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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

October 19, 1999

OFFICE OF THE CHAIRMAN

EX PARTE OR LATE FILED

Mr. William E. Kennard
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Kennard:

On behalf of the City of Gaithersburg - a suburb of Washington, DC and one of the largest cities in the State of Maryland - I am writing to seek your support of our use of a temporary low-powered FM radio transmitter for our month long program, *Winter Lights.*

Winter Lights, a spectacular drive-through holiday light show for all ages, is now in its fourth season. Covering more than three and one half miles through beautiful Seneca Creek State Park, this event has brought holiday joy to the hundreds of thousands of people from around the country who have attended. In addition, those less fortunate have benefited, as annually the City of Gaithersburg donates a portion of the proceeds generated from *Winter Lights* to local charities.

Each year we have sought to improve the *Winter Lights* program by adding new light displays and improving traffic flow. This year, to complete the *Winter Lights* experience, our goal is to include a radio transmission of holiday music to those cars that drive through the show.

Winter Lights is held completely within a large state park, and our proposed transmission would occur only during hours of operation (6:00 p.m. to 10:00 p.m.) from December 1, 1999 through January 2, 2000. As a result, we believe that use of a low power FM transmitter would not interfere with radio waves used by the broadcasting community and the general public.

While we are aware of other communities that use low frequency FM transmissions for large public events, we have received conflicting information from the FCC. Based upon our initial inquiry with the FCC earlier this summer, we were advised that the use of low power FM transmitters was permitted - as a result the City made significant commitments with one of our major sponsors to develop a musical recording as well as select transmission equipment. Only after we followed up with FCC staff this fall to obtain further information, were we informed that the FCC may not approve of such FM transmissions.

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

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CITY MANAGER
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It is the City of Gaithersburg's desire to comply with all FCC regulations pertaining to low power FM transmissions. Given the benefits this transmission will have for the people visiting *Winter Lights*, as well as the commitments we have made toward this, we would greatly appreciate your support in granting us the necessary permit to conduct this activity.

We will be in touch with your office in the next few weeks. In the interim, please do not hesitate to contact Elizabeth Poole of my staff, at 301-258-6350 if you have any questions or desire further information about our request. Thank you in advance for your favorable consideration of this matter.

Sincerely,

David B. Humpton
City Manager

cc: The Honorable Paul S. Sarbanes
The Honorable Barbara Mikulski
The Honorable Constance A. Morella
The Honorable Sidney A. Katz
Commissioner Susan Ness
Commissioner Harold W. Furchtgott-Roth
Commissioner Michael K. Powell
Commissioner Gloria Tristani