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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

John E. Logan

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November 15, 1999

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW
TW-A306
Washington, D.C. 20554

RE: Submission of Reply Comment
The University of Washington
MM Docket No. 99-25

Dear Ms. Salas:

Enclosed are reply comments of the University of Washington regarding the docket noted above. The appropriate number of copies is enclosed.

Respectfully,

John E. Logan

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FEDERAL COMMUNICATIONS COMMISSION
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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

MM Docket No. 99-25

Creation of Low
Power Radio Service

Reply Comments of the
University of Washington

The University of Washington submits the following Reply Comments in response to the Notice of Proposed Rulemaking addressing the proposal to create a low power radio service.

Introduction

The University of Washington strongly endorses the Commission's initiative to create a low power radio service. The Commission should act expeditiously on the proposal so that technological advances enhancing the efficiency of the broadcast spectrum can provide a tangible means to benefit those interests that are precluded from using the airwaves to reach their communities. One of the fundamental purposes of the Communications Act of 1934 and the Telecommunications Act of 1996 is to pursue communications policy that will benefit all Americans. The Commission's proposal will do much to meet this goal.

The comments in this proceeding divide along essentially two lines. There are interests that forcefully argue for a means enhancing the ability of those who are underrepresented, if not excluded, from broadcasting and how low power radio will present real opportunity. On the contrary are interests, who will be threatened, for the most part commercially, by the creation of low power radio.

As in most debates, particularly ones involving the interests of incumbents, issues such as the technical viability of a new service to avoid harmful interference appear at the forefront. There are present in this proceeding legitimate issues of how best to protect incumbents and low power radio itself from harmful interference. Another legitimate issue is the evolution to digital radio. The Commission should scrutinize contentions that while masked in the technical, are in reality opposition to the establishment of a low power radio service. It is possible to structure a spectrum plan that will take advantage of technological advances that bring about greater spectrum efficiencies while avoiding harmful interference to incumbents. With regard to digital radio options, the Commission should make clear that any option must encompass the reality of low power radio. The University of Washington urges the Commission to act expeditiously, and not allow the

technical challenges be used to avoid making a decision in favor of establishing a low power radio service.

The University of Washington

The University of Washington was founded in 1861, and is one of the oldest state-supported institutions of higher education on the West Coast. There are over 35,000 students enrolled at the University's three campuses. The main campus is located on 703 acres in North Central Seattle. Branch campuses are located in Tacoma and Bothell. The faculty and staff of the University exceed 16,000 people.

The mission of the University is the "preservation, advancement, and dissemination of knowledge." It seeks to promote within its students their capacity to make humane and informed decisions. The University seeks to foster an environment where mature and independent judgment and an appreciation of the range of diversity of achievement thrives. The University cultivates in its students both critical thinking and the effective articulation of that thinking. Its commitment extends beyond its faculty, staff and students to the community it is such a large part of. The University takes seriously its obligations to enhance the quality of life of this varied community.

Need for Low Power Radio

The University of Washington supports those comments that emphasize the critical place the airwaves play as a public resource and the obligation of government, as the owner of these resources, to seek ways to use them efficiently, to create more outlets for expression and opportunity throughout the country. Low power radio provides a tangible way to create opportunity for diverse and rich ideas to be heard. It can give voice to those ideas not always heard, but which many yearn to hear.[1]

The reality is that radio broadcasting presents enormous financial barriers that preclude entry by interests reflecting varied perspectives. Radio industry consolidation has had a significant negative impact on the presence of small broadcasters and constrains even further the ability of individuals and entities that have historically been foreclosed from using the medium. The Commission has an obligation to manage the FM spectrum consistent with the capabilities of modern technology that provide more efficient and effective use by a broader range of interests. To do otherwise, surrenders the spectrum to incumbent users and forgoes the obligation to manage the spectrum for the benefit of the public interest. Failing to encompass modern spectrum efficiency capabilities that will promote broader access and wider views ignores that that neither the vast array of voices seeking the airways, as well as the audience, are static and indiscernible. Failing to manage a public resource consistent with modern concepts betrays the trust for which it is held.

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[1] Prepared Statement of the Honorable William E. Kennard, Chairman, Federal Communications Commission, to the National Association of Broadcasters, April 20, 1999.

Interference and Digital Radio Issues

As reflected by the several petitions for extension of comment and reply comment periods, the issue of whether a spectrum plan can be structured to protect incumbents, has lead to demands for technical studies addressing interference. There have also been advocacy for technical evaluation of how the provision of digital radio fits within the context of low power radio.[2] Parties are entitled to place on the record information to support objections asserting that low power radio is incompatible with present services by causing harmful interference. Parties are also entitled to place on the record their views as to how low power radio will effect the development and implementation of digital audio broadcasting.

Parties are not entitled, however, under the cloak of inadequate or pending studies, to delay Commission consideration of the decision to authorize low power radio. As in virtually all matters that come before it, the Commission is faced with making a judgment premised on adequate, but not complete, information. The University of Washington embraces those comments that support low power radio as technically viable and that a spectrum plan can be structured that will provide interference protection to existing and future full service radio facilities.[3] It is critical for the Commission to examine the record and decide these issues. Failing to reach conclusions because of assertions that the record can always be enhanced will effectively have the Commission rejecting its proposal to establish low power radio.

Parties also plea for additional time to review the Commission's proposal with regard to Digital Audio Broadcasting (DAB). The range of technical issues surrounding DAB are broad, yet each one does not have to be resolved for low power radio to be embraced. The University of Washington urges the Commission to make clear that the evolution of DAB must encompass low power radio. DAB is characterized as utilizing new and efficient audio compression techniques that reduce the amount of bandwidth required to transmit high-quality audio signal, while capable of being designed to achieve the same coverage as analog signals at lower powers, obtaining robustness to interference and other impairments.[4] With such attributes, DAB's potential to enhance significantly the American radio service should encompass low power radio.

Non-Commercial Service

The Commission's stated goals with regard to low power radio, to provide new entrants with the ability to add their voices to the existing mix of political, social, and entertainment programming, and be able to address the special interests shared by

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[2] Order Granting an Extension of Time to File Reply Comments, *In the Matter of the Creation of Low Power Radio Service*, MM Docket No. 99-25 (September 17, 1999).

[3] In this regard, the University of Washington supports the Commission's proposal to require FCC certification of transmitters as necessary to ensure compliance with out-of-channel emission requirements.

[4] Notice of Proposed Rulemaking, *Digital Audio Broadcasting Systems and their Impact on the Terrestrial Radio Broadcast Service*, MM Docket 99-325 (November 1, 1999) at par. 1.

residents of geographically compact areas, will most effectively be pursued if licenses are reserved for noncommercial educational broadcast services.

The Commission's historic support for noncommercial educational broadcasters, and the benefits that can accrue, is reflected in the community the University of Washington serves. The University of Washington's comprehension of this community, including the diversity that enriches its members, reflects that the goals of the Commission are at the forefront. The varied interests and backgrounds of those in the community are more likely to be reflected in programming managed by noncommercial educational entities. The Commission's proposal encompasses an important endeavor to provide a forum over the broadcast medium for a range of voices that otherwise will remain silenced. Reserving licenses to noncommercial educational entities will optimize this goal.

Resolving Mutually Exclusive Applications

In the event the Commission permits commercial interests to become a low power license holders, its tentative conclusion that mutually exclusive applications be resolved through a competitive bidding process is correct. A competitive bidding process provides an efficient and fair method to resolve competing applicants. The competitive bidding process also will serve to demonstrate the commitment and comprehension of the economic requirements needed to launch and sustain a radio station operation.[5]

If the Commission limits license holders in the low power service to noncommercial educational entities and determines it may not resolve competing applications by competitive bidding, a fair and expeditious process that allows the merits of the applicant to be evaluated should be pursued. The Commission's pending proposal of structuring a point system embracing objective selection criteria should be considered.[6] Any consideration of selecting competing applicants by lottery should be rejected as such a process would stifle the very purpose of low power radio and discourage the interests the Commission seeks to attract as license holders.

Conclusion

The Commission's proposal with regard to low power radio offers a tangible opportunity to afford interests that have been precluded from offering broadcast services an opportunity to use a vital public resource that will benefit the public. Implementation will add voices to the existing mix of political, social and entertainment programming and contribute substantially to enhance the Nation's commitment that all its citizens share in the vital resource of the broadcast spectrum. The proposal encompasses substantial and needed change. Change is difficult and will be resisted. The University of

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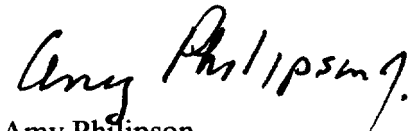
[5] See Statement of the Honorable Susan Ness, Commissioner, accompanying Notice of Proposed Rulemaking, *In the Matter of the Creation of Low Power Radio Service*, MM Docket No. 99-25 (February 3, 1999).

[6] Further Notice of Proposed Rulemaking, *In the Matter of Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, MM Docket No. 95-31, 13 FCC Rcd 21167 (1998)

Washington urges the Commission to pursue expeditiously the creation of low power radio and to make it an integral element of broadcasting.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of November 1999, I caused an electronic copy of the foregoing Comment to be filed using the Commission's Electronic Comment Filing System and additional copies to be served by delivery to the Commission's mail room to the following:

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