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 MM 99-25
 Federal Communications Commission
 Washington, D.C. 20554

20207
 Low Power

ORIGINAL

CN0000662

The Honorable Gary A. Condit
 Member, U.S. House of Representatives
 920 16th Street, Suite C
 Modesto, CA 95354

RECEIVED
 MAR 13 2000

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

Dear Congressman Condit:

Thank you for forwarding your constituent's letter regarding the Commission's *Report and Order* on low power FM (LPFM) radio service. Your constituent, John Huffman, expressed his concern about the Commission's decision to authorize noncommercial educational LPFM service at 10 watt and 100 watt power levels and not allowing LP 1000 stations or commercial LPFM service.

On January 20, 2000, the Commission issued a *Report and Order*, concluding our rule making proceeding by authorizing two new classes of noncommercial LPFM service designed to serve very localized communities or underrepresented groups within communities. Let me assure you that the Commission reached all decisions in the *Report and Order*, including those about the noncommercial nature of the service and the power levels for the service, only after carefully and fully considering all the issues in the proceeding.

In deciding to authorize LP10 and LP100 stations, but not LP1000 stations, the Commission considered the possibility of interference that might have resulted from authorizing LP 1000 stations, and it limited LPFM to LP 100, with power from 50-100 watts and a service radius of about 3.5 miles; and LP10, with power from 1-10 watts and a service radius of about 1 to 2 miles.

In deciding to authorize LPFM stations on a noncommercial rather than a commercial basis, the Commission reviewed the record and determined that noncommercial service would be the best way to bring additional diversity to radio broadcasting and serve local community needs in a focused manner. Eligible licensees

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The Honorable Gary A. Condit

Page 2.

can be noncommercial government or private educational organizations, associations or entities; non-profit entities with educational purposes; or government or non-profit entities providing local public safety or transportation services.

Thank you for your interest in this matter.

Sincerely,

Roy J. Stewart
Chief, Mass Media Bureau

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	<p>Control No. : 0000662 Due Date: 3/7/2000 Sensitive: No</p> <p>Lead Bureau/Office: MASS MEDIA BUREAU (MMB) Lead Division: Policy & Rules Division (PRD)</p> <p>Priority: Routine Type: In/Out Received On: 1/20/2000</p> <p>Signed By: Bureau/Office Chief Tone: Neutral Date Entered: 2/14/2000</p> <p>Closed On: Incoming Date: 1/20/2000</p> <p>Remark(s):</p> <p>Constituent Name: John Hoffman</p> <p>Subject(s): Class A Low Power Television (LPTV) (MMB)</p>
Ver. 1.7b	<p>Official Name: Condit, Gary A. (D-CA) </p> <p>Street: DISTRICT OFFICE</p> <p>Street Cont'd:</p> <p>City: CA District: 18</p> <p>Organization: House Party: Democrat</p> <p>Groups: <input type="checkbox"/></p> <p>Other Officials: <input type="checkbox"/> </p> <p>Coordinating Bureau/Office(s): <input type="checkbox"/> </p> <p>Follow-up Date:</p> <p>Follow-up Comment:</p> <p>Author:</p> <p>Data Entry Person: Sizemore, Lou (OLIA)</p> <p style="text-align: right;"><i>J: LPFM Congressional Condit 0000662</i></p>

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GARY A. CONDIT
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*arrange to
MMB*

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Pat Austin _____ Ruth Daleth _____ Donna Dami _____

Chip Langman X Maggie Mejia _____ DeeDee D'Adamo _____

Jackie Mullen _____ Karen Hall _____ Other _____

DATE 11/20/00

NAME Steve Klitzman

COMPANY Fcc

PHONE _____

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COMMENTS The Congressman was very curious about
the FCC's position on this topic. He (the member) would
like an expeditious response to this constituent. Please
fax correspondence to (209) ~~527-5748~~ 527-5748

2 pages total

January 10, 2000

Representative 18th District
Congressman Gary Condit
920 16th Street
Modesto CA 95350

*Gary,
I don't know how close
to this you are? Please
contact the FCC Commissioner!
Thanks,
[Signature]*

[Signature]
RECEIVED
JAN 14 2000
MUEBIO

Dear Gary Condit:

I am a supporter of creation of a Low Power FM (LPFM) radio service as outlined in the FCC's Notice of Proposed Rulemaking in docket MM 99-25, which called for creation of 1000 watt and 100 watt 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 severely gut this proposal (NPRM) providing for only non-commercial stations with maximum power of 100 watts (coverage thus limited to only 3.5 miles as opposed to 9 miles for a 1000 watt station).

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

What possible reason can the FCC give for not permitting commercially supported LPFM stations, other than to protect NAB (National Association of Broadcasters) member stations from competition? Commercial support has nothing to do with interference! There is no good reason to doom the LPFM service by taking away its ability to support itself by the sale of commercial advertising, a method of support that has served this nation's stations well for over 75 years!

In fact to not allow commercial support would do a great dis-service to small businesses in America that cannot afford to advertise on full-power radio stations. Their needs would have been met by LPFM stations. A decision to not allow commercial support would have a vast negative impact on small business in America and may well violate some rules of the Small Business Administration.

I wish to remind you that there was an overwhelming number (thousands) of comments filed in this proceeding supporting the creation of 1000 watt and 100 watt stations, allowing for both commercial 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 NAB is a disgrace and use of such anti-competitive actions by the NAB should be investigated by the Justice 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. The NAB raised this smoke screen issue to attempt to conceal its real dislike for LPFM, the fact that it does not want 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 NPRM or delay the vote to clear the way for a workable LPFM service of 1000 watt and 100 watt commercial and non-commercial stations.

Respectfully,

[Signature]
John Hoffman
1009 Redhawk Circle
Turlock CA 95312
(209) 634-5976