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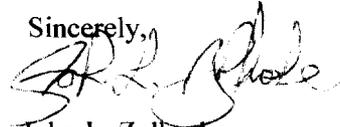
April 16, 1998

Office of the Secretary
Federal Communications Commission
1919 M Street N.W.
Washington, DC 20554

In Re: **Petition for Rule-Making #RM 9242**

I, John L. Zolkoske, representing Cascade Range Radio Corporation respectfully submits an opinion regarding the above mentioned petition. Please find enclosed an original and nine copies of the submitted comments.

Sincerely,



John L. Zolkoske
President
Cascade Range Radio Corporation
(503)-769-2886

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**BEFORE THE
Federal Communications Commission
Washington, D.C. 20554**

APR 16 1998
FCC

**In the Matter of
Proposal for creation of the Low Power FM
(LPFM) Broadcast Service
FCC RM-9242**

**From: John L. Zolkoske
Cascade Range Radio Corporation
P.O. Box 695
Stayton, OR 97383**

**To: Secretary, FCC
Room 222
1919 M Street N.W.
Washington, D.C. 20554**

Date: April 16, 1998

**OPINION IN FAVOR OF PETITION
FOR RULE-MAKING #9242**

This correspondence concerns RM-9242 a petition to establish low-power AM and FM service. I wish to go on record enthusiastically supporting the establishment of such service. I have experienced substantial frustration with the current system of licensing broadcast facilities, and believe it to be bias against smaller independent entities wishing to initiate broadcasting service. This has especially become more true in the light of broadcast deregulation and the subsequent

consolidation trends. I believe the current system does not accomplish the mission of the Federal Communications Commission to encourage competition in the marketplace. To solidify my assertion, I will provide various examples of my personal experiences with the current system.

First, I wish to state that I have hoped to operate a broadcast facility since I was a child. This is a life-long pursuit. Just out of high school, I went to work for a local AM operation. I worked for this operation to put myself through college and gain knowledge of the industry. I studied communications and management in college and obtained a bachelor's degree in 1992. In 1992 I returned to the small AM station and worked closely with the owner, who said that one-day I might become a partner. I worked for the station at low wages, doing sales, production, engineering, and traffic. I worked hard to help make the marginal station succeed.

Over the next three years, I saved as much money as I could, hoping to buy into the station. The station owner unfortunately passed away and his son took over the operation. The station remained a marginal commercial success, and we began talking about me purchasing the station. Unfortunately, the terms the owner demanded, plus the previously existing debt of the station made the debt practically unserviceable. I tried to negotiate a more realistic deal, knowing that the income potential of the station would make re-paying the monthly debt nearly impossible. In the end, the owner ended up selling the station to an existing broadcast operator in another community. This operator had the benefit of running a successful station in a larger market and could dump money into the station. The new operator ended up consolidating the studios to an existing facility over 30 miles away, thus lessening the amount of operating cost. This was an option I did not have as an

independent operator. The decision to move our station out of the community was financially sound for the winning bidder for the station, but now our community again has no local broadcast service. It remains very upsetting to me that what I helped worked so hard to build - a resource for our community - is now a satellite operation from a distant community. I believe the false scarcity of broadcast signals created by the existing licensing system (that which licenses higher power operations only) leads to this loss of service to the public. I believe this system is in place only to benefit the financial status of existing broadcasters, creating artificially high prices for broadcast licenses.

May I also state that the artificially high prices being paid for broadcast facilities is also leading to out-of-line advertising prices for local merchants. A station with a high debt load must charge high spot rates to service this debt. Thus, it is forced to look to advertisers that can pay high rates - often the regional or national chain stores. Most often, the small independent business owners in a community cannot afford these rates. Thus, a low-power community based station can provide an affordable outlet for information about the products and services of all businesses in a community - including minority and other small business owners.

I left my job with the AM station after it was determined that the studio would be relocated away from our town. Over the next several months, I tried to find a way to establish another broadcast service in the community. There are no available commercial FM frequencies in my area, even though it is not in a large market (though about 60 miles from two larger markets which has depleted available frequencies). I was told by an engineer that I could build another AM station. However,

this seemed unlikely given the 250 watt nighttime requirement. Regardless, I thought I might try it anyway. Unfortunately, no one in the area wanted one or more 150 foot AM radio towers on their land - unless I was prepared to pay an astronomical lease fee. Also, zoning restrictions and potential protests by neighbors, along with the associated legal fees, not to mention huge engineering costs, makes the siting of such a facility an impossibility for a small-business person.

By early 1996, I (operating under my corporate structure - Cascade Range Radio Corporation) had decided that I could settle for operating an FM translator. I paid an engineer to put together an application and received permission by an originating station to re-broadcast their signal. My plan was to originate the permissible 30 seconds each hour of announcements. I thought this was going to work out, since my application met all interference requirements. Unfortunately, after my application was placed on the cut-off list, a major corporate entity began broadcasting announcements stating that my signal would degrade the reception of their signal in the local area (see file no. BPFT-960624TB). I believed these assertions to be grossly inaccurate, as my signal was 400 kHz separated from theirs and geographic distance and local topography did not make this possible. But, it was their word against mine (they are certainly fortunate to have a 100,000 watt media outlet to get their point across - while I have no such means of counteracting their assertions). They had a team engineers and attorneys on their side to get their point across. The FCC dismissed my application (see attached letter dated February 28, 1997 - Signed By Daniel LaFontaine for Dennis Williams, Assistant Chief, Audio Services Division) because a few people had written letters saying they didn't want their reception of KGON-FM degraded. I believe this example fully demonstrates that the small business person has little chance against the corporate monolith, even

when the most benign application is submitted before the FCC.

I was told by FCC staff member, Don LaFontaine that I could submit a petition for reconsideration, but it wouldn't change their opinion of the situation. It was recommended that I try to apply on another frequency. This is what I did. However, after waiting another six months, I was then contacted that a petition to deny had been filed against my application (see FCC File No. BPHF-970317TE). It turned out that the same company, ECI License Co., operated a lower powered station (KNRK-FM Class C-3) adjacent to the frequency I was seeking. This station is so far distant and low powered, that I can't even receive it in this area. However, ECI had used the same tactics as before and people had written letters stating they listened in our area - and I expected that my application would again be dismissed. I cannot afford to keep paying for engineering and filing fees, when the expected result is to have large corporate entities use the power of their existing broadcast facilities to stop my modest plans. I was also concerned about remarks made by some writers of letters of protest. For some reason, these people seemed to vilify me. One writer said he would kill anyone that took away his KNRK (he said he was kidding, but I take such threats seriously). Keeping this in mind, I decided not to proceed with the application.

Next, I noticed that an existing Portland station had switched frequencies, which opened up an FM channel. I amended my application to go to the new frequency (see FCC File No. 970908TA). My application is still pending. I fully expect protests by large corporate license holders on nearby frequencies. It is probably all to no avail anyway, as there is a petition to amend the table of allotments to add a full-power station on the same frequency as my translator application to Dallas,

OR. I looked at adding the same channel to my community, but it did not meet minimum distance requirements for a class A signal. I have an interest in applying for the frequency in Dallas, but so do a lot of other people. I doubt I have the funding to win the license at auction (as this is what I hear the FCC will start doing with new competing applications). I may try to compete for the Dallas, OR license, but seriously doubt my ability to out-bid larger corporate interests.

Therefore, without the establishment of Low Power FM broadcasting, I see little prospect for people such as myself. I do have funding to build a broadcast facility for the betterment of my community, but not excess funding to throw away on 'blue sky' dreams, or to line the pockets of someone who was lucky enough to get a license years ago. I have the skills to operate a broadcast station, but have been relegated to existing in a job (computer operator) that requires none of the skills I so diligently developed over the years. I do design and sell broadcast automation software to mostly small-market radio stations, but this counts as only a minor secondary income, and is more designed to keep my connection to the broadcast industry active. My intention is not to get rich running a broadcast facility, I simply wish to practice my trade - and hopefully make enough of a living in the process.

I hope the FCC will find a way for people like myself to practice a profession we love. I see low-power broadcasting as a way to accomplish this. Too many of us have been taken advantage of by operators who use our skills and then sell out to some entity with more money than good sense. If you do not make some provision for small business people to get into broadcasting, I doubt I will ever work directly in the broadcast industry again.

I also wish to state that I have tried alternative outlets that do not require an FCC license. I tried part 15 un-licensed broadcasting on AM and FM. This cannot provide sufficient coverage for even the smallest of communities. My experiments have not achieved signal coverage beyond two or three hundred feet. I tried carrier current AM, which could not be heard even four blocks from my transmitter. I contacted the local cable company to try to establish a cable FM station. They were simply not interested, stating that if they let me broadcast on their cable system, they would have to let everyone else do it.

Low-power broadcasters can be a tremendous asset to a community. I would love to be able to broadcast local information and be a resource for the community. In the big-money, bottom-line world of modern broadcasting, this is almost a thing of the past. I understand this necessity, as over-inflated prices for broadcast facilities and high overhead force many stations to 'cut corners' when it comes to public service. This is why low-power broadcasting would be such a benefit. Qualified entities could initiate broadcasting at very low start-up cost. These people can concentrate on providing a quality product, not worrying about how to pay the huge debt. Lower powered entities can also concentrate on a specific area, not on the huge 'generic' territories now. May I reiterate, that the FCC does not exist to protect the financial bottom-line of existing broadcasters, but to serve the American people.

Technically, I support the proposal of RM-9242. The permissible power levels should be sufficient that the operator of the low-power FM station can become economically viable. Also, I cannot stress enough the need for protection for existing or proposed low-power station against complaints such

as informal objections or petitions to deny by existing broadcast license holders. I believe the existing broadcast licensee should be required to prove that a proposed low-power operation will cause substantial harm to a meaningful portion of a complainants signal - certainly not a few square miles of a distant fringe area. I found with my translator applications that it is easy for an existing broadcaster to get whatever they want just by making a little noise. The small business person has virtually no chance of counteracting the efforts of multi-million or multi-billion dollar corporate entities. Finally, I also believe the applicant should be subject to all current broadcast programming and technical requirements, including EAS compliance and minimum operating schedules

In closing, I simply wish to state that it is time for the FCC to do the right thing. Broadcast deregulation has been devastating to smaller independent operators and those hoping to build or purchase an existing station. It has done nothing but concentrate this resource into even fewer hands. I believe the FCC owes it to the American people to right this wrong. Protectionism for the status-quo is not what America is about. In fact, if the existing broadcast operators are so concerned about competition from Low Power FM, perhaps this shows that they know they are doing an inadequate job of serving the public and fear an infusion of unique broadcast offerings.

I don't think we can turn back the hands of time when it comes to deregulation, but we can allow a new outlet for the smaller business person. I am only one small entity, but I am sure my predicament has been repeated all over the country. Please stop the continuing degeneration and destruction of the hopes and dreams of honest people (people like me that don't ever want to become Pirate broadcasters because we believe in following the laws of our nation). I can only believe you will do

the right thing and no-longer let the corporate giants dictate to you what they want.

I will be pleased to discuss this matter with anyone in your branch. I will also be willing to come to Washington, D.C. to testify in this matter if you may require further details.

Sincerely,



John L. Zolkoske

President

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