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Dear Chairman Kennard:

I am a supporter of the creation of a Low Power FM (LPFM) radio service as outlined i n the FCC's Notice of Proposed Rulemaking in docket MM 99-25, which called for creati on of commercial and non-commercial LPFM stations nationwide.

It has come to my attention that the FCC intends to vote at its Jan 20th meeting to s everely gut this proposal (NPRM) providing for only non-commercial stations. While I am very pleased with the decision to limit power to 100 watts maximum (the originally proposed 1000 watt class would have been overkill and could hardly be considered "lo w power") and additionally by the proposal to resolve competing applications via prog ramming (a most fair-minded idea) rather than by bid or lottery, I am deeply dismaye d by the decisions to make LPFM noncommercial only, to essentially limit its use to e ducational institutions alone (thus eliminating 99 percent of potential LPFM applican ts) and by the retention of the 2nd adjacent channel protections which will severely limit the number of new stations which could be licensed.

In fact, the LPFM service as proposed would not be a new "service" at all; educationa l institutions can currently obtain a 100 watt noncommercial license. The FCC is char ged with, among other things, ensuring that there will be no "duplication of service" which is a waste of valuable spectrum; yet the LPFM service under the current propos al would duplicate almost exactly an already-existing service. In essence it is not a ruling at all since nothing is changed!

To place such severe limits on LPFM would doom the service before it begins, making i t impossible to obtain enough financial support, without being able to sell commercia l airtime, to exist.

What possible reason can the FCC give for not permitting commercially supported LPFM stations, other than to protect NAB member stations from competition? Commercial supp ort has nothing to do with interference! There is no good reason to doom the LPFM ser vice by taking away its ability to support itself by the sale of commercial advertisi ng, a method of support that has served this nations stations well for over 75 years.

In fact to not allow commercial support would do a great disservice to small business es in America that cannot afford to advertise on full-power radio stations. Their nee ds would have been met by LPFM stations. A decision to not allow commercial support w ould have a vast negative impact on small business in America. Also gone would be the minority dreams of opportunity to break into the broadcast marketplace and to serve their communities with culturally diverse, local programming.

I wish to remind you that there was an overwhelming number (thousands) of comments fi led in this proceeding supporting the creation of these stations, allowing for both c ommercial and non-commercial operation as set forth in the FCC's NPRM.

The public has spoken on this matter and to ignore this public mandate and cave in to political pressure from the National Association of Broadcasters (NAB) is a disgrace and use of such anti-competitive actions by the NAB should be investigated by the Ju stice Department.

The NAB tried to cause confusion on this issue by claiming that the new LPFM stations

would cause interference to existing stations. A receiver study conducted by the FCC proved this to be incorrect. Having studied this report, it is obvious that the 2nd adjacent channel protections should be eliminated as originally proposed in MM 99-25, thus allowing the most possible spectrum space for LPFM, without causing interferenc e. With the proposed retention of 2nd adjacent protections so few LPFM licenses would be able to be granted that the "service" would be useless; most communities would st ill be unserved with local programming. The NAB raised this "interference" smokescree n issue to attempt to conceal its real dislike for LPFM, the fact that it does not wa nt competition for listeners or advertising revenues for its member stations. The FCC cannot prevent competition and is supposed to promote competition.

I would hope that the FCC would vote for LPFM in its full form as proposed in the NPR M or delay the vote to clear the way for a workable LPFM service of 100 watt and unde r commercial and non-commercial stations.

To recap, LPFM, to be a viable, workable service should:

a.. Be permitted to be a commercial as well as noncommercial service;
b.. Be limited to a maximum of 100 w (as already proposed) and provision for stat ions of 1 to 10 w power to serve small communities should be made;
c.. Be granted primary status, equal to that of a "full-service" FM station and s uperior to that of translators;
d.. Be granted a relaxation of 2nd adjacent as well as 3rd adjacent (as currently proposed) channel protection restrictions;
e.. Be allowed to resolve competing applications by local programming content (as currently proposed) rather than by bid or lottery.

It is my sincere hope, as well as that of many others who appreciate and respect what you have attempted to do for the American public, that a viable resolution to these issues can be reached in a manner which is fair, just and of greatest benefit to Amer ica.

Respectfully,

Jonathan B. Smick ARS W2MXW

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