the LPFM service.

Paragraph 42-48: Here the issue of adjacent channel interference is discussed. I believe that good arguments have been made for the elimination of 2nd and 3rd adjacent channel interference. These standards are based on older receiver technology. We are also talking about far less power with these new stations than the higher powered stations, to which the standards would still apply. In addition, the comment was made that the potential gain of this service far outweighs the minimal interference that might be caused due to eliminating these criteria. We also have the statement from USADR that they do not believe elimination of 2nd adjacent channel protection proposes a danger to their IBOC digital system.

Again I believe the use of a reasonable criteria be used in LPFM.

Paragraph 49: As mentioned earlier, it has been stated that USADR sees no problem with elimination of 2nd adjacent channel interference standards to their proposed IBOC signals. I also have some additional thoughts on this matter. First of all, it has not been demonstrated that anyone (except equipment manufacturers) is eagerly awaiting the translation to digital. The commission has posed the question of whether proposed LPFM stations would interfere with proposed digital service. Perhaps that is not the correct way to ask the question. Perhaps the question should be rephrased as "What is the range of digital IBOC signals?" The commission recognizes the 1mv contour area of an analog signal as that area in which a strong signal can be received. It is quite possible that the digital signals will not be able to cover that entire area. It is also possible that usable digital signals will extend beyond that area. In either case, I believe that the burden of proof as to whether these systems work and what their range will be rests with those who are pushing the technology. I do not believe that additional protection for these stations to make digital work beyond the point where the analog does is warranted.

I have some additional concerns with respect to a conversion to digital technology. This digital service, as summarized in appendix C of the NPRM, would initially allow for two channels of digital information to be transmitted along with the analog information. My first question is "What will these channels be used for?" The summary states that the proposed digital service COULD allow a station to transmit their signal in digital. It doesn't say that they are obligated to. The fact is, these digital channels could be used for anything. They could just as easily become 2nd and 3rd auxiliary services to the primary channel audio. They could even be subscription services such as background music or wide spread distribution of data. This type of use would generate additional revenue for the station. I have no problem with this type of operation UNTIL it is put up against LPFM. In that event, I think we need to start asking whether digital operation is in the public interest and EXACTLY what they intend to do with it.

In general I agree with these statements and think LPFM and Digital can coexist if done correctly.

Paragraph 51-54: The commission asks whether LPFM stations should have to maintain a tighter emission mask than higher power stations. I believe that they should not. These smaller operations should not have to adhere to more strict guidelines than higher power stations. My reasons for this are the costs involved, and the low power nature of the proposed new stations. In addition, as mentioned earlier, I do not believe that additional protection to higher powered station's potential digital services is appropriate as I view these as "auxiliary" services.

I think that LPFM should be held to the same or lesser emissions as long as the station does not cause interference or spurious emissions.

Paragraph 55-56: The commission asks if LPFM stations should operate with a decreased bandwidth. I say "no." This would cause these stations to be "quieter" than other stations on the band. It would also impair the station's ability to run stereo, sub-carrier audio services and digital services.

My goal is that these new stations have the same status and technical advantages of higher powered stations, but at lower power levels.

Again, this would put an unfair advantage to the full power stations. And agree with these statements.

Paragraph 57-58: I believe that the concerns of the commission voiced here are very important. I support the position that any individual or business with a current media interest (radio or otherwise) should be prevented from owning one of these stations. This proposal is for community radio, not to strengthen the voice of those who already have one. I also contend that the proposal to allow AM stations to use this as a vehicle to upgrade is without merit. I believe that those individuals who currently work in broadcasting should not be able to own one of these stations, even if it is located in a different community. These people would still be able to consult to and provide assistance to these stations.

I agree that any person or company who owns a TV, Radio (LPFM or FULL) should not be able to own a LPFM station. As this would continue the media monopoly. If someone who works at a radio station (i.e. DJ, Production, Engineer, etc.) wants to own an LPFM they may as long as they are not under direct control of the Full Power station owner. Should it be known they are or there is a conflict they must terminate station operations UNLESS that would put a great hardship in the area of the station, as a way of getting news and other information. In that case operations may continue under control of a third party (To be determined)

Paragraph 59-62: I am for strict ownership limits. Let us be mindful of mistakes of the past and ensure that they are not repeated. The main reason for this proposal is the growing feeling that ownership consolidations are hurting the FM radio service. Failing to take this into account now could cause even more stations to be created and still not solve the problem. It is also far easier to relax ownership limits in the future than to attempt to tighten them later. Since this is supposed to be community radio, I don't have a problem with a limit of ONE station per owner. This would also eliminate all need to decide what constitutes a "market" for the purpose of ownership restrictions. I point out that this limit would not keep stations from being constructed, sponsored, aided or, managed by outside concerns. I do believe, however, that the stations should be LICENSED to a local individual or business interest. I am mindful that a potential licensee may not be able to obtain a license in the community in which they actually reside. I propose that a sensible guideline might be that the individual live within 100 miles of the station.

I agree that these strict ownership limits are needed to stop large companies or groups from owning stations all over the country.

Paragraph 62: With regard to the authority of the commission to require any sort of integration requirement, I submit that this service is being chartered as "community radio." I believe that requiring the LICENSEE to be local to the station offers a great measure of protection towards this goal. It is perfectly consistent with what the commission says it believes is going to happen with this service, anyway. This provision simply ensures that it will be so. A station could still be constructed and even managed by outside interests. Requiring that the licensee be local would ensure that the station would ultimately be responsible to the community.

I agree with this statement.

Paragraph 65-67: I understand the commission's position that those who have engaged in unlicensed broadcasting have broken the law and as such may have disqualified themselves from holding a license now. The point has also been made that SOME operations have caused harmful interference. The point should be made that most of these operations HAVE NOT caused harmful interference. Part of the reason we even have this NPRM is due to the thousands of people who have determined to take to the air, even knowing the consequences. Many of these operations are providing local entertainment, community service, and a community voice, despite the lack of a section of Part 73 authorizing them to do so. Some stations are being run just for the fun of the people doing it, some have a specific mission, and some are a protest statement against the lack of existence of this type of service. There are plenty of transmitters out there that are clean. While I agree that the worst of the offenders have martyred themselves for the cause, I cannot accept a broad statement that anyone who has ever engaged in unlicensed operation is not eligible for a license now.

I also agree. A determination to grant a license to "former pirates"

should be done on a case by case basis. Things should be taken into consideration such as why they were broadcasting, were they interfering, and other possible reasons. This would be better than an outright ban on them being able to broadcast.

Paragraph 68: I agree with the commissions suggestions outlined in this paragraph. Station management should be free to determine content and local to network programming ratio. Stations should not be contracted to act as booster stations or repeater stations for other higher power stations, however, I note that there may be times when picking up and relaying a distant station or programming taped from that station might be appropriate. I suggest that an outright ban on this might not be appropriate.

I also agree management or owners should be able to control content. If they want carry network type programs that is fine as long as it isn't the bulk of the programming.

Paragraph 69: I believe that these stations should have the flexibility to be commercial or non-commercial at their discretion. This paragraph hints that it might be possible for low power commercial stations to exist even in the part of the band normally reserved for non-commercial stations. Given the low power levels, the desire to place as many stations on the air as possible, and the tendency to find more available channels in this part of the band, I would support opening the non-commercial part of the band to commercial service if it is possible. A sensible precaution might be to give priority to non-commercial stations requesting allocations in the non-commercial part of the band.

I think they should be able to be either . In an area where there a lot of stations and/or applicants non-commercial should be considered first but still consider commercial if believed to serve the community better.

Paragraph 73: I am unfamiliar with the exact content of the part 73 rules cited, however, I would summarize my position as follows. I believe that station owners should have great flexibility in customizing their offerings. I believe that stations should be operated IN THE PUBLIC INTEREST. I think that this is especially important since we are talking about stations that will be inexpensive to construct and can be owned and operated by a [local] commercial interest. I am concerned, therefore, that one of these stations not become a 24 hour infomercial for some companies real estate development. I have seen nothing in the rules that would prevent this from happening. The simple addition of the above 4 capitalized words would ensure that it doesn't happen. I also support a renewable license with public filings on whether it should be renewed.

I also agree that they are in the public interest and infomercial type

stations be allowed but that a real station providing news and programs take priority over any infomercial or real estate (example) type station.

Paragraph 76: I suggest the flexibility to assign more than one station to the same frequency with different operating hours.

If multiple stations want to work out a schedule in an area, I would not be opposed to it.

Paragraph 79: I suggest a SHORT (6 months), non-extendible, non-transferable construction permit. Let's get the licenses out there and in the hands of those who are going to do something with them. If they don't, let's get the allocation back to the pool as soon as possible.

I agree EXCEPT that it can be extended IF they can prove that they would be on the air in an additional 6 months. This would need to be documented with extenuating circumstances such as a sudden change in finances, local laws, or other possible reasons. If its not good enough or just stalling then return the license.

Paragraph 84: I am for a short term renewable license. If a licensee is making good use of their license and the community is pleased with what they are doing, it should be renewable with minimal effort. I see no reason to go to a non-renewable license of any term. If there are problems or a license needs to be pulled and reassigned, short licensing allow them to be dealt with promptly. I suggest the period be 3 years.

I have no disagreement with this plan.

Paragraph 87: I do not believe that LP100 and microradio class stations should be required to have EAS receivers. I would, however, like to see stations have the ability to pick and relay these signals from the higher powered station that serves their area, if they so choose.

I agree, this would be a costly burden and there are several places to get this information, but if they want to provide this as a service that would be OK.

Paragraph 88: I support the issuing of a unique call sign that identifies a low power station as such. I justify this by saying that I believe that an important

part of this endeavor is public education. The public should be made aware of the existence and purpose of these stations. I believe that this is one way to do this. I also believe that higher powered stations would appreciate the destination. The call sign should still be something prestigious. Call signs are a matter of pride among all types of radio license holders. I have heard it suggested that we have access to an "N" prefix. I do not know for sure if this is true. It would seem to make sense in view of the W, K and N prefixes in use in Amateur Radio licensing. I submit that this would be ideal for this service.

I truly agree with this statement, it would give a station owner a sense of pride and responsibility in their station. It would give the public a way of identifying the station and a way of reporting a station who violates rules or causes interference.

Paragraph 91-103: I support electronic filing by use of the Internet. Internet access is now widely available. In addition, the government has made a commitment to seeing that schools and libraries are wired for Internet access. We all currently pay fees on our phone bills that are supposed to be going to this endeavor. If the commission had the proper resources, I would not have a problem with a first come, first served system. Because of the initial crush of applications mentioned and the quick processing of applications that would be required I believe this is not the way to go. The second choice is the time window method. This would spread things out and distribute the application processing load over time. The filing process should still offer the applicant a quick answer as to whether the request can be granted. Kicking out invalid or mutually exclusive applications up front is the best way to avoid a backlog.

As a user of the Internet I feel this would be an efficient way of communicating with the FCC in these matters.

Paragraph 104-107: I believe that auctions are totally inappropriate for this service and technical guidelines should be used to whatever extent possible. I support the commission's position that even a first come, first served system would be better than allowing these licenses to be auctioned.

I agree. This service is low cost and for common people, lets not muddy the waters with Auctions.

In conclusion I agree that creation of the LPFM service should move forward as soon as possible to allow the people to again have a voice, and some fun. I am for licensing and some level of regulation to minimize interference, poor quality signals, and obscenity. As a ham I believe clean, non interfering stations can be put on the air along side there full power and soon to be digital counterparts.

Duane Whittingham
Macomb, IL USA

<Comments filed electronically>