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Advertel. Inc

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June 1, 1999

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

DEC 01 1999

Dear Mr. Kennard:

Several months ago, we sent a communiqué to the FCC, with copies to several members of Congress, regarding low-power unlicensed FM operations.

In that communiqué, we pointed out that, without responsible regulation, this medium could quickly create chaos on the regular (87- 107.9 MHz.) FM radio band. These low-power transmitters seem to be proliferating all over the country. They are being marketed as "legal as far as the FCC is concerned." This would seem contrary to a letter, signed by you, and published some time ago in *USA Today*.

Our firm, Advertel, Incorporated, has been interested in the 'responsible use' of low-power commercial FM. We believe it holds an opportunity for considerable community and public service. We have delayed entry into low-power commercial FM pending a *definitive ruling* by the FCC, or enforcement actions against those who may be using this medium unlawfully; we have seen neither.

By delaying our entry into low-power commercial FM, we have potentially lost considerable revenues, as well as market share.

I now hear, at our offices, "Southland 88.7 FM," broadcasting from a strip mall more than a mile away. This type of commercial material, and area coverage, obviously was <u>not</u> the intent of FCC part 15 rules that were designed to apply to "Mr. Microphone." "Southland 88.7 FM" asks listeners to call the following number to get their own transmitter, or to advertise: 888-813-7021. We called the number, and were put in touch with a company calling itself "InfoNet, Inc." While we wait to do the 'right thing,' and to abide by FCC rules, InfoNet and others in apparent violation of FCC regulations, generate revenue.

Inaction, on the part of the FCC regarding this matter, may be interpreted as 'defacto approval' of commercial use of such low-power FM transmissions. After all, 'inaction' sets it's own precedent!

We would welcome a timely response regarding this matter.

Best regards,

G.K. Breakwell
Executive Vice-President,
Advertel, Inc.

cc. Hon. Bill Tauzin, Chairman US House of Representatives, Telecommunications Sub-committee
Hon. Edward Markey, US House of Representatives, Telecommunications Sub-committee
Hon. Ronald Klink, US House of Representatives, Telecommunications Sub-committee.
Hon. Michael Doyle, US House of Representatives
Sen. Conrad Burns, Chairman, US Senate Communications Sub-committee
Sen. Ernest Hollings, US Senate Communications Sub-committee
Sen. Rick Santorum, Sen. Arlen Specter, United States Senate

PO BOX 18053 PITTSBURGH PA 15236-0053
540 Delwar Road • Suite 200 • West Mifflin, PA 15122
Voice/Fax-on-demand: 1-412-886-1400 • Fax: 1-412-886-1411
Toll free: 1-888-ADVERTEL (1-888-238-3785)
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