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RM-9208

10214 W. Moody Park Dr.
Overland Park, KS 66212

April 23, 1998

Mr. William Kenard, Chairman
Federal Communications Commission
1919 M. Street, N.W.
Washington, D.C. 20554

Dear Mr. Kenard:

As a Federal employee, I understand how executive correspondence is generally handled and that it is very unlikely this letter will actually reach your desk. I will, however, write as if you will be the person to read it and take the appropriate action.

Although we have never met personally yet, my name or at least my contribution to some of the FCC's efforts regarding the Emergency Alert System (EAS) will hopefully be familiar to you. I am the Manager, Field Systems, for the National Weather Service (NWS) Central Region in Kansas City, MO. The format on which the EAS is largely based I developed for the NWS Weather Radio called Specific Area Message Encoding (SAME). I have worked closely with members of your staff over the last eight years to help modernize the old Emergency Broadcast System (EBS). So I hope my comments and contribution to the official record on the subject of this letter, microbroadcasting and RM-9208, will be viewed in a somewhat different light. I apologize for the length of this letter, but I feel there are some very important fundamental issues to consider that deserve more than a casual discussion.

The February 27, 1998 issue of USA Today contained a front page story titled, "RADIO PIRATES FIGHT THE POWER." You were quoted as saying, "I'm very sympathetic to the view of some of these microbroadcasters," and that you, "...would be open to more powerful microstations." I want to thank you for your willingness to try and develop a legal place for this type of service.

Some of the points made by people interviewed for this article are the primary reasons why, in 1985, I started developing a way to automate the dissemination of critical safety information over radio, TV, and cable systems. That effort ultimately evolved into SAME and EAS. In most disasters, many people die not because of the lack of a warning but because they simply do not have access to the information/warning in an effective way to

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protect themselves. The tornado that struck central Florida the second weekend in February is a classic example. It was close to the most perfect warning scientifically. However, many people died or were injured because of the lack of effective communications. They simply did not hear about the oncoming tornado.

I have spent close to 30 years of my government and professional career trying to fix this problem. Unfortunately, there is still much work to be done before we reach the objective of a totally effective system.

Regarding the issue of microbroadcasting, I strongly favor developing a way for the official existence of lower power community and event based broadcast stations for two reasons.

The first is because of the concentration of ownership of broadcast stations in the hands of fewer and fewer people. Existing rules make it nearly impossible to put a station on the air or to buy one without considerable financial, technical, legal, and physical resources. In many respects, as argued by some quoted in the USA TODAY article, this does restrict the concept of freedom of speech, at least in this era of the electronic press. The decision of what does or does not get broadcast is conditional on the bottom line of what goes in the bank or the position of the owner.

I recently heard a quotation about freedom of the press that I think applies to what is happening today in the broadcast industry. It went something like, "There is freedom of the press but only if you own one." If you have not seen the movie, MR. SMITH GOES TO WASHINGTON, starring James Stewart, I suggest you do so. I believe it should be mandatory viewing by anyone in government who is responsible for regulating how information, views, and issues are communicated.

Fortunately in the print media, there is still a strong grass roots level of freedom of the press that might best be defined as microprinting. What the FCC has done with regard to microbroadcasting, in contrast however, would be the equivalent of outlawing copy machines based on the position they are technically inferior in quality and content to the super presses of the big newspapers. While I understand there is a limit to the amount of broadcast spectrum, the same could be said about the print spectrum because there is some limit to the amount of trees and paper produced from them.

Arrangements must be made for all sizes of broadcasters just like there are many sizes of publishers. If we do not, eventually

there will only be one of each type left. Consider how freedom emerged from the shipyards of Poland and the civil rights laws for minorities got enacted with the aid of the micropress. The same should be said for the electronic press.

In the 17 months since the EAS became operational, I have witnessed a disappointingly large percentage of broadcasters who refuse to carry important warnings/information on threats to public safety via EAS because it might interrupt a commercial or some favored program. If they are willing to withhold such critical information, imagine how restricitive they could be with issues they do not agree with. I believe community or neighborhood-based microbroadcasters would have a greater concern for those that listen because of their fundamental reason for operating a station to begin with.

My second reason for supporting this concept of low power micro-broadcasting is because of the significant benefit that can be provided at short term events.

On just about any day throughout the year, there are outdoor events that attract hundreds to many thousands of people. The number of these events grow dramatically during the Spring, Summer, and Fall when people are at greater risk from severe weather.

Here is an example of just one such event where the use of a microbroadcast station for a few days could make the difference between life and death.

A music festival has been held each year in late summer for the last 26 years at a county fair ground that is flanked on the north, west, and south by a river and on the east by a major railroad. Over the span of 10 days, approximately 15 to 18 thousand people are camped in the adjoining fields. The river has exceeded the hundred year flood stage three times in the last seven years ranging from two months to as little as two weeks before this event. The amount of toxic material transported by the trains during that 10-day period is likely measured in the thousands of tons. Fortunately, no serious event has actually occurred during the time of the festival. Considering the weather events that have devastated the south so far this Spring, similar risks exist at many such events across the country.

How could you effectively communicate with all these people and relay potentially life saving instructions, such as evacuation routes, in a timely manner? A public address system would be totally ineffective. A microradio station established for just that event for only those few days could communicate in seconds and continuously via the radios in every camper, car, and truck.

In the case of severe weather, inexpensive devices are available that can allow warnings to go directly from the National Weather Service or the local emergency management agency to communicate with those in the threatened area for the length of time of the hazard. Other time critical information can be provided in much the same way.

Another example was a case in which the FCC recently rejected the use of a microbroadcast station for the National Boy Scout Jamboree that is held for a few days only once every four years. Here was another case in which there were many thousands of young people potentially at risk, of all things, in the suburbs of Washington, D.C.

There is no other system as effective, simple, or economical as a microstation for this purpose. It is almost impossible to find a car, truck, or camper today that is NOT equipped with a commercial band AM/FM radio. The cost and size of personal commercial band receivers are such that most people have them readily available. In all cases, the greatest weapon in the war against injuries and death is information delivered quickly, uniformly, and to as many people as possible at the same time.

Regardless of the provision in the rules that allow for these channels to be used in an emergency of this type, the channel needs to be used on a somewhat routine basis for people to establish a pattern of knowing about that channel and tuning to it for reasons other than only that which may save their life or property.

For these and other reasons, I support in concept the proposed rules contained in RM-9208. To borrow a statement used by National Public Radio and Television stations during their most recent fund drivers, "If not us, who will?" Even these outlets are not able to meet the diverse needs that can be addressed by some level of microbroadcasting.

My specific comments to RM-9208 are contained in the attachment.

Thank you for giving me the opportunity to comment on this topic.

Sincerely,

Lawrence J. Krudwig

cc: Roy Stewart, Chief, Mass Media Bureau

COMMENTS ON RM-9208

Petition For Microstation Radio Broadcasting Service Submitted: June 26, 1997

1.1 through 1.3: I applaud the well written basis for this proposal.

1.4: The use of a single channel nationally has some technical merit, but it also limits diversity of program material in a given area as is intended by the proposal.

The practice by either design or coincidence of separating the vast majority of larger and more powerful stations by two channels leaves room for more than one microstation per area. The power of such microbroadcast stations would, by pure physics if nothing else, limit potential interference to larger and more powerful stations. Appropriately designed and yet relatively inexpensive filters would further confine the broadcast signal to the desired channel.

To limit stations to a single frequency and letting power be the determining factor of who is heard brings to mind the lyrics of a song used in a dog food commercial, "My dog's bigger than your dog." The idea of a single frequency would not achieve the goal for travelers because they would pass through the range of such a station too fast.

Allowing for more than one channel in an area also makes it possible for temporary event driven services.

If the intent is to achieve diversity of services, then no one should be allowed to own more than one station and possess more than one license.

To prohibit monopolization, there should be no group ownership, and no absentee ownership.

A high percentage of programming should originate from the station's control source, with most broadcast material being live and/or from on-station recorded sources. Any remotes and/or network material should be limited to a maximum of 20% of the broadcast day.

Studio and office should be located within the primary service area of the station and staffed at least 20% of the broadcast period.

A station should be on the air no less than 50 percent of a week.

1.5: Although microstations minimize the risk of interference to other services, there should be some technical requirements established related to harmonics and spurious emissions that these stations must adhere to.

Type acceptance of equipment for systems in this category should add little to the cost. Licenses for custom-made units should be accompanied by a certification by an appropriate communications technician that it meets the requirements. Microstation transmitters and antenna would likely cost far less than the most meager equipment used to prepare the audio for broadcast.

The implication of self regulation and responsibility is a desirable objective but rather naive. A very prosperous manufacturer whose company has a reputation for high quality based its success on the principle that, "People do not do what you expect, they will do what you inspect." The potential number of microstations would place an unnecessary burden on the Commission to be the sole source to ensure compliance. A type acceptance or third party certification would not be asking too much.

1.6: Agree.

1.7: Recommend the provision for a temporary license to be granted for a broadcast period not to exceed 14 days with the specific dates of operation and frequency stated in the application. The license could not be extended or a new temporary license could not be issued for the same location for a period of not less than 30 days from the previous authorization.

1.8: Disagree with the assessment of penalties. There should be some level of penalty for a violation of current or appropriately adapted rules in proportion to the magnitude of the offense, intent, and potential harm. For example, interference by a microstation to public safety should not be ignored or treated lightly.

SECRETARY: FCC

PLEASE INCLUDE MY COMMENTS IN THE ATTACHED COPY OF LETTER TO THE CHAIRMAN IN THE OFFICIAL FILE ON RM-9208 REGARDING MICROBROADCASTING.

Sincerely