

August 29, 2019

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St SW
Washington, DC 20554

RE: KIOF 97.9 FM / Las Vegas Public Radio Building Penetration/Dominant Small Business Issues
July 30, 2019 - Notice of Proposed Rulemaking on Improving Low Power FM Radio Service
(MB Docket No. 19-193/MB Docket No. 17-105)

We supply additional comments regarding building penetration and dominant small business issues which relates directly to the July 30, 2019 - Notice of Proposed Rulemaking on Improving Low Power FM Radio Service (MB Docket No. 19-193/MB Docket No. 17-105) at <https://docs.fcc.gov/public/attachments/FCC-19-74A1.pdf> in these very specific areas:

On Page 2 and 3 - Item #3, discussion was made regarding rule changes to address difficulties LPFM stations may experience when trying to maximize coverage of their target communities. For example, it seeks more options in equipment used to transmit and re-transmit LPFM signals, increased power, greater flexibility in relocating LPFM facilities, and additional methods for demonstrating interference protection to other stations ... February 2019 Notice of Proposed Rulemaking in the Comparative Standards proceeding.

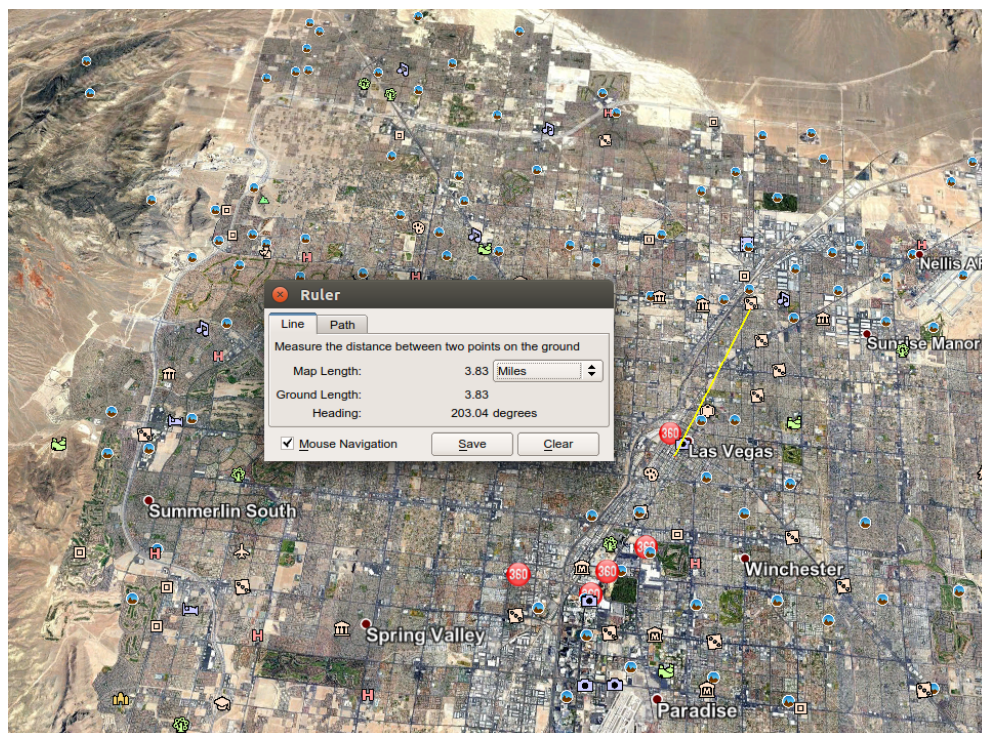
On Page 20 - Item #6, discussion was made regarding the Small Business Administration (SBA) ...LPFM stations are classified as radio broadcast stations. Business concerns included in this industry are those primarily engaged in broadcasting aural programs by radio to the public. The SBA defines a radio broadcast station as a small business if such station has no more than \$38.5 million in annual receipts.

On Page 20 and continued onto page 21 first paragraph - Item #7, discussion was made regarding the Small Business Administration (SBA) ...The same SBA definition of \$38.5 million in annual receipts applies to NCE FM stations. Radio stations that the Commission would consider commercial, as well as those it would consider NCE stations, are included in this industry.

On Page 21 - Item #8, discussion was made regarding ...An additional element of the definition of “small business” is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific radio station is dominant in its field of operation. Accordingly, the estimate of small businesses to which the proposed rules may apply does not exclude any radio station from the definition of a small business on this basis and therefore may be over-inclusive to that extent. Also, as noted, an additional element of the definition of “small business” is that the entity must be independently owned and operated. We note that it is difficult at times to assess these criteria in the context of media entities, and our estimates of small businesses to which they apply may be over-inclusive to this extent.

We do have dominant small business entities as defined by SBA standards in the non-commercial broadcast marketplace (KNPR with 22,000 watts, KCEP with 10,000 watts ERP) over on the far left side of the dial who do not experience many of the issues as we do (KIOF with 100 Watts ERP).

On the map below, the distance between the KIOF 97.9 FM tower site and the KIOF 97.9 FM control room / main studio is 3.83 miles. The station is basically un-listenable with all static in the KIOF 97.9 FM control room / main studio on any sort of FM radio including mobile phones which have the built-in FM tuners. We have to rely on Internet streams to monitor the over the air broadcasting since the signal doesn't penetrate all of the buildings in downtown Las Vegas, Nevada too well.



As we all know, anti-competitive business discussion was seen directly around the LPFM service by the Small Business Administration (SBA) discussion included in the July 30, 2019 - Notice of Proposed Rulemaking on Improving Low Power FM Radio Service (MB Docket No. 19-193/MB Docket No. 17-105). We need further operational power capability by the FCC to better serve the greater Las Vegas, Nevada community effectively. This is directly impacting any and all business growth for KIOF 97.9 FM / Las Vegas Public Radio with it's own path to \$38.5 million in annual receipts based on SBA discussions. A simple question comes to mind with other dominant small business entities in the marketplace – how is KIOF 97.9 FM supposed to compete effectively for sponsorship dollars based on SBA discussions to achieve it's own path to \$38.5 million in annual receipts if the station cannot be heard in it's own control room / main studio that is only 3.83 miles from it's tower site?

With the Most Respect and Honor,

--

Gregory P. LaPorta
President/CEO
KIOF 97.9 FM
Las Vegas Public Radio Inc.
<http://www.lvpr.org>
Main: (702) 425-4088
Studio B: (702) 425-4089
Mobile: (702) 601-6706
Email: greg@lvpr.org