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16TH DISTRICT, PENNSYLVANIA

COMMITTEES:
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SUBCOMMITTEE ON EMPOWERMENT

ASSISTANT REPUBLICAN WHIP

Internet Address:
pitts.pa16@mail.house.gov

Web Page:
www.house.gov/pitts

ORIGINAL MM 99-25

Congress of the United States
House of Representatives
Washington, DC 20515–3816

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January 28, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

1112

Lou Sizemore
Congressional Liaison
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

Dear Ms. Sizemore:

I am writing to you on behalf of my constituent, Wayne Warren, who has enlisted my assistance.

It is my understanding that Mr. Warren is a supporter for the creation of a Low Power FM (LPFM) radio service as outlined in FCC's Notice of Proposed Rulemaking in docket MM 99-25, which called for the creation of 1000-watt and 100-watt commercial and non-commercial LPFM stations nationwide. He is fearful that at your January 20, 2000 meeting you were going to vote to severely gut this proposal, providing for only non-commercial stations with maximum power of 100 watts. He feels this will doom the service, making it impossible to obtain enough financial support, without being able to sell commercial airtime, to exist. Accordingly, I would like to take this opportunity to express my interest on behalf of my constituent and to request that this case be reviewed as expeditiously as possible.

Thank you for your cooperation in this regard. I will look forward to hearing from you at your earliest opportunity at my Kennett Square office: P. O. Box 837
Unionville, PA 19375
610/444-4581

Cordially,

Joseph R. Pitts
Member of Congress

JRP/esl
Enclosures

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Wayne D. Warren
217 South Broad Street
Kennett Square, PA 19348
610/925-0544

January 18, 2000

The Honorable Joseph R. Pitts
United States House of Representatives
504 Cannon House Office Building
Washington, DC 20515-3816

Dear Mr. Pitts:

I am a supporter for the 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 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 nations stations well for over 75 years!

In fact, to not allow commercial support would do a great disservice 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 National Association of Broadcasters (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 smokescreen 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 is supposed to ***promote*** competition, not prevent it.

As the media outlets in this country become ever more the voices of only the rich and the mergers of corporate"media giants" become common place, LPFM offers an opportunity for individuals and communities alike to once again be served and heard.

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,

Wayne D. Warren