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Office of the Secretary
Federal Communications Commission
Washington, DC 20554

RE: FCC/ET Docket 02-135
Spectrum Policy Task Force Proceedings

Dear Commissioners and Commission Staff,

I am hereby submitting a *corrected copy* of Written Comments that were filed by THE AMHERST ALLIANCE in FCC/ET Docket 02-135.

This document is substantively identical to the document which was filed earlier, via the FCC's Electronic Comment Filing System (ECFS). The only difference is the correction of *three typographical errors*.

Page 1, paragraph 2, lines 4 and 5: A corrected phrase now reads "massive over-representation of megacorporations and National Public Radio -- at the expense of many, many other potential voices", *replacing* "over-representation".

Page 3, paragraph 2, lines 3 and 4: A corrected phrase now reads "concerns of equity *and* national security, *both* of which the Commission has been explicitly directed to pursue in the language of the Communications Act of 1934", *replacing* "Commissions".

Page 4, paragraph 1, lines 3 and 4: A corrected phrase now reads "Consideration of Eureka-147 Digitalization, ideally in conjunction with Software Defined Radio", *replacing* "Software Designed Radio".

THE AMHERST ALLIANCE apologizes for making the typographical errors that we have now corrected.

Sincerely,

Don Schellhardt, Esquire

UNITED STATES OF AMERICA

Before The

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

Spectrum Policy)
Task Force)
Proceedings)

FCC/ET Docket No. 02-135

WRITTEN COMMENTS OF THE AMHERST ALLIANCE

THE AMHERST ALLIANCE is a Net-based, nationwide citizens' advocacy group. Founded in 1998, at a meeting in Amherst, Massachusetts, THE AMHERST ALLIANCE has played a key role in establishing, and defending, the nation's new Low Power FM Service. While still resolutely committed to the preservation *and expansion* of Low Power Radio, on both the FM and AM Bands, THE AMHERST ALLIANCE is also pursuing the broader goal of greater media diversity in general.

Amherst commends the Federal Communications Commission for establishing a Spectrum Policy Task Force to consider comprehensive spectrum re-allocation. We believe comprehensive reform of the radio and television spectrum is sorely needed, and overdue, in order to correct today's massive over-representation of megacorporations and National Public Radio -- at the expense of many, many other potential voices.

Since THE AMHERST ALLIANCE has already offered many observations *and* proposals to the FCC, in many different forums, we will limit ourselves at this time to the compact reiteration of what we regard as some of our most crucial points.

We reserve, of course, the right to file detailed Reply Comments in the future.

The Communications Act of 1934

1. Despite the many changes which have been made to the FCC's basic charter, the Communications Act of 1934, Congress has never altered the directive to establish a communications system which is "*equitable* and efficient". Unfortunately, the word "efficient" echoes constantly in statements and rulemakings by the FCC, but the word "equitable" is rarely heard. It is time for the Commission to remember the *other* word in its fundamental mandate from Congress -- and to remember, as well, that Congress put "equitable" *first*.

2. As for the word "efficient", the Commission should remember that "efficiency" does *not* have to refer *solely* to efficiency in physics. There are *other* forms of efficiency which may be equally important, or even *more* important, such as: Which regulatory policies will accommodate *the greatest number of different voices on the airwaves* at the same time?

Dangers of Relying *Exclusively* On Market Forces

3. The FCC, like many other regulatory agencies, has displayed a disturbing tendency to place too much blind faith in market forces *alone*.

THE AMHERST ALLIANCE is *not* opposed to *any* accommodation to market forces: indeed, most of the aspiring Low Power FM broadcasters within our Membership are entrepreneurs. During the debate on Low Power Radio, in FCC Docket MM 99-25 and other proceedings, Amherst stood up for allowing Low Power Radio broadcasters to air commercials and earn profits. We hardly advocated socialist radio.

Nevertheless, *exclusive* reliance on market forces is dangerous, because there are too many important values to which the marketplace is largely blind -- *including* concerns of equity *and* national security, *both* of which the Commission has been explicitly directed to pursue in the language of the Communications Act of 1934. Market forces can be wonderfully empowering and productive, but they must be *tempered* by meaningful oversight -- and the overseers, unlike many in the marketplace, must *not* be blind to equity, national security or other aspects of *the public's* vital interest.

4. It should also be stressed that regulatory oversight, by governmental institutions such as the FCC, is even *more* important than it was in 1970 or 1950 or 1940 -- because anti-trust laws are no longer being enforced with the vigor that marked these laws in earlier decades. Such laws no longer "police" the competitiveness of the marketplace very often, meaning that artificial distortions *within the marketplace itself* are present much more frequently than they were in years past.

Agenda For The Future

5. The Commission's spectrum policy agenda for the future should include:
- (a) Expansion of Low Power FM
 - (b) Establishment of Low Power AM
 - (c) Avoidance of IBOC Digitalization
 - (d) Consideration of Eureka-147 Digitalization, ideally in conjunction with Software Defined Radio, as proposed in the April 2002 Petition For Rulemaking by THE AMHERST ALLIANCE and 11 others
 - (e) Spectrum re-allocation along the lines proposed by THE AMHERST ALLIANCE, and 10 others, in a separate April 2002 Petition For Rulemaking
 - (f) Careful review of whether radio licensing auctions are un-Constitutional, under the 14th and 1st Amendments to the Constitution
 - (g) Support for entrepreneurial Research, Development and Demonstration on infrared broadcasting and other pioneering broadcast technologies

Respectfully submitted,

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Dated: _____
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