

WORKING TO IMPROVE THE TOTAL COMMUNITY

FRIENDSHIP HOUSE OF WESTERN NEW YORK, INC.

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September 27, 1995

Secretary
FCC
1919 M Street N.W.
Washington, D.C. 20554

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Dear Sirs:

On behalf of the Friendship House of W.N.Y. and the low power television station we manage (W58AV, serving Buffalo, N.Y. and surrounding areas); we are forced to comment on pending rule changes actively being pursued by the FCC; specifically the Fourth Further Note of Proposed Rule making and Third Note of Inquiry (MM Docket No. 87 268). It is evident that the contents and implications of these proposed rule makings will have disastrous and devastating impacts upon the future of the LPTV industry.

Through review of the documents and our understanding of them; LPTV, once again, remains unacknowledged, if not dismissed, as a vital and viable broadcasting service. Indeed, one is almost tempted to infer that this inherent entrepreneurial vitality has far exceeded FCC expectation and presents issues and dilemmas largely unanticipated and unwanted. How else to explain, despite F.C.C. claims of the importance of ownership, programming and information diversity, the indifference, if not hostility, LPTV has encountered in the past and, sadly, now in the present?

There are too many outstanding and unresolved questions, concerning: HDTV, conversions to digital technologies, allocations of (or even eligibility for) frequencies, repacking spectrums, potential auctions of "available" space; ever to feel comfortable with the security of our investments or in the employment, service and local focus we provide. To be regulated out of existence flies in the face of our work, our expense, our energy and the principles of free enterprise.

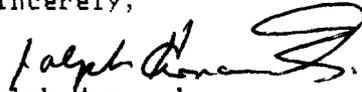
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Over the air broadcasting, despite newer modes of delivery; direct satellite, cable, wireless cable, telephone; remains the single most important vehicle and perhaps the most valuable (recent mergers are proof enough!). And despite this proliferation of choice, fully 40% of American households rely exclusively on "free" TV. That's a large constituency and one from which LPTV, both draws from and serves; with programs reflective of local markets and populations; ethnic minorities, the elderly, younger adults, women. Mass communications, networks don't and can't afford to do so; and the explosion of cable channels: Travel, Shopping, Cooking, Exercise, Weather, Military, Sci fi; are too confined by definition and must again appeal to national audiences for support. While the meaning and nature of "community" receives comment from all sides of the political spectrum, it is ironic that the one medium that attempts to respond, LPTV, is regarded as inconsequential.

Its bad enough as well that in most places, LPTV isn't afforded rights of cable carriage either; being deemed secondary to consumer needs for Travel, Shopping, Exercise, Weather, Cooking, Science Fiction, Golf, Fishing, or whatever. We receive too many complaints from citizens who can't get the programs we offer; a series of specials on Latinos, movies on the African American experience, classic films and westerns, storytelling for children, even such mainstream fare as "Soul Train" or "Showtime at the Apollo" (unavailable in this area); and must either do without or dedicate one television receiver as cable free. It's a situation no doubt repeated throughout the country. Forty percent of Americans (or more) hardly constitute a marginal group and LPTVs have a significant place and make a significant difference.

These Rules apparently offer no protections at all for operators and absolutely ignore not only our contributions but public interest as well. It is a state of affairs unworthy and undeserved.

Sincerely,


Ralph Hernandez
President and CEO
General Manager, W58AV

cc: Hon. P. Moynihan
Hon. A. D'Amato
Hon. J. LaFalce
Hon. WM. Paxton
Hon. J. Quinn
K. Larson