

plugged by Mr. Zoulek and was never turned back on after inspection. If he could not find the church, our antenna or the facility until he verified in person with our facility manager, Father Laurence Bernier, where it was, how could he have taken a measurement at 480 feet? Mr. Zoulek could not have taken any further field measurements after leaving our building. The transmitter was never turned back on after he left the premises.

From all apparent indications, the inspection was improperly conducted and, therefore, we cannot be held liable.

5. If there was a violation of Section 301 of the Act, the violation was not advertent to St. Aelred's Parish.

6. The violation cannot in any way be construed as willful by St. Aelred's Parish.

7. There are factors which would warrant adjustment of the forfeiture amount. Such factors include but are not limited to:

- a) our full and total cooperation with the FCC;
- b) our request for full and total cooperation by the FCC;
- c) our request for inspection before the fact by the FCC;
- d) the absence of willingness by the FCC (with the exception of Mr. Lyons) to answer any questions;
- e) the ambiguity of response by Mr. Lyons, the question of jurisdiction and the lack of any kind of structure or registration of such Part 15 stations;
- f) in absence of guidance by the FCC, we turned to two (2) state-owned institutions (California State University at San Bernardino and San Bernardino Valley College) to use as models for our transmission, these two (2) institutions set precedence for our transmission; in both cases these institutions have operated without complaint of harmful interference or inspection by the FCC for several years; these stations seem to have been given a discretion that we are not allowed.
- g) the fact that this event is our "first" offense, on the precocious presumption that there will be more offenses;
- h) the fact that in a spirit of cooperation with Mr. Zoulek, we provided all documentation via telephone facsimile on the first business day after his original visit to our facility;
- i) the fact there is no complaint of harmful interference by any licensed broadcast station or citizen of the community;
- j) certain statements made by Mr. Zoulek seem to be in conflict with the results of the inspection.

8. There is confusion about the statement "... that St. Aelred's Sarum Episcopal Church is APPARENTLY LIABLE FOR A MONETARY FORFEITURE...".

At the time that we were visited by Mr. J.R. Zoulek of the Cerritos office of the FCC, to be in compliance with the law, we voluntarily took the radio station off the air.

The station has not been turned back on since that date. Arrangements are being made with an engineer to bring the radio station into full compliance, as best as we understand subject to information provided by the FCC. Although Mr. Lyons has been helpful, Mr. Zoulek has been resistant to any requests of help by our church, e.g. confirmation on FAX transmittals, or returning telephone calls after we left a number of phone messages.

9. We believe that holding St. Aelred's Parish accountable for a citation of \$8,000 at this point is outrageous and irresponsible. The proper method would have been to notify us that we needed to adjust our radio station, bring it into compliance by a specified date, or, at that time face imposition of a financial liability.

This Parish cannot afford the expense of this financial liability

A detailed factual statement and all supporting documentation have already been submitted via United States Postal Service to Mr. Lyons of the San Diego office of the FCC, and by telephone facsimile to Mr. Zoulek of the Cerritos office of the FCC.

In point of fact, every item of equipment and supply was donated to the church for the operation of PRIDE Radio due to the fact that the church did not have one red cent to invest. In point of fact, all labor to install the station had to be donated because the church did not have any money to hire engineers. In point of fact, the Parish operates on an annual budget of less than \$25,000 per year and, in 1993, operated at a loss at about \$21,500, needing to borrow \$2,500 merely to pay survival expenses. These figures are public information and readily available.

10. This statement was in fact received by certified mail #P851-755-834.

Your prompt response to this correspondence is expected and appreciated.

Sincerely,



Father J. E. Paul Breton
Rector, St. Aelred's Parish
General Manager, PRIDE Radio

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of)

St. Aelred's Sarum Episcopal Church)
San Bernardino, California)

NAL/Acct. No.: 415LA0017

FORFEITURE ORDER

Released: March 25, 1994

By the Field Operations Bureau:

I. Introduction

1. This is a Notice of Monetary Forfeiture issued pursuant to Section 503(b) of the Communications Act of 1934, as Amended (Act), 47 U.S.C. § 503(b), to St. Aelred's Sarum Episcopal Church (St. Aelred). St. Aelred willfully violated Section 301 of the Act, 47 U.S.C. § 301.
2. The appropriate amount of forfeiture for this violation is \$0.

II. Background

3. On January 7, 1994, agents from the Commission's Los Angeles Office observed, through over-the-air monitoring and direction-finding techniques, that St. Aelred was transmitting a radio signal on the frequency 102.5 MHz at 1580 North D Street, San Bernardino, California. The field strength of the signal was 1.5 millivolts, measured at approximately 480 feet from the antenna.
4. An inspection of the radio station revealed that St. Aelred was using a Rockwell Collins 310Z-2-FM Exciter with a transmitter power output of 5 watts. St. Aelred did not make a license available for inspection.
5. On February 2, 1994, St. Aelred was issued a Notice of Apparent Liability (NAL) which proposed a monetary forfeiture in the amount of \$8,000.
6. St. Aelred replied to the NAL by letter dated February 27, 1994, and requested assistance "in the proper method to appeal this citation and decision." St. Aelred also request "an extension on the stated time limits to pay such and any liens of one year."
7. In addition, St. Aelred asserts the following:
 - a. "we have bent over backwards, with documentation to prove the same, to seek the involvement of the Federal Communications Commission (FCC) prior to broadcast, and requested the direct assistance of the FCC to ascertain that we are in compliance."

b. "The existence of a license-free registration service for Part 15, or low-power broadcast radio stations, would have precluded the need for this conflict. Since this is not the first incident of such a case, the FCC is derelict in public service regarding this issue. (Ref.: William Leigh Dougan [operator unlicensed station KAPW(FM) Phoenix] v. FCC.)"

c. "the FCC should not fine a church, operating under IRS code 501c(3) pertaining to not-for-profit corporations, for any violation until it is clear within the FCC offices what the actual rules are."

d. "We do not agree with the measurement taken at approximately 480 feet from the antenna. According to the literature of the FCC, it appears that the measurement should be taken approximately three (3) meters [about 9-10 feet] from the broadcast antenna."

e. "We do not agree that the transmitter had an output of 5 watts." St. Aelred contends that 5 watts would have enabled the signal to be heard farther than one mile.

f. The FCC was not able to find the church at first approach, and that the transmitter was turned off during the inspection and never turned on since that time. Therefore, St. Aelred claims that the field measurement could never have been performed.

g. "the inspection was improperly conducted and, therefore, we cannot be held liable."

h. "If there was a violation of Section 301 of the Act, the violation was not advertent to St. Aelred's Parish" and, "The violation cannot in any way be construed as willful by St. Aelred's Parish."

i. Other radio stations were used as a model for the design of their station, and that those stations have not been inspected by the FCC. "These stations seem to have been given a discretion that we are not allowed."

j. The violation was a first offense.

k. Documentation was provided to the FCC on the first business day following the date of the inspection.

l. "there is no complaint of harmful interference by any licensed broadcast station or citizen of the community."

m. Since the inspection, "we voluntarily took the station off the air. The station has not been turned back on since that date."

n. "a citation of \$8,000 at this point is outrageous and irresponsible. The proper method would have been to notify us that we needed to adjust our radio station, bring it into compliance by a specified date, or, at that time face imposition of a financial liability."

o. "This Parish cannot afford the expense of this financial liability."

g. We are not aware of any improper procedures committed during the inspection. The preceding paragraphs explained the technical discrepancies alleged by St. Aelred.

h. The term "willful", in this context, means the conscious and deliberate commission or omission of the alleged act or action, irrespective of any intent to violate the Communications Act or Commission Rules. A person or entity merely has to intend to do the act (rather than by accident) that results in a violation. Also, the person or entity does not have to intend to violate an FCC requirement or know that the action is a violation of an FCC requirement. See Section 312(f)(1) of the Communications Act of 1934, 47 U.S.C. Sec. 312(f)(1), and Southern California Broadcasting co., 6 FCC Rcd 4387 (1991). St. Aelred clearly intended to operate the broadcast transmitter.

i. All unauthorized broadcast stations which have been brought to our attention have been investigated. We have not granted immunity to any person or organization.

j. We do not dispute St. Aelred's claim that the violation was a first offense. We have no records before us to indicate prior FCC violations. This fact is a basis for a forfeiture reduction.

k. We acknowledge receiving documentation on January 10, 1994. However, none of the documents provided evidence of an FCC authorization to operate a broadcast station.

l. We do not dispute St. Aelred's claim that "there was no complaint of harmful interference..." However, the issue is not relevant. An FCC authorization to operate the station must be granted before the commencement of any broadcast.

m. Corrective measures taken after a violation has been detected does not warrant a mitigation of the forfeiture.

n. The issuance of the \$8,000 NAL falls within the guidelines of our Policy Statement which states that the base forfeiture for "operation without an instrument of authorization" is \$8,000. Section 1.80(d) of the Rules states that a citation is not necessary "if such person is engaged in (and the violation relates to) activities for which a license, permit, certificate, or other authorization is required". St. Aelred's operation requires an authorization from the FCC.

o. We do not dispute St. Aelred's claim that the Parish is a non-profit organization which operated at a loss in 1993 and cannot afford the expense of the forfeiture. This fact is a basis for a forfeiture reduction.

IV. Conclusions

10. St. Aelred violated Section 301 of the Act.

11. The violation was willful.

III. Discussion

8. Requests for appealing this Forfeiture Order, and all other correspondence should be directed to Chief, Legal Branch, Field Operations Bureau, Mail Stop 1500E3, Attn: NAL/Acct. No. 415LA0017, 1919 M Street, N.W., Washington, D.C. 20554.

9. The following sub-paragraphs a to o, are, in respective order, responses to sub-paragraphs a to o in paragraph 7 (seven).

a. We do not dispute St. Aelred's claim that they corresponded with the FCC's San Diego office prior to the date of the inspection. However, the San Diego office did not grant St. Aelred an authorization to operate under the conditions that were discovered during the inspection. Nevertheless, this fact is a basis for a forfeiture reduction.

b. A license-free and registration-free provision exists under Part 15 of the Commission's Rules (Rules), 47 C.F.R. Part 15. Part 15 sets out the regulations under which an intentional radiator may be operated without an individual license. St. Aelred's operation, however, did not meet the restrictions under Part 15¹.

c. A church operating under IRS code 501c(3) is not exempt from penalties imposed pursuant to Section 503(b) of the Act.

d. Section 15.239(b) of the Rules states that the field strength "shall not exceed 250 microvolts/meter at 3 meters." Since field strength decreases with distance, 3 meters serves only as a reference and not the exact distance from which to make a measurement. It is obvious that a field strength reading which exceeds the limit at 480 feet, will far exceed the limit when taken at 3 meters.

e. We do not contend that 5 watts was delivered to the antenna, but rather, 5 watts was the power output of the transmitter. We are aware that attenuation of the signal is likely, due to filters, attenuators and cable loss which are present between the transmitter and antenna. Furthermore, since Section 15.239 of the Rules does not place a limit on the power output of the transmitter (a limit is placed on the field strength), the actual power measurement is not critical.

f. The field strength measurement was made minutes before the inspection. The direction-finding equipment in the FCC vehicle had no difficulty locating the transmitting antenna. An antenna was easily visible on top of the building. The only uncertainty was determining which room or door would lead to the transmitter.

¹ Section 15.239(b) of the Rules limits the field strength of emissions, in the band 88-108 MHz, to 250 microvolts/meter at 3 meters. St. Aelred's field strength exceeded this limit. Furthermore, St. Aelred was using a transmitter authorized for use only under part 73 of the Rules. Such a transmitter cannot be used for operation under Part 15 of the Rules.

12. In accordance with our 1993 Policy Statement, we are reducing the forfeiture amount downward to \$0 for the following reasons:

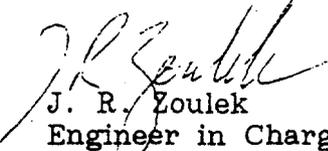
- a. History of overall compliance (no record of prior FCC violations).
- b. Voluntary disclosure.
- c. Inability to pay.

V. Ordering Clauses

13. Accordingly, **IT IS ORDERED**, pursuant to 47 U.S.C. § 503(b), and 47 C.F.R. § 1.80, that St. Aelred's Sarum Episcopal Church **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$0 for operation without an instrument of authorization in violation of Section 301 of the Act. The amount specified was determined after consideration of the factors set forth in Section 503(b) of the Act.

14. **IT IS FURTHER ORDERED** that this notice shall be sent, by certified mail, #P 850 948 256, to St. Aelred's Sarum Episcopal Church, 1580 North D Street, Suite 5, San Bernardino, California 92405.

FEDERAL COMMUNICATIONS COMMISSION


J. R. Zoulek
Engineer in Charge
Los Angeles Office

cc: Sent by regular mail

PO:ps

THE SUN, p. A-1, FRI., MAR. 4

FCC closes three local radio stations, cites licensing problem

■ A gay radio station and two campus stations are silenced in San Bernardino.

By DAVID WAHLBERG
Sun Staff Writer

The Federal Communications Commission has shut down and fined a gay radio station and two college radio stations in San Bernardino for operating without licenses.

Pride Radio, 102.5 FM, was told to go off the air on Feb. 2. The next day, KSSB, 106.3 FM, at California State University, San Bernardino, and KJRP, 96.1 FM, at San Bernardino Valley College were ordered to tune out.

"They were all above the power level allowable without a license," said Jim Zoulek, an FCC engineer.

Harold Hallikainen, an electronics expert in San Luis Obispo, said many unlicensed small stations broadcast without the FCC's knowledge.

"This is happening all over. There are probably several hundred across the country."

The FCC has shut down only three other stations for the same violation in the past five years in the agency's seven-county Southern California region, Zoulek said.

Each of the San Bernardino stations is appealing its \$8,000 fine.

The FCC rule governing small radio station licenses can seem like a Catch-22.

It requires a license for any station with a strength of 250 microvolts per meter at a distance of 3 meters. That's a range of about 200 feet.

But it doesn't allow a station to qualify for a license unless it has 100 watts of power. That's a

COMMUNICATIONS

They were all above the power level allowable without a license.

Jim Zoulek
FCC engineer

range of 5 miles.

The rule is written that way to allow owners of cordless phones, wireless microphones, garage door openers and other small devices to run equipment without having to pay fees, said Dave Wilson, an FCC engineer in Washington.

But it prevents schools, church or other groups from operating unless they go high-tech.

"It makes it difficult for neighborhood radio stations," Hallikainen said.

Pride Radio, KSSB and KJRB were all above 250 microvolts but below 100 watts, Zoulek said.

They can remain off the air, downsize or boost their power and apply for a license, he said.

Pride Radio plans to reduce its power. The two colleges will broadcast through cable and telephone lines to campus buildings.

Thomas Little, director of communications and broadcasting at Valley College, said he was surprised that the FCC would investigate small campus stations.

"We're talking about a tiny, non-profit student operation," he said. "It doesn't quite make sense."

Wilson said the FCC needs to prevent small stations from clogging radio waves. "If you get too many, the signals cross and cause lots of problems."

Hallikainen said neighborhood operators check surrounding frequencies to make sure their station will be heard and won't hurt another.

"They're just filling in the gaps. There is room out there for them."

■ Was station's sexual orientation reason for shutdown? Story/B1

■ 'We'll bounce back,' Cal State station manager says. Story/B1

AH. #7

THE SUN, p. B-1, Fri., MAR. 4



MARK ZALESKI/The Sun

Disc jockey Tim Brown, left, and John Koroulakis, manager of San Bernardino Valley College student radio station KJRP-FM, listen to music for the last time at the station after being shut down by the Federal Communications Commission.

On-air college stations silenced

■ The Federal Communications Commission shuts down and fines FM stations at Cal State and San Bernardino Valley College.

By DAVID WAHLBERG
Sun Staff Writer

A crackdown on small radio stations has forced San Bernardino college campuses to drop some broadcast offerings.

But it hasn't stopped the music.

"It's hurt, but we'll bounce back," said Jonathan Lyons, student manager of KSSB at California State University, San Bernardino.

The Federal Communications Commission shut down and fined FM stations at Cal State and San Bernardino Valley College last month because they had been operating without licenses.

The schools will broadcast radio shows via cable and telephones lines instead of over more wide-ranging transmitters.

That means radio students will still get air time. But they will be heard only in a few buildings.

"We sort of feel like we're talking to no one," Lyons said. "You don't get as much recognition."

But John Koroulakis, student manager of Valley College's station, said announcers are trying

It's hurt, but we'll bounce back.'

Jonathan Lyons
KSSB student manager

to make do.

"It's been business as usual," he said. "The show must go on."

Campus officials said they didn't know they were operating above the power limit for which a license is required.

"We were using our station in good faith as well as we could," said Craig Monroe, Cal State's chairman of communications studies.

"We would never intentionally violate any intensity rule," said Thomas Little, director of communications and broadcasting at Valley College.

Full-fledged licensed FM stations are too expensive, the officials said.

So campus radio in San Bernardino will have to turn down the volume.

But not all has been lost.

"Having an FCC inspector walk into our station was the ultimate learning experience," Little said.

Att. #18

THE SUN, P. B-1, FRI., MAR 4

PRIDE RADIO FALLETH

Station says it cooperated with agency

By DAVID WAHLBERG
Sun Staff Writer

Pride Radio operators told federal authorities in November that they planned to open a station in San Bernardino, noting it would emulate two local college broadcasts.

"We cooperated with them, and they indicated everything was OK," said the Rev. Paul Breton, the FM station's general manager.

But the Federal Communications Commission shut down Pride Radio last month for not having a license after someone sent investigators a story from The Sun announcing the station's debut as a gay and lesbian operation.

The station aired a wide range of music and news and talk shows, some with gay themes.

"I feel it's the issue of sexual orientation," Breton said. "I can't say for certain it's discrimination. But I cannot shake the impression that (FCC inspector Jim Zoulek) has a personal agenda here."

Zoulek denies it. "Discrimination? Definitely not. They're an unlicensed operation. We cite everyone we find if we get the evidence."

Radio stations of similar power at California State University, San Bernardino, and San Bernardino Valley College had been operating for several years, also without licenses.

The FCC didn't shut them down until Pride Radio operators complained of unfair treatment.

"That has the appearance that if he is discriminating, he's just trying to cover his tracks," Breton said.

~~Zoulek denies knowing about the student stations before contacting Pride Radio. "And if we don't know about it, we can't do anything about it."~~

The FCC has closed only three other small, unlicensed stations in the past five years in the seven-county region administered by the FCC office in Cerritos, Zoulek said.

Stations at residences in Venice and Bakersfield were taken off the air in 1991 and 1992, and a Beverly Hills High School station was shut down last year, Zoulek said.

Four inspectors work the seven-county FCC district, which has nearly 300 licensed AM and FM radio stations, said FCC spokesman Mike Ritter.

~~The FCC inspects stations only when it receives complaints, Zoulek said. The agency gets several thousand complaints a year, he said.~~

Breton thinks anti-gay forces sent the article to the FCC to get Pride Radio off the air.

"We were remiss. We were slightly above power," he said. "But the precedents we had to follow were the Cal State and Valley stations."

INLAND EMPIRE

Catharine Hamm | The Sun
Asst. Managing | Section: B
Editor/Metro | Saturday
(909) 386-3874 | March 5, 1994
Fax (909) 885-8741 | ★

News service denies anti-gay claim

By DAVID WAHLBERG
Sun Staff Writer

A Riverside news service owner said Friday that he told federal authorities in December that a gay radio station in San Bernardino was possibly unlicensed because he wanted radio laws to be enforced, not because he is anti-gay.

"They were operating a pirate radio station," said Jim Ness, owner of Inland Empire News

COMMUNICATIONS

Radio. "I encourage them to get their points across, but in a legal way."

The Rev. Paul Breton, general manager of Pride Radio, said he suspects Ness is discriminating against gays and lesbians.

"He could have contacted us first. We would have been very open and honest with him," Breton said. "Because he didn't, I question his motive."

Acting on Ness' complaint, Federal Communications Commission investigators shut down and fined Pride Radio on Feb. 2. The next day, they closed and fined student stations at San Bernardino Valley College and California State University, San Bernardino.

All three stations received fines of \$8,000 for operating above power without licenses. The stations are appealing the fines.

Pride Radio operators re-

ferred to the college stations in a letter sent to the FCC in November about their station's opening. But FCC officials say they had no reason to suspect the student stations were violating radio laws until they inspected Pride Radio.

Ness said he didn't tell the FCC about the college stations because he didn't know about Valley College's station and he thought Cal State's had a license.

"I'm not trying to police radio stations," he said. "I'm concerned that people abide by the rules."

William Grigsby, an FCC engineer, said the agency investigated Pride Radio after Ness sent a story from The Sun about the station's debut and a note asking whether the station had a license.

Grigsby said nobody contacted the FCC asking whether the college stations were legal.

"If we have information that leads us to believe that a station is operating unlawfully, we'll investigate," Grigsby said.

Breton pointed out that an ar-

ticle about the Cal State station appeared in The Sun in 1991. "The Cal State station was public knowledge for three years," Breton said.

Ness also notified the FCC in 1990 about a small unlicensed radio station in Moreno Valley, which the FCC shut down.

FCC officials said they have closed only three other small unlicensed stations in the past five years in the seven-county region administered by the agency's office in Cerritos.

OPINION

Editorial Department (909) 386-3844
Fax (909) 885-8741
The Sun Page A7
Monday
March 14, 1994

VIEWS ON THE NEWS

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EDITORIALS

Pride Radio not a victim of bias

■ Although area's only gay radio station was shut down by the FCC, it's primarily a case of operating without a license.

Three local radio stations have been shut down by the FCC in the past month. One of them is a gay radio station.

But before cries of anti-gay discrimination are aired too loudly, it would be prudent to realize it's fundamentally a case of operating without a license.

Acting on complaints from a broadcast news service in Riverside, the FCC cited Pride Radio (102.5 FM) for operating above the power level allowable without a license. It was ordered to go off the air Feb. 2. The next day, two college radio stations — KSSB-FM (106.3) at Cal State San Bernardino and KJRP-FM (96.1) at San Bernardino Valley College — were also ordered to quit the airwaves. All have been fined \$8,000.

Their options: stay off the air, decrease their wattage or increase it and apply for a license. A station cannot qualify for a license unless it has at least 100 watts of power, a range of five miles. Pride is going to decrease its wattage, and the two college stations are going to transmit programming over cable and telephone lines to campus buildings only.

While Pride Radio general manager the Rev. Paul Breton claims pulling the plug is a matter of the station's sexual orientation, FCC inspector Jim Zoulek denies it. He maintains the FCC only investigates stations when it gets complaints.

The motives of those who complained can always be debated, but in the end, those who flout rules leave themselves assailable, regardless of the motivation of their critics.

It's a pity that these smaller, diversified stations won't receive the airplay they once did, but the regulations they ran afoul of are part of the legitimate methods the FCC is entitled to use to keep the radio waves unclogged by pirate stations.

VOICE OF THE PEOPLE

Defends station

MARCH 8

Jim Ness, owner of Inland Empire News Radio, states that St. Aelred's Parish was "operating a pirate radio station" with Pride Radio. He should get his facts straight. At no time has St. Aelred's Parish ever attempted overtly or covertly to operate a "pirate radio station."

Jim Ness did not send a complaint to the Federal Communications Commission. He sent a photocopy of the article that appeared in The Sun and a note. That is not a complaint.

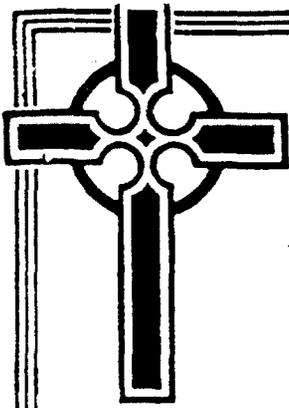
Pride Radio was not shut down Feb. 2. To comply with Section 47, Part 15 of the FCC Code, St. Aelred's Parish did contact the FCC before public broadcasting. We were referred to the San Diego office of the FCC and cooperated fully with them. After the article appeared, Jim Zoulek of the FCC Cerritos office inspected our station. The transmitter was turned off Jan. 7. A notice of apparent liability with a recommended fine was issued Feb. 2.

When we first contacted the FCC in November 1993, we sent all documentation pertinent to Pride Radio (102.5 FM). We did not refer to the existing stations at Cal State San Bernardino and at San Bernardino Valley College. Both stations operated publicly and openly. When the station at Cal State first opened, newspaper articles appeared in the Coyote Chronicle and The Sun. The FCC had access to this information long before Pride Radio contacted the FCC.

St. Aelred's Parish is profoundly concerned about issues of honesty and justice. To that end, the parish bends

over backward to try to abide by all federal, state, county and municipal laws, statutes and codes. We agree with Ness that "people abide by the rules."

J.E. PAUL BRETON
Rector, St. Aelred's Parish
San Bernardino



ST. AELRED'S PARISH Sarum Episcopal Church

1580 North D Street, Suite 5
San Bernardino, CA 92405

909 - 384 - 1940

March 4, 1994

Voice of the People
The Sun
399 North "D" Street
San Bernardino, California 92401

RE: **FCC Closes Three Local Radio Stations, Cites Licensing Problems**, p. A-1,
Friday, March 4, 1994
Pride Radio Falleth: Station Says It Cooperated with Agency, p. B-1, March
4, 1994
On-Air College Stations Silenced, p. B-1, March 4, 1994

We appreciate the reports by David Wahlberg on the three connected stories on "Part 15" radio stations in San Bernardino. There are points of necessary clarification.

The owners and operators of KSSB and KJRP are identified as California State University at San Bernardino (CSU-SB) and San Bernardino Valley College (SBVC). PRIDE Radio is owned and operated exclusively by St. Aelred's Parish of the Sarum Episcopal Church. The Sarum Episcopal Church is a self-governing Catholic body whose primary ministry is the affirmation and support of the homosexual and persons whose lives are affected by HIV infection. It is also noted that each of the campus radio stations has a staff. St. Aelred's Parish has a staff of 23 committed and enthusiastic people who make their time and talents available for the operation of PRIDE Radio.

"Pride Radio, 102.5 FM, was told to go off the air on Feb. 2. The next day, KSSB, 106.3 FM at CSU-SB, and KJRP, 96.1 FM at SBVC, were ordered to tune out." This is not true. Jim Zoulek of the FCC's Cerritos office inspected PRIDE Radio on January 7, when he literally "pulled the plug" on the PRIDE Radio transmitter. About January 21, the Operations Manager of PRIDE Radio phoned KSSB and advised them

of the inspection. If KSSB and KJRP were inspected, it was after January 21, or nearing three weeks after PRIDE Radio was inspected. Notices of Apparent Liability were issued to St. Aelred's Parish on February 2 and, apparently, to SBVC and CSU on February 3.

Section 47, Part 15 of the FCC Code specifies that a field intensity reading should be taken at three (3) meters from the broadcast antenna (9-10 feet from the antenna). Section 47, Part 15 does not address how far the signal may be carried. Mr. Zouiek did not conduct this reading at PRIDE Radio.

PRIDE Radio contacted the FCC previous to broadcast. The FCC referred us to an agent in San Diego. He accepted our documentation and sent materials from the FCC. Because of this action BEFORE THE FACT, we had no reason to believe that we were in violation of FCC code. Section 47, Part 15 of the Code specifies that this type of station does not require a license or permit. Had we intended to violate the FCC Code, we would not have allowed a story to appear in *The Sun* about PRIDE Radio.

It is stated that "*The FCC didn't shut them down until Pride Radio operators complained of unfair treatment.*" This is an outright lie. No authority of St. Aelred's Parish or PRIDE Radio has ever at any time directly or indirectly, formally or informally, in writing or orally conferred any sense of complaint about the "Part 15" stations on the local campuses, especially in the context of unfair treatment. Each of the campus stations had been operating for several years. The station at CSU was clear and certain public knowledge long before PRIDE Radio came about. A newspaper article had appeared in the *Coyote Chronicle*, the campus newspaper, and *The Sun* nearly three years ago. Since both stations were public knowledge for nearly three years before Zouiek visited PRIDE Radio, the FCC cannot possibly use the excuse that it was not aware of the other stations. Since both were public information, upon confrontation by Zouiek, we simply confirmed the fact that the other stations existed. We have never, do not now and will never complain of unfair treatment in the context of the existence of KSSB and KJRP.

We do have reason to believe that the inspection was discriminatory because we are honest and open about the fact that we affirm the homosexual. We view the inspection and subsequent Notice of Apparent Liability as a possible act of discrimination on the issue of sexual orientation or religion or both.

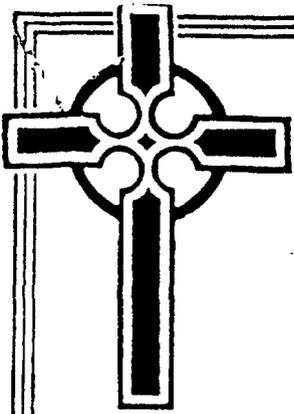
It is also stated that the FCC inspects stations only when it receives complaints, according to Zouiek. No complaint has ever been issued to the FCC on the question of PRIDE Radio. To the best of our knowledge, no complaint has ever been issued on the question of KSSB or KJRP.

St. Aelred's Parish is taking every step necessary to bring PRIDE Radio into full compliance. Upon completion of these steps, and once it is determined that PRIDE Radio is fully in compliance, we will have the station back on the air fully in accord with Section 47, Part 15 of the FCC Code.

The need for an affirming voice for the Gay and Lesbian population on public broadcast media is still very much in need and will remain so for a long time. We intend to utilize those facilities permitted by law to do our part in making that voice heard. For San Bernardino, it is sad to note that President Clinton is authorizing the distribution of grant money for the Police Department because this city ranks as first in crime in the State of California. Changing that direction begins best on the neighborhood level. A local, neighborhood-centered radio station can play a critically important role in changing that direction. San Bernardino should be a safe and pleasant city for all its residents.

Sincerely,

Father J. E. Paul Breton
Rector, St. Aelred's Parish
General Manager, PRIDE Radio



regpb

ST. AELRED'S PARISH
Sarum Episcopal Church

1580 North D Street, Suite 5
San Bernardino, CA 92405

909 - 384 - 1940

March 5, 1994

Voice of the People
The Sun
399 North "D" Street
San Bernardino, California 92401

RE: News Service Denies Anti-Gay Claim, p. B-1, March 5, 1994

Jim Ness, owner of Inland Empire News Radio, states that St. Aelred's Parish was "operating a pirate radio station." If he is concerned about the accuracy of news, he should get his facts straight. At no time has St. Aelred's Parish ever attempted overtly or covertly to operate a "pirate radio station". The charge for operating PRIDE Radio is in the FCC Code, Section 47, Part 15.

Jim Ness did not send a complaint to the FCC. He sent a photocopy of the article which appeared in *The Sun* and a note. That is not a complaint.

PRIDE Radio was NOT shut down on February 2. To comply with Section 47, Part 15 of the FCC Code, St. Aelred's Parish did in fact contact the FCC before public broadcasting. We were referred to the San Diego office of the FCC and cooperated fully with that office. After the article appeared, Mr. Jim Zoulek of the Cerritos office of the FCC inspected our station. The transmitter was in fact turned off on January 7, 1994. A Notice of Apparent Liability with a recommended fine was issued on February 2.

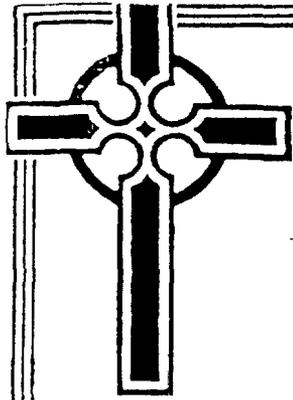
When we first contacted the FCC in November, 1993, we sent all documentation pertinent to PRIDE Radio at 102.5 FM. We did not refer to the existing stations at CSU and at SBVC. Both stations operated publicly and openly. When the station at CSU first

opened, a newspaper article appeared in the *Coyote Chronicle* and in *The Sun*. Because this information was in the public domain, the FCC had access to it long before PRIDE Radio contacted the FCC.

St. Aelred's Parish is profoundly concerned about issues of honesty and justice in all facets. To that end, the Parish bends over backward to try to abide by all Federal, State, County and Municipal laws, statutes and codes. We do agree with Jim Ness that "people abide by the rules."

Sincerely,

Father J. E. Paul Breton
Rector, St. Aelred's Parish
General Manager, PRIDE Radio



ST. AELRED'S PARISH Sarum Episcopal Church

1580 North D Street, Suite 5
San Bernardino, CA 92405

909 - 384 - 1940

March 7, 1994

Dr. Stuart Bundy, Chancellor
San Bernardino Valley College
701 South Mount Vernon Avenue
San Bernardino, California 92410

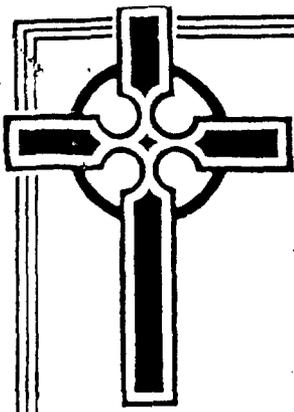
Dear Dr. Bundy:

As General Manager of PRIDE Radio at 102.5 FM, I am concerned about the newspaper articles which appeared in *The Sun* on March 3 and March 4.

PRIDE Radio is a service of St. Aelred's Parish to the community. Contrary to the implications of the articles in the newspaper, no officer of St. Aelred's Parish or PRIDE Radio has ever at any time given any impression of wrongdoing by KJRP-FM. PRIDE Radio made every attempt to operate within the constraints of Section 47, Part 15 of the FCC code, just as KJRP-FM has done. KJRP-FM has provided an extremely valuable service to the campus community at San Bernardino Valley College. We hope that KJRP-FM will continue to provide that valuable service.

Sincerely,

Father J.E. Paul Breton
Rector, St. Aelred's Parish
General Manager, PRIDE Radio at 102.5 FM



ST. AELRED'S PARISH

Sarum Episcopal Church

1580 North D Street, Suite 5
San Bernardino, CA 92405

909 - 384 - 1940

March 7, 1994

Mr. Craig Monroe, Chair
Communications Studies
California State University
at San Bernardino
5500 University Parkway
San Bernardino, California 92407

Dear Mr. Monroe:

Please convey to your staff at KSSB-FM our solidarity in concern regarding the current situation of our respective radio stations.

Regardless of the implications of the newspaper articles in *The Sun* on March 3 and March 4, PRIDE Radio at 102.5 FM has never at any time expressed any opinion, thought or concern to anyone about the operation of KSSB-FM. Furthermore, no officer of PRIDE Radio or of St. Aelred's Parish, which owns and operates PRIDE Radio, has ever even implied to the FCC or to anyone else that there has been any type of unfair treatment before, at the time of or after the inspections and the issuance of the Notices of Apparent Liability.

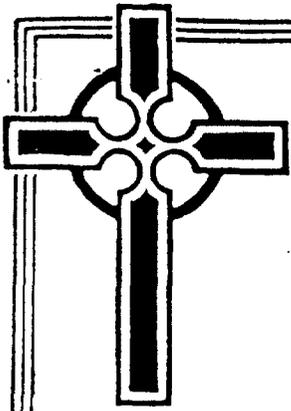
KSSB-FM has been a valuable service to the campus community at California Stat University. It is our hope that KSSB-FM will continue to be that valuable service.

Finally, if there is any way in which we may be of help, we would be most happy to cooperate with you in sharing any and all information which we possess and letting you know of the steps which we are taking. The headline read: "PRIDE Radio Falleth". The truth is, "PRIDE Radio Overcometh".

In closing, we wish you the greatest success with your radio station in the future.

Sincerely,

Father J.E. Paul Breton
Rector, St. Aelred's Parish
General Manager, PRIDE Radio at 102.5 FM



ST. AELRED'S PARISH
Sarum Episcopal Church

1580 North D Street, Suite 5
San Bernardino, CA 92405

909 - 384 - 1940

March 7, 1994

Mr. Thomas Little
Director of Communications
and Broadcasting
San Bernardino Valley College
701 South Mount Vernon Avenue
San Bernardino, California 92410

Dear Mr. Little:

Please convey to your staff at KSSB-FM our solidarity in concern regarding the current situation of our respective radio stations.

Regardless of the implications of the newspaper articles in *The Sun* on March 3 and March 4, PRIDE Radio at 102.5 FM has never at any time expressed any opinion, thought or concern to anyone about the operation of KSSB-FM. Furthermore, no officer of PRIDE Radio or of St. Aelred's Parish, which owns and operates PRIDE Radio, has ever even implied to the FCC or to anyone else that there has been any type of unfair treatment before, at the time of or after the inspections and the issuance of the Notices of Apparent Liability.

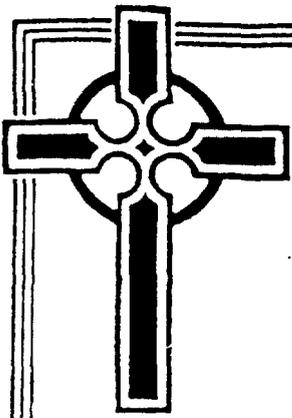
KSSB-FM has been a valuable service to the campus community at California Stat University. It is our hope that KSSB-FM will continue to be that valuable service.

Finally, if there is any way in which we may be of help, we would be most happy to cooperate with you in sharing any and all information which we possess and letting you know of the steps which we are taking. The headline read: "PRIDE Radio Falleth". The truth is, "PRIDE Radio Overcometh".

In closing, we wish you the greatest success with your radio station in the future.

Sincerely,

Father J.E. Paul Breton
Rector, St. Aelred's Parish
General Manager, PRIDE Radio at 102.5 FM



ST. AELRED'S PARISH
Sarum Episcopal Church

1580 North D Street, Suite 5
San Bernardino, CA 92405

909 - 384 - 1940

March 7, 1994

Dr. Anthony H. Evans, President
California State University
at San Bernardino
5500 University Parkway
San Bernardino, California 92407

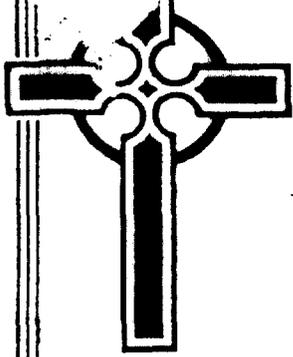
Dear Dr. Evans:

As General Manager of PRIDE Radio at 102.5 FM, I am concerned about the newspaper articles which appeared in *The Sun* on March 3 and March 4.

PRIDE Radio is a service of St. Aelred's Parish to the community. Contrary to the implications of the articles in the newspaper, no officer of St. Aelred's Parish or PRIDE Radio has ever at any time given any impression of wrongdoing by KSSB-FM. PRIDE Radio made every attempt to operate within the constraints of Section 47, Part 15 of the FCC code, just as KSSB-FM has done. KSSB-FM has provided an extremely valuable service to the campus community at California State University. We hope that KSSB-FM will continue to provide that valuable service.

Sincerely,

Father J.E. Paul Breton
Rector, St. Aelred's Parish
General Manager, PRIDE Radio at 102.5 FM



ST. AELRED'S PARISH

Sarum Episcopal Church

1580 North D Street, Suite 5
San Bernardino, CA 92405

909 - 384 - 1940

March 8, 1994

Editor
Coyote Chronicle
Student Services
California State University
at San Bernardino
5500 University Parkway
San Bernardino, California 92407

AN OPEN LETTER TO THE FACULTY, STAFF AND STUDENT BODY

Dear Friends:

A recent series of articles in *The Sun* about KJRP-FM and KSSB-FM have raised concern on the campuses of San Bernardino Valley College and California State University at San Bernardino. Unfortunately, both of these stations have been turned off and have received Notices of Apparent Liability from the Federal Communications Commission.

The articles in *The Sun* have presented misinformation and, we believe, deception which implies that PRIDE Radio at 102.5 FM is the cause for the inspection of both campus stations and the resulting NAL's. These articles also indicate that PRIDE Radio filed complaint with the FCC against the campus radio stations on the pretext of discrimination on the basis of sexual orientation.

St. Aelred's Parish of the Sarum Episcopal Church is the sole owner and operator of PRIDE Radio at 102.5 FM. We categorically state that no officer of St. Aelred's Parish or of PRIDE Radio has ever at any time, directly or indirectly, formally or informally, in writing or orally stated or implied complaint or dissatisfaction with either campus station, particularly on the issue of discrimination. To the contrary, we have held KJRP-FM and KSSB-FM in high esteem, with the sincere hope and prayer that each station would continue to serve its respective community for many years to come. The clergy and mem-