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RECEIVED MAR 27 1998 FCC MAIL ROOM

COMMENTS ON RM-9242, MICROPOWER FM BROADCASTING
Filed by WATD-FM Corporately and
Edward F. Perry Jr. Personally

1. THE PROBLEM

Communications is a wonderful business. Broadcasting in particular offers the lure of fun, fame, fortune and the opportunity to make a positive difference in lives and communities. Broadcasting is possibly the only business where people stand in line to work for free. Volunteers wait their turns to produce or star in cable access television shows. Interns compete for slots at metropolitan radio stations. Unfortunately, the good jobs in this business are very difficult to get. And the prospect of ownership, a real option when I was growing up, is, for all practical purposes, gone. But the dreams and drive which, for nearly a century now, have turned people toward broadcasting as a career, sometimes even a life's work, haven't disappeared. So we shouldn't be surprised to find pirates on the dial. Nor should we be too quick to dismiss petitions to government seeking to change an access structure which is, quite probably, unfair. The problem, of course, is adjusting the system to include a new kind of station without devastating, either technically or economically, the people who are already there. It may be an impossible task.

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2. THE RISKS IN SOLVING THE PROBLEM POORLY

Radio is two businesses, not one. There are the ratings driven metropolitan stations. And then there are the rest of us. In the cities, where spectrum space is scarce but ratings determine revenue, new low power facilities may have a technical impact but probably won't matter much economically. Conversely, in the suburbs or countryside the technical impact may be minimal. But the economic consequences for existing broadcasters, especially small family owned stations like WATD, could be disasterous.

Our station survives in the Boston umbrella only by serving and selling a group of small towns which collectively provide the revenues we need to meet payroll. But there's a clear quid pro quo here. Serve the people, sell the time. Forget the people and you lose the audience to Boston. Lose the audience and you won't sell time for long.

If the Commission injects commercial minipower or even micropower FM radio into this equation, someone will build one, or possibly two, new facilities in every town we serve. Each new station will divert a small part of our audience and a part of our revenue stream. Collectively the impact could put WATD out of business or at least make it very difficult to continue with our present level of local news and community service.

WATD is not a weak station. We own our tower site and building and recently received the 1998 Radio Television News

Directors Association Overall News Excellence award for the entire New England Region. We are fortunate to have at least a reasonable sense of financial security. Many other suburban stations aren't this lucky. Injecting multiple ministations into their markets will almost certainly ruin them.

A great many small markets are already overpopulated with radio outlets especially after the Docket 80-90 drop-ins. If radio stations were deer, the government would be hiring hunters to thin them out so some would survive, not trying to add to the herd. Before you even consider creating hundreds of little commercial stations to compete in markets where advertising revenues are already hard to come by, please, come and spend a week with us at WATD. Walk the streets with our salespeople and scour the town halls with our news director. Come and see what it's really like trying to make ends meet while doing a decent job with public service and news.

3. ONE POSSIBLE SOLUTION

Nothing the Commission can do in this case will make everyone happy. I hope the Commission will not open a new FM service. But if you must, perhaps there is a reasonable middle ground which can achieve many of the proponents' objectives and still protect the technical and economic structure of the commercial FM broadcasting industry.

a. Keep Any New FM Service Non-Commercial. If a community need exists for local service, fill that need with a broadcaster in it for the town, not the money. The benefits are obvious. Existing stations aren't apt to lose traditional revenue to small public stations and may even treat them as partners. This already happens in large markets. The non-commercial designation will discourage speculation in the new service and, by limiting the value of the properties, licenses may change hands fewer times. Proprietors of new non-commercial stations may not achieve magnificent capital gains. But there is the prospect of a decent salary from grants and underwriting. And an opportunity to make a real community contribution by running the station.

b. Require Every Applicant to Demonstrate a Community or Educational Purpose. Make licenses available only to local governments for school and community purposes, to acredited colleges or secondary schools, or to non-profit entities with a broad-based board of directors reflecting component groups in the community the applicant proposes to serve.

c. Mandate Local Programming. Proponents of the new service cite a need for local community programming. Make sure any new service fullfills that goal. Prohibit satellite programming, rebroadcasts of other stations, and unattended automated operation. If the Commission determines new low

power stations are warranted, put every applicant on notice at the outset what's expected in terms of real local service and enforce those expectations.

d. Require Time Sharing. Give every new licensee a year to get up to speed then allow other applicants to share time. If a station isn't using its facilities 24 four hours daily every day of the year, mandate time share agreements. Even low power frequencies will be scarce. It's folly to allow them to lie fallow because a license isn't being used to its full potential. Subject existing non-commercial stations to the same time sharing requirements and open a window for time sharing applications once a year instead of once every eight years.

e. Don't Invent a New Set of Technical Allocation Standards. Re-Invent Class D FM Broadcasting. Although new Class D stations haven't been authorized in 20 years, the Commission and the industry have nearly a half a century of experience with the service. And it's worked pretty well. In fact a great many Class A non-commercial stations would probably still be Class D stations but for the Commission's 1978 order to "grow or go". The existing Class D allocation rules can be used to govern new minipower FM allotments with only minor changes. The Commission can, without any unpleasant technical consequences, eliminate all second and

third adjacent channel restrictions relating to Class D stations and other classes of stations. In the more than 25 years I've been preparing FCC applications and building low power non-commercial stations, I've never seen a case where a Class D station caused any actual interference to a second or third adjacent channel facility. There's a huge body of experience with low power translators which demonstrates the same result. Here's a quick list of suggested Class D allocation rules.

Suggested Class D Ministation Standards

Transmitter Power Output: 20 watts maximum
Antenna Power Gain: 2.0 maximum
Radiated Power: 25 watts maximum
Antenna Height Above Ground: 30 meters maximum
Antenna HAAT: 30 meters assumed*
60 dbu Protected Service Contour: 3.5 kilometers**
Co-channel Interference Ratio: -20 db u/d
First Adjacent Channel Interference Ratio: -6 db u/d
2nd & 3rd Adjacent Channel Ratios: None
53 & 54 Channel Separation Requirements: None
TV 6 Interference Restrictions: None
Available Channels: 200-220 first, then 221-300
Allocation: Demand, not a Table of Assignments

* HAAT would be calculated only to predict interference contours. The F50-50 curves and HAAT calculations are meaningless in evaluating Class D service contours since terrain is not considered within three kilometers of the antenna site and the predicted 60 dbu contour extends only 3.5 kilometers. Maximum antenna HAAT is 60 meters without de-rating power.

** Protected contour only with respect to other Class D stations and translators. Interference can be received from other classes of stations as a condition of the initial allocation. (Same as present rules.) But once a new Class D station establishes an interference free contour that contour is protected against new interference. The resulting facility is a cross between a primary and secondary station.

f. Establish Use Priorities. Permit new Class D stations to preempt translators. I have never understood why, with the perceived need for new local service, the Commission allows low power FM translators to rebroadcast stations thousands of miles away but will not allow those same low power facilities to broadcast a local town meeting or high school football game.

4. STRUCTURE AND RESOURCES

If the Commission determines it's worthwhile to create a minipower FM broadcast service, then it's worthwhile doing it right. Do not create another "Citizen's Band". Be prepared to evaluate applications technically and process them in a fair and orderly manner. Create a reasonable process to settle disputes between applicants and to choose a winner when applicants propose mutually exclusive facilities. Spend the money to create and staff the support and processing facilities before you open the door to new applications. And be willing to police the new facilities to ensure promises are kept and the existing broadcast structure is protected technically.

But before you act at all, please remember that smaller broadcasters like WATD are not money machines. We are small businesses doing the best we can to balance public service and financial reality. It's a delicate balance for us and

many other small stations. If you must risk disturbing the system by adding new stations, do it for the right reasons. Make the change in a reasoned measured way to provide new local community oriented service where that service does not now exist. Do not add a new service simply because people tell you they want to own radio stations. People have always wanted to own radio stations and the simple fact is that not everyone can.

Finally, do not respond to the threats of pirates. We are a nation of laws. We spend billions of dollars a year to enforce those laws because the laws define our freedom. The Commission has an obligation to enforce the laws Congress made to protect the structure of the radio broadcast industry. The current wave of broadcast piracy represents nothing new. There have always been radio pirates since the first licensed station went on the air. And the Commission has always stood its ground with them. Please continue to do that now.

Respectfully submitted,

Edward F. Perry, Jr.
President, WATD Radio

April 25, 1998