Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	**MM Docket No. 99-25**
Creation of a Low Power	)	
Radio Service	)	**RM – 9208**
	)	**RM – 9242**
_____/		

REPLY COMMENTS OF MONDELLUS PRESSA AND HAITIAN COMMUNITY RADIO

Mondellus Pressa and Haitian Community Radio (Pressa), by and through its undersigned attorney and pursuant to § 1.415 of the Rules and Regulations of the Federal Communications Commission (FCC or Commission), hereby submits its reply comments in response to the FCC's *Notice of Proposed Rulemaking* (Notice) issued in the above-referenced docket, Creation of a Low Power Radio Service, 14 FCC Rcd 2471 (1999). The Notice seeks comment on the FCC's proposal to adopt rules authorizing the creation of a new low-power FM (LPFM) radio service.

For the reasons discussed in greater detail herein, Pressa and the greater Haitian community of South Florida must have access through LPFM stations in order to provide information not available on more traditional radio venues and do so with little or no cost to comply with technical requirements.

INTRODUCTION

Robert Frost once said, "[h]alf the world is composed of people who have something to say and can't". To some, Frost's sentiments might seem ironic. We live in a country founded on the principle of freedom -- freedom of speech, freedom of the press, freedom of assembly. Yet, many communities still lack an organized voice with which to engage in social dialogue. These communities consist of disadvantaged immigrants who, due to a variety of factors such as language barriers and low literacy levels, are unable to speak and be heard.

Perhaps the most powerful example of this phenomenon exists within the Haitian Community in South Florida. In Miami-Dade County alone there are several thousand Haitians who, because of their inability to understand English television, radio, newspapers, and magazines, must depend on the handful of Creole radio and television programs that exist for news and information about events and services available in the county. Furthermore, the poorest members of the Haitian Community have no opportunity to learn of the services available to them to improve their economic opportunities and learn their rights and obligations as new entrants in the community.

Without the opportunity to broadcast via low power FM radio, a significant opportunity for communication will be lost to an increasingly growing population desperately in need of information. As the FCC contemplates regulations to allow such service, it is important to consider the technical requirements as a barrier to entry for most low power FM stations. While such technical requirements are important to prevent signal interference, rigorous technical requirements will require engineering studies that are disproportionately expensive for the small size of the broadcasting station allowed under the proposed regulations. Due to the size of such stations, the overwhelming expense of compliance with the technical requirements can halt or prevent the establishment of a low power radio station, depriving the community of a much needed service. The FCC must allow such LPFMs to operate and must do so in a way that is economically feasible to do so.

DISCUSSION

LPFM IS NECESSARY TO PROMOTE NEEDED SERVICES OTHER BROADCASTERS DO NOT PROVIDE

The Commission proposes to authorize additional classes of LPFM radio stations to operate in the existing FM band including primary, secondary, and microradio classes. This is an important medium for those unable to operate traditional FM stations requiring strict observance of rigorous technical standards, compiling engineering reports, and investing large amounts of capital. It is the Commission's axiom, set forth in 47 C.F.R. § 73.3573 (1999), that "[i]f, upon examination, the FCC finds that the public interest, convenience and necessity will be served by the granting of an application for the FM broadcast facilities, the same will be granted." This, however, is not possible in the current landscape of the regulations imposed on FM stations regardless of content. Commercial advertisers

with large budgets have control of the airwaves. Noncommercial educational stations must have equal access. This can be possible under the proposed regulatory scheme with certain accommodations.

Traditional commercial FM broadcast facilities are beholden to their advertisers and therefore support the needs of communities with the most purchasing power in the marketplace. In many communities this may include a majority of the population. However, Miami is the fourth poorest city in the United States and overflowing with immigrants from the Caribbean and the Americas. These immigrants speak a multitude of languages including Spanish, French, Portuguese, and Creole. In Miami's diverse community this often translates into large segments of the population having no voice on the air, the best means of communication and dialogue among immigrant populations.

Noncommercial broadcasts to local populations in alternative languages ensure that everyone in the community receives the same information and has access to the same services. The Haitian community in Miami is no different. In Homestead, a rural agricultural area with little or no commerce, a large community of Haitian farm workers subsist on meager wages and poor conditions in concentrated areas. The Creole speaking workers have no print media and little or no communication with local officials who cannot speak their language. Noncommercial radio broadcasts by local Haitian radio operators serve as the only outlet and the most important one for creating community dialogue on a range of issues including immigration, citizenship, domestic violence, and rights of laborers.

LPFM PROVIDES CRITICALLY NEEDED INFORMATION AND A VENUE FOR ALTERNATIVE VOICES TO BE HEARD

In this small and information starved community of Homestead, Florida, Mr. Pressa is one of the few, if only, Creole speaking licensed radio operators. Since 1992 when Hurricane Andrew devastated Miami, Mr. Pressa has taken to the airwaves whenever possible to provide the South Florida Haitian community with critically needed information in a language his community can understand.

Mr. Pressa has been providing the Haitian and other ethnic minority communities in South Dade Florida with unparalleled service, news, information, entertainment and educational programming. Specifically, Mr. Pressa has targeted nearly all aspects of education from literacy training to voter registration information. Additionally, Mr. Pressa has assisted the Miami-Dade County Public

School System in disseminating information to the Haitian youth and their parents about available resources and programs. The Mayor of Florida City called his efforts "monumental" and said that "without you, Mr. Pressa, we would have no way to get information to the Haitian community." The Mayor of Homestead concurred, saying that Mr. Pressa was a vital link to otherwise forgotten communities.

Mr. Pressa has gained a reputation in the community for providing important information. When Hurricane Andrew destroyed all of Homestead it was Mr. Pressa who managed to inform the Haitian community of FEMA's existence, where to go for assistance, and numerous other services. He brought the Senior Manager of Media Relations at the United Way of Miami-Dade, Connie Hernandez, to speak. Mrs. Hernandez offered important information to the Haitian community regarding eligibility for social services and provided a hotline for people to call to receive services. A Creole speaking hotline had been established, but without Mr. Pressa's broadcast, no one in the Haitian community would have known about it. Without his broadcast, the Haitian community in Homestead would not have been able to take advantage of the same services as every other group. The language barrier proved too difficult for community organizers and it was Mr. Pressa's radio program that eased the burden.

When Congress made drastic changes in the immigration laws in 1996, it had a large impact on the recently emigrated Haitian community. Mr. Pressa realized that many Haitian immigrants would remain uninformed and lose their rights they had worked so hard to preserve. Without knowledge of the need to gain citizenship immediately, many permanent residents would lose the ability to seek medical treatment and obtain basic human services. The language barrier once again hampered the community's ability to inform itself because no commercial radio broadcast provided this critical information. At that time, Mr. Pressa brought Attorney Charles Elsesser of Florida Legal Services to discuss the possible impact on the community as a result of the legislative changes. Mr. Elsesser's advice and guidance encouraged many Haitians to call into the radio program with their own questions and concerns. Mr. Elsesser not only addressed those concerns on the air but he also provided a hotline for those who wanted to speak with him privately. This forum proved to be a great success within the Haitian community.

In addition to emergency services and broadcasting events impacting the community, radio programs not available on traditional commercial stations can be of great importance to distribute information to diverse communities. Mr. Pressa has exemplified this when he brought Jacqueline Chow, a paralegal at a local legal services provider, to speak to the Creole speaking community about application procedures for Social Security, Food Stamps, Medicaid, unemployment compensation, and public housing benefits. As a result of her presence on the air many Haitians later sought legal services to discuss their concerns and seek the services offered. Mrs. Chow reported having received an average of about one hundred to one hundred-fifty calls from the Haitian population as a result of her show. This is a large number considering the reluctance of immigrants to seek government services.

In addition to the many experts that Mr. Pressa has arranged to appear on his show, Mr. Pressa himself has addressed numerous controversial issues on the show such as domestic violence, sexual harassment, and crime prevention. Mr. Pressa has consistently helped many unfortunate individuals who called, asking for advice in a time of dire need.

While Mr. Pressa has been able to provide a great deal of information to the Haitian Community in South Florida, it is not enough. Mr. Pressa's short radio shows pale in comparison to the information that could be provided if a full time licensed radio station existed. A radio program here and there is helpful, but a full time radio station licensed by the FCC would ensure stability in an otherwise fragmented community. It would provide a permanent and stable voice on the airwaves. Such a voice is not currently available because the larger commercial venues will allow no more than a fifteen-minute segment and will do so only for exorbitant sums. The noncommercial radio stations are not much better. Currently, the only outlet for the community remains National Public Radio, which broadcasts a mere fifteen minutes a day to the Haitian community in Creole. Alternative voices must be heard. That is the mandate as directed by Congress for the FCC to follow and the proposed regulations would help to make that important vision a reality.

The proposed regulations for LPFM stations would make great strides toward allowing independent voices to thrive in an otherwise commercial environment. Without a full time radio station, such independent voices cannot be heard. The impoverished Haitian farm-working community is in desperate need of organization and stability. Without a media outlet to rely on, the community continues to sustain itself by word of mouth communication that is highly ineffective. The

lack of sophistication resembles the age before electricity, before mass communication was possible. A radio show on a random station every few weeks does not give the community a steady stream of information and communication so important in today's fast paced technological society.

TECHNICAL REQUIREMENTS MUST BE REDUCED TO EASE COMPLIANCE

Licensing LPFM stations would ease many of the communication burdens within the poor and rapidly growing communities of South Florida and elsewhere in the United States by providing a venue for alternative voices to be heard. However, under the current regulations and perhaps the proposed regulations as well, a noncommercial station for the Haitian community may not be possible. The cost of a commercial Class "A" station has not been possible due to the large amount of capital required to initiate such a venture. While the community is vast, it is also very poor and therefore unable to raise the necessary funds to comply with the strict and costly compliance measures Part 73 of the FCC regulations requires. Blanketing areas, service contours, peak deviation, and stereo pilot subcarrier injection measurements are difficult concepts to grasp for a population that has trouble speaking English and has little or no technical training. To comply with such strict requirements, community radio stations must engage engineering firms to conduct engineering studies. Costly engineering studies make it virtually impossible for a financially challenged community to receive equal access to the air waves as mandated.

The proposed FCC regulations would allow a microclass of radio stations at 1 to 10 watts and secondary classes at 100 watts as well as primary class at 1000 watts. This is an important first step to ensure equal access to the airwaves. However, it should be cautioned that simply allowing such stations to exist would not redistribute information among all communities. If the FCC continues to insist on the same engineering studies required for Class "A" stations under Chapter 73, the expense of those studies will leave alternative voices out of the stream of discussion.

Current and proposed technical requirements are far too complicated and costly for compliance by community radio stations. The regulations under Subpart B of Chapter 73 set forth the requirements of operating with more than 10 watts transmitter output power. It requires that "the transmitter and associated transmitting equipment of each noncommercial educational FM station licensed for transmitter output power above 10 watts must be designed, constructed and operated in

accordance with 47 C.F.R. § 73.317." 47 C.F.R. § 73.508 (1999). These guidelines essentially require such stations to provide engineering tests for all equipment and studies indicating signal interference, frequency deviation, and other factors that, while important, are entirely too costly and complicated for the type of stations intending to file applications under these proposed rules.

The FCC has long recognized that radio stations submitting applications for LPFM service should be exempt or at the least subject to less rigorous requirements than other Class "A" stations under Chapter 73. The FCC in regulations governing noncommercial radio stations have exempted them from the general charges and regulatory fees otherwise applicable to the standard commercial stations. 47 C.F.R. § 1.1114 (1999). Other regulations exempt noncommercial radio stations from other fees stating that "no regulatory fee shall be required for...[a]pplicants, permittees or licensees of noncommercial educational broadcast stations in the FM or TV services..." 47 C.F.R. § 1.1162 (1999). Just as the FCC has recognized that these stations simply cannot afford the costs of standardized fees, the FCC should also consider that the same is true for the aforementioned technical requirements.

The FCC must recognize that it does not make sense to impose such strict standards on such small stations because the costs associated with initiating such stations shall outweigh the effectiveness of their broadcasts. If a noncommercial radio station has to provide an engineering study costing thousands of dollars to broadcast over a small three square mile radius, it will not be feasible to do so. If the small stations cannot afford to do it, it leaves the larger broadcasting stations, who can afford the studies, to control the smaller venues as well. This shall defeat the purpose of the proposed regulations.

THE FCC CAN CREATE POLICIES AND PROCEDURES TO LOWER COSTS OF COMPLIANCE

The FCC's goals are to provide new opportunities for community-oriented radio broadcasting, foster opportunities for new radio broadcast ownership, and promote additional diversity in radio voices and program services, while protecting the integrity of the spectrum. New LPFM stations will provide a low-cost means of serving urban communities and neighborhoods only if the FCC can do so in a way that is economically feasible. Waiving the required fees is one step in that direction. The FCC must adopt regulations or implement policies and programs that ease the compliance burden for these LPFM stations.

One of the larger obstacles to LPFM licensing will be the morass of forms and studies to complete. Nothing can be more daunting for a L100 station transmitting at 50 to 100 watts to a radius of just 3.5 miles to complete a mountain of paperwork written for engineers to understand. The only way to complete such paperwork is to hire an engineering firm for the studies. This places an undue burden on community organizations without the resources of large commercial Class "A" stations. Perhaps the FCC can provide simplified forms and testing equipment for LPFM stations. If the paperwork to be completed was written in plain English and had questions that a lay person could complete, it would reduce the costs significantly.

One of the other problems is obtaining equipment that can be certified by the FCC for operation. Perhaps the FCC can provide a list of authorized distributors of transmitters already outfitted with emission mask filters to regulate the level of wattage for which the station is applying. Or perhaps the FCC could provide inspectors who, like the newly formed Internal Revenue Service or Post Office, could provide the necessary advice and technical information to inspect the equipment and offer suggestions for compliance. The FCC could do the same for the paperwork.

The FCC's goal is to increase opportunities for voices to be heard by adopting regulations permitting LPFM stations. To do so, the FCC must reduce the technical paperwork and requirements or the cost associated with it.

SUMMARY

It is evident that Mr. Pressa has provided a vital service in keeping the Haitian community informed of the services and opportunities available to the community through his work as a radio commentator. It is further evident that no commercial Class "A" stations exist in South Florida to provide such vital information. Without Mr. Pressa's work the Mayor of Florida City and the Mayor of Homestead have both stated that the Haitian community would suffer greatly without the information he provides. Imagine what he could do for the South Florida community if he operated a licensed LPFM radio station?

With new LPFM radio stations, the community would benefit from broadcasts of vital information in languages generally unavailable to the Haitian community. Mr. Pressa, among others, would enhance crime prevention awareness and involve community participation in local anti-crime initiatives. He would also establish a program that would offer a twenty-four hour weather and information service during crises such as hurricanes, a yearly problem facing South Florida residents. In Mr. Pressa's own words, "This [community radio stations] may be the key to saving many lives in the Haitian community as it was during Hurricane Andrew in 1992. We were and have always been a key component to the survival and restoration process of the ethnic community in Homestead." Mr. Pressa's dream is obviously not one of personal gain. Rather, it is one dedicated to helping those less fortunate, and which has grown into a vision shared by the entire Haitian community.

For all of the foregoing reasons, Mr. Pressa, by and through undersigned counsel, respectfully requests that the FCC adopt regulations supporting the creation of LPFM stations in microclass, secondary class stations (L100), and primary class stations (L1000) as soon as possible. The creation of LPFM stations is a critical component of reaching the FCC's own stated goals of achieving diversity in the air waves. The FCC must do so, however, with an watchful eye toward the costs and technical burdens required to create such stations as such costs and requirements could bring the LPFMs out of the grasp of those to whom the FCC intends to reach most.

Respectfully Submitted,

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