

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC**

Comments in the matter of:	)	
<b>17-105 MODERNIZATION OF</b>	)	
<b>MEDIA REGULATION INITIATIVE</b>	)	<b>17-105 Comments</b>
Fair & Safe Barter Rules for	)	
NCE-FM/LPFM	)	

**COMMENTS OF THE LOW POWER FM ADVOCACY GROUP (LPFM-AG)**

The Low Power FM Advocacy Group (LPFM-AG) brings to the commission these comments to support modernization of NCE-FM rules as part of the modernization initiative for media regulation. NCE-FM/LPFM stations should be able to barter for commercial time in order to provide programming/services to provide news, emergency information, programming elements and quality syndicated programming to our audience over the NCE-FM/LPFM airwaves. Under current rules, these stations are forced to purchase (with cash only) all programming (including news, traffic & weather programming) to benefit their substantial audiences. Most stations don't have the financial resources to bring important local, regional and national programming to their service areas with cash alone. This is due to a substantial lack of fundraising ability due to the NCE-FM rules applied to their licenses. Higher powered, fully commercial radio stations do not face this challenge. They can simply "barter" for programming by broadcasting a related commercial schedule that each network requires. The current rules are so strict that emergency programming cannot be "bartered" as is the standard case with 99% of broadcast networks. However, the perception of the audience is that they can place the same trust in NCE-FM/LPFM as they do any other station on the band. There should be no reason that their audiences, due to an NCE-FM/LPFM station's inability to pay exorbitant programming fees, should be denied the same emergency and quality level programming as any other station they can receive. While it is common practice to simply broadcast the commercials associated with any particular programming for other local *commercial* FM stations, current non-commercial (NCE-FM) rules are written so they do not allow NCE-FM/LPFM stations to broadcast any commercials at all; even if

those commercials are paying for a higher level of emergency programming for our audience. In the end, the audiences of NCE-FM/LPFM stations are vastly underserved and potentially left vulnerable to emergency issues. This audience has been conditioned to expect such programming from all FM stations and, without a warning or statement of any kind about an NCE-FM/LPFM station's lack of resources, is tricked into listening at their own unknown potential peril. A very simple partial change to the way NCE-FM/LPFM station rules are written, allowing NCE-FM/LPFM stations to break strict NCE-FM rules when such programming is provided as payment for radio programming or services is all it takes to fix this glaring injustice to their audiences.

NCE-FM/LPFM stations would not become "commercial" stations from such a change as they still will not be able to sell commercial time for cash. It would only be done to provide for on-air programming. The end result, of course, would only be the providing of higher quality programming/emergency protection for the audience of a radio service with a potential audience of millions.

## DISCUSSION

There are two undisputed truths.

1- Radio programming costs a lot of money; especially for good quality syndicated service providers like "The Weather Channel", network radio news and others. Radio station voiceovers, imaging and show preparation materials are also very expensive. To overcome this obstacle, commercial stations can often broadcast a commercial schedule to "barter" the cost for this programming & services.

2- Audiences today expect the highest level of programming & public security ever from traditional media; AM, FM & TV stations. This security can be from a broadcaster's news, weather or any programming department. Typically an audience can expect that, when two FM stations are equally received, both will provide the same caliber of programming when it comes to public service, security and protection.

All networks require full broadcast commercials in exchange for programming. A broadcast service, like a local traffic reporting service that can provide a clear picture of a city's commute, including emergency breakdowns, requires that all stations broadcast a local commercial with every report. The value of such a commercial could be \$20 per

broadcast. If an NCE-FM/LPFM station wanted to supply this important local service to their audiences as often as any other local commercial station (6 times in the morning/6 times in the afternoon) and could not “barter” for it by broadcasting the traffic service’s sponsor, it could cost a very underfunded station over \$9,000 a month. Even most commercial stations couldn’t afford this.. And barter for it instead.

We recently sent two emails of inquiry to a local traffic provider many months ago and did not get a response. We expect it is due to the fact that we cannot afford them and they would have to charge us cash. In the end, it’s the American people who suffers and do not get important local emergency information each NCE-FM/LPFM station should provide. The lack of sponsorship provides no other perceivable “good”- it only serves to deny our audience a service they should have.

## FINANCIAL UNFAIRNESS

Upon a landscape where commercial radio stations that earn upwards of \$50,000 a month are able to “barter” their programming, it should be noted that many NCE-FM/LPFM stations do not earn even \$5,000 a year. Still, the audience expects and deserves important life-saving and high quality radio programming. If NCE-FM/LPFM stations could do that same as larger stations, and barter for programming, they likely would easily provide this programming.

## PROTECTION OF STRICT NCE-FM RULES vs PROTECTION OF MILLIONS OF AMERICANS

Today, there are numerous commercial free radio & video services on the internet that didn’t exist 10 or 15 years ago. Protecting NCE-FM/LPFM’s non-commercial status should not outweigh the safety, security and quality of programming that the audience deserves. Taken to a referendum (if there ever could be one), we’d imagine that these audiences would want their local stations to be of high quality and to be given the grant to protect them *well* before the maintenance of an outdated NCE-FM commercial policy. They’d rather NCE-FM/LPFM station were better radio stations and public servants before sticking to an overly strict “non-commercial” policy. Such a change should start with waivers and should be issued for an initial two year term, with options to renew and review at the end of the term.

## SUMMARY

The Low Power FM Advocacy Group (LPFM-AG) formally requests modernization changes to the overly strict NCE-FM/LPFM non-commercial rules; but only for the purpose of providing programming, services, news & emergency information to our large audience. This, in no way, is a request for a blanket waiver to the non-commercial rules for LPFM. It, very respectfully, is a request for NCE-FM/LPFM station rules to be waived from the non-commercial rules when, and only when, it is done in order barter for programming, services, news, weather and other syndicated or third-party programming. Allowing this request will improve the protection and security of a sizable potential audience in our city. It is very much in the public interest and we beg for a quick approval.

We are very thankful for your consideration and, hereby, submit this request for your approval.

Respectfully Submitted,

/S/

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