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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
Microstation Radio Broadcast Service	)	RM No. 9208,9242,9246
Petition for Rulemaking	)	

Comment of National Lawyers Guild Committee on Democratic Communications Filed on behalf of itself and the below listed micro broadcasters and concerned individuals and organizations.

A. INTRODUCTION

The Committee on Democratic Communications of the National Lawyers Guild (CDC) on behalf of itself and the undersigned organizations and individuals, submits this response to the Federal Communications Commission's (FCC) Notice of Proposed Rulemaking RM-9208, issued February 5, 1998.

We strongly support the need for a rulemaking in this area and the need for a new non commercial low power radio service. The enormous surge in "micropower" radio in the past few years is overwhelming evidence of the need for such a service. The FCC's decision in 1979 to refuse to license radio stations under 100 watts has proven shortsighted. An administratively simple, low-cost, low power radio system is clearly called for. It will give voice to the thousands of Americans who wish to provide truly local broadcast information and entertainment for their neighborhood or community, but are legally barred from doing so under the present overly restrictive regime. It will provide to the community a diversity of ideas and culture now missing from the airwaves.

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B. PROPOSAL

1. Non-commercial service,

2. Only one station per owner.

3. Ownership must be local, no absentee owners.

4. Stations shall be locally programmed. However recorded materials such as music, poetry, documentaries, features etc. may be used. Sharing of program materials and resources among micro and community stations is strongly encouraged.

5. Owners may be individuals, unincorporated associations, or non-profit organizations. For-profit corporations, partnerships, joint ventures, or other organizations may not be owners.

6. Stations may be established on any locally unused frequency within the FM broadcast band down to 87.5.[1] Second adjacent channel would be the closest spacing allowed.

7. Maximum power shall be 50 watts urban and 100 watts rural. In the event of interference due to power level [2] a station shall have the option to reduce power to remedy the situation or else be shut down.

8. A microstation shall fill out a simple registration form, and send one copy with an appropriate registration fee to the FCC, and a second copy to a voluntary body set up by the local or regional micropower broadcast community to oversee micropower stations. [3]

9. Equipment shall meet a set of basic technical criteria in respect to stability, filtering, modulation control, etc.

10. Registration shall be valid for four years.

11. There shall be no specific public service requirements imposed by the FCC.

12. Problems, whether technical or otherwise, shall be first referred to the local or regional voluntary micropower organization for technical assistance or voluntary mediation. The FCC shall be the forum of last resort.

13. When television stations are converted to digital, leaving Channel 6 free, it shall be

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[1] When there is no TV on Channel 6.
[2] This would not include near field effects.
[3] Such models of self-regulation already exist within the ham radio and commercial broadcast arenas.

allocated as an extension to the bottom of the FM band strictly for the low power community FM service.[4] Radio receivers manufactured or entering the country after that allocation must meet this band extension.

14. Microbroadcasting of special events (demonstrations, rallies, festivals, concerts, etc) do not need to be registered, but are encouraged to meet all technical specifications.[5]

A. ANALYSIS

The first amendment had to be added to the Constitution before it could be ratified to insure that the United States would have a robust democracy. A robust democracy requires broad channels of discussion and debate on all of society's issues and concerns. It requires a media system which is open to the widest possible range of views and in which all citizens can effectively express and communicate their ideals, thoughts and concerns, as well as receive and consider the thoughts, ideas and concerns of their fellow citizens.

1. The First Amendment Rewards Diversity of Voices and Ideas, Not Efficiency.

The United States Supreme Court has held that the First Amendment calls for "the widest possible dissemination of information from diverse and antagonistic sources."[6]

In another case: "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which the truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee... It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged by either Congress or by the FCC."[7]

In the Commission's ruling in the case of Stephen Dunifer [8] the FCC said: "In particular, we do not authorize low power FM radio broadcast stations because they cannot adequately serve communities and mobile audiences, and because they would preclude the establishment of more efficient, stable, full powered stations." (Emphasis added.)

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[4] This would add 30 new channels since the TV channel is 6 MHz wide and an FM broadcast channel is only 200 KHz wide.

[5] One frequency could be set aside for this. In the San Francisco area, 87.9 would serve this purpose well.

[6] Associated Press v. United States, 326 U.S. 1, 20 (1945).

[7] Red Lion v. FCC, 395 U.S. 367 (1969).

[8] In the Matter of Application for Review of Stephen Dunifer, Berkeley, California, NAL/Acct. No. 315SF0050.

In the First Amendment realm, efficiency has little, if any constitutional value. Even in the purely economic realm, public policy in the U.S. does not value "efficiency" above all else. The anti-trust laws of the United States make it clear that, even where merely fungible goods are at issue, efficiency must still be balanced by diversity.

2 A Ban on Radio Stations of Less Than 100 Watts is Overly Restrictive and Violates the First Amendment.

The U.S. Supreme Court in *Red Lion* and many other cases has held that some regulatory scheme for radio broadcasting is clearly necessary and enhances, rather than abridges, the First Amendment. However, the need for regulation does not give the FCC *carte blanche* to institute a scheme which restricts the public use of radio far beyond that which is necessary to achieve its legitimate objectives. The blanket ban on low-power radio[9], especially in light of the clear, current demand for such a service, has no rational justification. Today hundreds of microstations are on the air serving their communities without causing interference, proving that actual interference is not a significant issue.

In addition, the FCC's acceptance of low power FM translators clearly shows that, technically, such stations can exist. In fact, allowing such transmitters to exist only when they do not originate programming clearly is a content based distinction that favors "efficiency" over First Amendment values. It flies directly in the face not only of the First Amendment, but of oft-expressed FCC policy favoring localism and local service as being in the public interest.

The Supreme Court has made it clear that time, place, and manner restrictions must be "narrowly tailored" to meet government interests without overly restricting First Amendment speech. While recent cases have stated that the *absolutely* least restrictive means need not always be employed, still the concept of narrow tailoring remains firmly supported by extensive case law.[10]

As noted in *Red Lion*, the absolutely least restrictive means of regulating the electromagnetic spectrum would be to award each U.S. citizen an equal portion of the spectrum.[11] While no court has said that this is mandated by the First Amendment, surely

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[9] except in Alaska and except for retransmitters which are not allowed to originate programming.

[10] See Ward v. Rock Against Racism, 491 U.S. 781 (1989) for an extensive recent discussion of this issue.

Also, specifically addressing broadcasting, the Court has stated that, "...though the broadcasting industry plainly operates under restraints not imposed on other media, the thrust of these restrictions has generally been to secure the public's First Amendment interest in receiving a balanced presentation of views *on diverse matters of public concern*... But as our cases attest, these restrictions have been upheld only when we were satisfied that *the restriction is narrowly tailored* to further a substantial government interest" [emphasis added]. FCC v. League of Women Voters of California, 468 U.S. 364, 380-81 (1984).

[11] Not as impractical as it might seem; the Netherlands and Sweden have regulatory systems based in this concept. Alternative broadcasting regulatory systems are rarely discussed on full power radio stations.

at some point unnecessary strictures on diversity in radio broadcasting do violate the First Amendment limits on time, place, and manner restrictions. A flat ban on all radio broadcasting under 100 watts is unnecessary, arbitrary, and capricious.

It is as if a "Federal Newspaper Commission" in the name of efficiency, has said that, to conserve paper and ink, only newspapers of at least 1 million general circulation would be legal. All church newsletters, PTA bulletins, and community weeklies would be banned. The situation in broadcasting is quite analogous.

3. The Current Consolidation of Ownership of the Radio Industry Exacerbates the Problem of Overly Restrictive Regulation.

Does the present media system, in which broadcasting is the primary channel of communication, information, and dialogue for our democracy meet the Constitutional mandate for openness and diversity? Are there truly a broad spectrum of views available to the people of the United States via radio? Do minority candidates truly receive adequate coverage? Do unpopular or minority ideas truly get a full and fair airing? Do local issues and events get substantial air time?

99.99% of the American people are legally barred from using the most effective communications system in the United States. Can such a regulatory scheme possibly be contemplated by the First Amendment? Absent some extraordinarily compelling need, which is not present here, we think the answer must be a clear "no".

This is especially so in light of developments following the Telecommunications Act of 1996. The Act substantially relaxed ownership restrictions for both radio and television. In the twenty months since the law was enacted, 4,000 of the nation's 11,000 commercial radio stations have changed hands and there have been over 1,000 radio company mergers.[12] And the pace of consolidation has not slowed. Small chains have been acquired by middle-sized chains, and middle-sized chains have been gobbled up by the few massive giant companies who have come to dominate the industry. The sort of consolidation permits the giants to reduce costs by shrinking local editorial and sales staffs and running programming out of national headquarters.[13] According to Advertising Age, by September 1997 in each of the fifty largest markets, three firms controlled over 50 percent of radio advertising revenue (and programming).[14] In twenty-three of the top fifty, three companies controlled more than 80 percent of the ad revenues. CBS alone has 175 stations, mostly in the fifteen largest markets.[15]

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[12] David Johnston, "U.S. Acts to Bar Chancellor Media's L.I. Radio Deal." *The New York Times*, November 7, 1997. p. C10. This consolidation is not a common topic on full power radio stations.

[13] Although sophisticated computers plug-in local-sounding spots to deceive local audiences. This practice is not often discussed on full-power radio stations.

[14] Ira Teinowitz, "Westinghouse deal fuels consolidation in radio," *Advertising Age*, September, 29, 1997, p.61.

[15] Timothy Aepel and William M. Bulkeley, "Westinghouse to Buy American Radio," *The Wall Street Journal*, September 22, 1997. p. A3.

The gains in diversity that were supposed to flow from the FCC's Docket 80-90, which led to the expansion of the number of FM radio stations by about 50%, has likely been almost completely reversed by the Telecommunications Act of 1996. While there may be more radio outlets, there are likely fewer owners, especially in the large markets, than there were prior to Docket 80-90.

As *The Wall Street Journal* puts it, these deals "have given a handful of companies a lock on the airwaves in the nation's big cities."[16]

Other changes have further exacerbated this situation. The FCC's liberalization of city-of- license service requirements has allowed stations technically licensed to small towns, to, in fact, serve larger nearby metropolitan areas, further decreasing any hope of locally responsive programming. In addition, the effect of consolidation, as well as a number of recent, disparate court decisions and administrative actions, has apparently led to a decrease in the number of women and minority-owned radio and television stations.

In fact, we would like the FCC, as part of this proceeding or on its Web Page, to make available current statistics relating to the exact status of ownership consolidation in both radio and television nationally, in the largest markets, and in its effect on women and minorities in both ownership and management. It is time that the public had a clear picture of the effects of consolidation.

Relative to television and other media, radio is inexpensive for both broadcasters and consumers. It is ideally suited for local control and community service. Yet radio has become nothing but a profit engine for a handful of firms so they can convert radio broadcasting into the most efficient conduit possible for advertising. Across the nation, these giant chains use their market power to slash costs by providing a handful of highly formatted programming choices with barely a token nod to the communities in which they operate. On Wall Street, the corporate consolidation of radio may be praised as a smash success, but measured by the First Amendment, or any other standard, this brave new world is an abject failure.

4. A Low Power Radio Service Should Be Non-Commercial.

When is the last time you heard a city council meeting on a radio station? A high school football game? A play? Poetry? A language other than English or Spanish? Indonesian gamelan music? The candidate of the Green Party? Or the Libertarian party? When you is the last time you heard a serious discussion of a local school tax issue? A local labor action? Parents discussing the need for local day care? Or more parks? When is the last time you heard the voice of a homeless person on the radio? An unemployed person? Or someone dying of AIDS or breast cancer? Or a recent immigrant? Or a migrant laborer?

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[16] Eben Shapiro, "A Wave of Buyouts Has Radio Industry Beaming With Success." *The Wall Street Journal*, September 22, 1997. p.A3.

The "pirates" are those who have stolen the spectrum from the American people for private profit. All of the above voices have been silenced because they are not commercially viable forms of programming. They do not meet the "lowest common denominator" test which commercial broadcasting requires. The FCC's regulatory scheme has, *de facto*, turned radio into a purveyor of bland pap, completely forgetting "the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences". The few Howard Sterns and Rush Limbaughs who serve as a putative "alternative" to this blandness merely leap to the other extreme with sensationalistic and hysterical programming that does little to encourage thoughtful debate or understanding, especially regarding local issues and concerns.

Quite enough of the spectrum has been given into the hands of commercial interests. A new low-power service should be entirely non-commercial. This should also exclude the sort of "underwriting" that is allowed in public broadcasting. This underwriting has become nearly indistinguishable from commercials, and has the same effect in "blanding down" the programming fare of public broadcasting.

5. Sufficient Power Should Be Allowed to Achieve Effective Communication.

The opportunity to communicate ineffectively is no opportunity at all. It is an experiment designed to fail. The initial proposal which led to this inquiry suggested that the new low power service be limited to one watt. Such a service would be useless.

6. A New Low Power Service Would Change Radio Listening Habits.

One objection we have encountered to a microradio service is that most people listen to radio in their cars or while otherwise in transit. They argue that, therefore, microstations with a radius of just a few miles would have difficulty serving such people.

We believe that microradio will likely change current listening habits. Microradio is grounded in service to a specific local community and, therefore, is more likely to be listened to at home or work. Imagine a group of Chinese restaurant and garment workers listening to a Chinese language station based in downtown Oakland, San Jose, or San Francisco, California. Imagine residents of a housing project in Detroit listening to a microstation based in the project. Imagine residents of a neighborhood listening to news tailored just to fit the specific issues of that neighborhood. Imagine high school or college students listening to a campus-based microstation in their dorm rooms. Microradio is a different kind of radio, a different kind of communication than we have become used to under the current regime.

7. Thousands of New Microstations Would Provide a New Source of Programming and Programmers.

As the juggernaut of radio consolidation has rolled on, opportunities for new ideas

and experiments in radio programming have dried up. Similarly, the opportunity for young people to break into radio has become increasingly scarce. A flush of thousands of small, new, experimentally oriented radio stations is likely to bring a surge of new programming ideas and concepts, as well as a flood of human talent from diverse and unexpected places. Such a result might, in fact, invigorate full power commercial radio with new ideas and new blood-- and even new audiences.

8. The Tide of History

"Don't stand in the doorways, don't block up the halls."[17]

In 1989, Mbanna Kantako, an unemployed black man living in a housing project in southern Illinois began a tiny radio station to provide some local communication and dialogue that no full power commercial broadcaster was providing. The FCC, rather than applaud his efforts and ask how they could help him serve his community, tried to shut him down. However, spurred on by the efforts of Stephen Dunifer, an engineer and philosophical anarchist,[18] the microradio movement did not go away. In fact, it has grown to probably at least 1,000 stations now on air in the United States. Mr. Dunifer often cites the example of the "Wobblies" [19] in the early part of the century. When one of their soapbox speakers would be jailed, 100 would replace him or her. When those 100 were jailed, 1,000 would replace them-- until the jails were full. Then they would all sing until the sheriff had to let them go.

Civil disobedience in protest of unconstitutional laws has a long and respectable history in the United States, and around the world. The tide of history has nearly always favored those whose cause was righteous, and hissed those who stood in the door.

In a nation of 260,000,000 people, it is an outrage to fairness and justice that a mere 4,500 or so have a legal right to use one of the most effective means of communications available. There is no reason why tens or even hundreds of thousands should not have at least some level of direct access to this medium.

9. Conclusion.

We urge the FCC to recognize a new era in broadcasting and to promulgate in a formal rulemaking the simple low power regulatory plan proposed by the parties joining together in filing this comment.

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[17] Bob Dylan, somewhere in the '60s.

[18] Anarchism is a philosophical system emphasizing self-reliant, small unit organizations and grassroots activity. It is by no means synonymous with chaos. Its proponents are rarely heard on full power radio stations.

[19] A nickname for the International Workers of the World (IWW), a labor organization. Wobblies are rarely heard on full power radio stations.

Respectfully submitted by:

Philip Tymon
Peter Franck
Committee On Deomocratic Communications
National Lawyers Guild
558 Capp Street
San Francisco, CA 94110
(415) 648-8450

April 25, 1998

Appendix attached listing all individuals and organizations who have endorsed this proposal in whole or in part.

APPENDIX

COMMITTEE ON DEMOCRATIC COMMUNICATIONS
NATIONAL LAWYERS GUILD

The following are the comments received by e-mail of those who have supported this proposal in whole or in part.

From: George Gerbner <ggerbner@nimbus.ocis.temple.edu>
Subject: Support RM 9208

George Gerbner
Bell Atlantic Professor of Telecommunication
Temple University, Philadelphia. Tel/fax 610 642 3061
E-mail:ggerbner@nimbus.temple.edu

From: "Jennafer Waggoner" <refugee@gte.net>

I am in support of the CDC's rule making counter proposal to RM9208. People need access to free radio that economically accessible to those whose lack of money have left them powerless and invisible and thus unable to engage in public dialogue. I believe that poor people, homeless people, indigenous people and activists of all community level organizing need access to the airwaves to promote social justice and community building to save our planet from where we are right now. It is vital that individuals have an equal opportunity to become the media.

Jennafer Waggoner, Editor, Making Change, a community human rights newspaper empowering the poor and unhoused with an income and a voice.
P.O. Box 3622, Santa Monica, CA 90408, (310) 289-7446

Member of SOL Communications, a non-profit communications organization in support of human rights and indigenous issues. http://www.solcommunications.com

Member of the Santa Monica Social Services Commission
1685 Main Street, Santa Monica, Ca 90404

Board Member of the Los Angeles Coalition to End Hunger and Homelessness, 1010 S. Flower Street, Los Angeles, CA 90015, (213) 746-6511

Chair of Side by Side, a community partnership, of housed and unhoused people.
P.O. Box 3622, Santa Monica, CA 90408

Member of Santa Monica Food Not Bombs

Homeless Outreach Educator for the Santa Monica AIDS Project
2020 Santa Monica Boulevard, #190, SM, CA 90404 (310) 586-7627 x 24

Executive Committee Member of the North American Street Newspaper Association.

From: "Michael Purdy" <m-purdy@govst.edu>

Please count me in for support of microstations. Mike
Michael Purdy === m-purdy@govst.edu
Coordinator, Communications Programs
Governors State University, U. Park, IL 60430
Webpage: http://www.ecnet.net/users/ghl25r0/

From: Neltilizt <Neltilizt@aol.com>

We, the Watsonville Human Rights Committee and Radio Watson would like to add our name to the proposal for a Community Based, Non-commercial Low Power FM Service.

From: wifponline@igc.apc.org (WIFP - Martha/Donna Allen)

We would like to sign on to the proposal you have prepared for Radio Free Berkeley and the micro radio community that you plan to be getting in to the FCC Monday 4/27. We heard about it from a cemnet message from Peter Franck, and I understand we need to get this sign-on to you by midnight tonight Pacific time. If there is any problem or question, you can reach us by phone (202) 966-7783 (it's also our fax number) and our e-mail number is above. Thanks! Dr. Donna Allen, President, Women's Institute for Freedom of the Press, 3306 Ross Place, N.W., Washington, DC 20008-3332.

From: "Cyberweavers" <weavers@cyberweavers.com>

We would like to add our support to the proposal for low-power FM submitted by the National Lawyers Guild's Committee on Democratic Communications. The NLG proposal will remove the dual barriers of license restrictions and financial inaccessibilty for public interest broadcasters.

As a nation and as a species we are faced with a number of serious problems. In order to solve these problems, we must be able to engage in public discourse. Commerical media must by definition operate in the interest of profit-making, and cannot serve the public interest. This has been amply demonstrated by the irrelevance of what passes for broadcasting in most localities. A scan of the radio dial in the city where we live, Los Angeles, will demonstrate this.

At the door of the 21st century, electronic mass media * is* communication" Without the ability to be heard, the right of "free speech" is farcical. The FCC has presided over the theft of a publicresource. It is time to return a small piece of what's ours to us.

Lyn Gerry and Shawn Ewald, P.O. Box 1945, Los Angeles, CA 90041
(213) 258-5504

Cyberweavers Web Design and Consulting, (213) 258-5504

From: David Cone <davecone@igc.org>

I support the NLG-CDC proposal for low-power FM non-commercial broadcasting.

From: Amber Mace <AJMace@sj.bigger.net>

We support the efforts of the National Lawyers Guild Committee on Democratic Communications with regards to their Petition for Rulemaking RM9208 with the Federal Communications Commission. We consider micropowered radio to be an important community resource. Thank you for your time.
-Amber Mace
-Dennis Baum

From: pdavis@CritPath.Org

Thanks, NLG, this was great work. I say send it as its- I'm in full agreement. I sign on as Pete triDish- they know my real name anyway. I'll talk to other folksin the station- I think that generally speaking, justabout everyone at Radio Mutiny would support the whole thing, but we don't have time to sign on as a station and fully respect our democratic process. So, we signon as individuals.

Pete triDish, Radio Mutiny

From: "Calvert, Lloyd" <lcalvert@chipsnet.com>

As a student organization at the University of Illinois, Springfield, Prairie Free Radio believes that FCC regulations concerning micropower radio should be amended. Not only are these regulations unfair under the First Amendment, but changes have become necessary in the altering climate of broadcast media. Mergers and acquisitions have consolidated the indutry so much that it has become more market and profit oriented than ever. This change has alienated the common person from having a voice in his or her community. There is room for all, commercial as well as non-comercial radio. We hope the FCC considers this proposal.

President, Prairie Free Radio, Lloyd C. Calvert

From: Trish & Charlie <exradio@fix.net>

Thanks to CDC-NLG. The response to RM9208 is abundant with common sense that anyone, even those new to the issue, can see as a simple solution to a problem that some folks would like to present as too complex for the average American to understand. Excellent Radio is proud to endorse this proposal to RM 9208. Grover Beach California has been broadcasting its City Council meeting for over 2.5 years. We all look hopefully to the day when our surrounding communities will be doing the same.

Charles and Trish Goodman, Excellent Radio, Grover Beach, Ca. 93433
exradio@fixne.net, (805) 481-7577, FAX (805) 473-9577

From: David Forbes <david@ioinc.tucson.az.us>

To whom it may concern,

I heartily support the proposal for low-power FM service put forth by the CDC.

I intended a few months ago to submit my own proposal, but this one contains all the major features that I would have proposed. The non-commercial and local origination aspects are essential, in my opinion.

I realize that there are still issues to be addressed in this proposal (such as contested use of channels), but those don't negate any of the points contained in the proposal.

I urge the FCC to seriously consider the CDC's proposal in a timely fashion.

Sincerely, David Forbes, 2602 E. Helen, Tucson AZ 85716

From: Debbie Driscoll <dadriscoll@lbl.gov>

I am a listener of a non-commerical low-power radio station and think it is an excellent tool that brings community together and gives alternative opinions and groups a chance to be heard. Community radio is a very necessary and important supplement to the heavily edited commerial and public radio and TV and I want the laws of the FCC to encourage and support community radio.

Please add my name to the list of supporters.

Sincerely, Debbie Driscoll

From: "SPURT radio 102.5 FM" <spurt_radio@geocities.com>

We here at SPURT radio are behind the Petition for Rulemaking RM9208 as set before the Federal Communications Commission by the National Lawyers Guild Committee on Democratic Communications. Please add our name to the list of supporters.

We've been doing a weekly micropower show consisting of news/social commentary, live music, local band promotion, and the reading of stories and fairy tales since June of 1997. We wish to ensure our ability to contribute, in our own small way, to the freedom of speech and sense of community in our neighborhood. Thank you for your time.

SPURT - 102.5 FM, Solar Powered Urban Radio Transmissions
Thursdays 7pm, Berkeley, CA

From: Denny Henke <denny_henke@umemphis.campus.mci.net>

Signing on as an individual although I am a member of the Free Radio Memphis/Constructive Interference Collective. I sign on in support of the proposal as it is written. As an anarchist I do not acknowledge the FCC as an agency with any legitimate authority, but I also understand that it will, however, continue what I consider to be its illegal activities on behalf of capitalist/state interests. I sign on because I believe that this may serve the micro-radio movement as a whole.

Denny Henke

From: Caliban Tiresias Darklock <caliban@darklock.com>
Organization: Darklock Communications

Some comments from someone who has never violated any FCC rules, which may carry a little extra weight in certain quarters... there are still people out there who seem to think that because you broke an unjust law, you're willing to break any and all laws with impunity...

A friend and I are very interested in starting a small radio station to broadcast our own music on a weekly basis. We produce about three hours of new and original music a week, and obviously given our current backlog of a few months worth of music we could easily run several hours of programming on weekend nights. We're both law-abiding and responsible professionals, and we've been trying very hard to locate legal broadcasting options for the past several weeks. Unfortunately, there are none. We have two choices: broadcast illegally, or don't broadcast. We could theoretically operate a legal station at the currently imposed limitations, but both of us live on significant amounts of property and the range of such a transmitter would not even reach the property lines. (We've joked that our slogan on such a station could be "If you can hear this, you're trespassing.") We've even investigated the possibility of broadcasting over the internet, but even that option would cost several thousand dollars more than we can afford. For less than $600, we can add a decent power level of FM transmission to our existing sound studio -- the only catch is, we're not allowed to do so. We've provided tapes of our work to radio stations, who have returned it and claimed that they weren't interested in this type of music (although they have never listened to it... we use the old trick of rewinding the tape to a specific, known point and checking it upon the tape's return). Stations we have spoken to about air time have a real problem with the idea of two guys coming on to play their own music, for some reason; they seem to feel that this is somehow unethical. And thus our only economically feasible option is to broadcast illegally. Being law-abiding citizens, we don't, even though there is substantial pressure from a reasonably large fan base (several dozen people, which is a lot for a band that doesn't perform live and is advertised mainly by playing our own music on cassette in the car stereo when we go out) to get this music on the air. We want to broadcast. We want to be heard. And we want to do it entirely within the law. Today, that isn't possible. Under RM9208, we could have a small station at 20 or 30 watts, and we would be happy. Under current regulations, we can't really have anything, and we're not happy at all.

From: Richard Freeman <drumchap@sirius.com>

This is to indicate my support for the brief filed on behalf of micropower radio. The FCC is displaying a most disturbing pattern of recognizing only those stations it deems of commercial value. My understanding is that the airwaves belong the the people of the United States, not the corporate interests so intent on domination and rapacity.

Thank you.

Richard Freeman, 642 Alvarado St. No. 107, San Francisco CA 94114

From: "Coleman, Jeff" <colemanj@sharplabs.com>

I strongly support the National Lawyers Guild (NLG)/Committee on Democratic Communications (CDC) response to RM-9208.

There are several points in the proposal that are especially attractive:
*Micro stations are simply registered, not licensed; administrative complexity is reduced.
*A voluntary local or regional microbroadcasting organization mediates conflicts. The FCC is involved only as a last resort. Amateur radio operators have demonstrated that a radio service can, in general, effectively manage itself.
*The service is strictly not-for-profit, with local owners, one station per owner. A non-commercial, locally-owned service is more likely to make available, to listeners, a genuine diversity of opinion.
*Output power limits, and technical criteria for the transmit equipment, are reasonable and adequate.

Adoption of the NLG/CDC proposal by the FCC will benefit the American people. It will result in a lively and diverse broadcast radio service that addresses the needs of the local community more effectively than the present regulatory structure permits.

Regards,
Jeffrey Coleman, 735 SW St. Clair, Portland OR 97205

From: "Center for Learning Potential" <cntr4learning@rica.net>

I support the CDC version of the RM 9208 petition. I believe our communities will be better served by allowing more people to have access to the airwaves. It appears current regulations have failed to adequately serve our communities.

Don Hawks

From: Londonet <Londonet@aol.com>

I fully support the Comment of National Lawyers Guild Committee on Democratic Communications, on RM No. 9028.

I would just like to emphasize that Micro Radio is a necessity at this point in the evolution of broadcast communications within the United States of America. Without it, Democracy and Capitalism will find it increasingly difficult to coexist as friends.

Rick London - Volunteer, Excellent Radio 88.9 FM, Grover Beach, CA

From: Keith McHenry <foodnotbombs@earthlink.net>

Major points of interest to me are that little or no money be given to the FCC or other government organizations; that no comercial ads be aired and that no corporations be able to obtain a low watt permit. I think the watts for both rural and city be limited to 100 watts and notdivided. Do we have an opinion about what we will do if the government does not go with our proposal? Keep broadcasting any way would be my opinion. We may need international support to get the US to honor any agreement, they have a very bad record of keeping their side of the deal. - Keith

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Keith McHenry, Co-Founder	Voice: 415-386-9209
Food Not Bombs	Toll Free: 800-884-1136
foodnotbombs@earthlink.net	3145 Geary Blvd. #12
http://home.earthlink.net/~foodnotbombs	San Francisco, CA 94118

From: "Linda Allen" <bbci@prairieweb.com>

we totally support rm9208. i worked at a local radio station for 18 years until it was bought out by an absentee owner (california attorney). our staff was reduced from an average of 10 people down to 3 plus a part timer. our wages were reduced to a point where many of the employees were forced to resign and find better paying jobs. the station is nothing more than a juke box with very little local information. our county has about 12,000 residents. the bottom line is the only thing these absentee owners care about.

From: Philip David Morgan <philipda@li.net>
Organization: Cloudstone

On Long Island, we are overwhelmed on the one hand by WSHU (Sacred Heart University of Fairfield, CT.), which now hogs some six or seven different frequencies on both FM _and_ AM, and Chancellor, which owns the biggest commercial outlets out here. This shuts out more community radio than the FCC believes... Those of us who want to be part of the "conversation" are prevented from doing so because of such entities. This cannot continue, and it should not continue.

From: Jackie Dove <dove@slip.net>

To the FCC:

I urge you to restore some semblance of balance and democracy to the nation's airwaves by endorsing and implementing the proposals set forth by the Committee on Democratic Communications of the National Lawyers Guild. These last few years of consolidation in the broadcast industry, particularly in the wake of the Telecommunications Act of 1996, have resulted in the elimination of entire topics of conversation and points of view from radio broadcasts nationwide. The CDC's proposals are effective in rectifying that injustice, while at the same time protecting the integrity of the radio band.

Jackie Dove

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Jackie Dove
San Francisco Liberation Radio

From: Boomerlake <Boomerlake@aol.com>

Hello,

Of all the proposals put forth to legalize micropower radio I favor the FM 9208 proposal. Thank You, DB

Philip David Morgan
287 Cambon Ave
Saint James NY 11780-2518
22 April, 1998

From: Jamie Schweser <skam@iowacity.net>

Please forward to the appropriate FCC chump:

I support the proposal for changed rulemaking submitted to the FCC by the Committee on Democratic Communications.

-jamie Schweser
Iowa City IA
****
Super Kick-Ass Music
****
SKAM
PO Box 651
Iowa City IA 52244-0651

From: CBMack711 <CBMack711@aol.com>

I am in support of a low-power service for am and fm radio
CBMACK711@AOL.COM

From: Greg <greg@shundahai.org>

Please add the community of Las Vegas, NV to your supporters list, our RadioActive Radio Station expect to broadcasting this summer. We support the proposal for a community based, non-commericial low power fm service to be filed in FCC Rule Making proceeding 9208

Shundahai,
Greg Gable
Lost Vegans Food Not Bombs Collective
http://www.shundahai.org/fnb
(702) 798-4249
Las Vegas, NV

From: Glenn Lehman <glehman@epix.net>

I am a 13 year old boy. I enjoy playing around with electronics. I don't think it is fair to not let community based micro-radio stations be banned. Anybody should be able to have a radio station as long as they are along your guidelines. I fully support this FCC proposal. I hope that the FCC will agree with you because anybody should be able to run a radio station.

Sincerely, Joel Lehman

From: Hellqueer <Hellqueer@aol.com>

To whom it may concern,

I fully support the proposal brought forth by the Commitee on Democratic Communications to create a legal low power FM service. I feel that this service would greatly benefit all communities in which low power stations are implemented, and would successfully solve the alledged "problem" of unlicensed broadcasting interfering with other services.

Sincerely, Kelly Benjamin, P.O. Box 173426, Tampa, FL 33672, 813-223-9171

From: Stephanie & Ted Coopman <rogue@cruzio.com>
Organization: Rogue Communication Consultants

I fully support the CDC position on a micro radio service.

Ted M. Coopman, Rogue Communication
1135 N. Branciforte Ave, Santa Cruz, CA 95062
408-429-1852
http://www.roguecom.com

From: "Kelly Kombat" <x87x@hotmail.com>

Dear CDC,

I fully agree with and support the proposal in RM 9208.

Elizabeth Morris
2707 Oakdale Ave
Tampa, Fl 33602
813-223-9171

!tampa low power broadcasting company!

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From: improviz@gis.net (stephen provizer)
Subject: "RM 9208"
You can put me down as a supporter of your proposal.

Steve Provizer
23 Winslow Rd
Brookline, MA 02146

Radio Free Allston--106.1
"A Voice For Community"
617-232-3174

*Note our new URL: <http://radfrall.org/>

From: patty heffley <patty@inch.com>

Support of Counter-proposal to RM9208

As a citizen of the USA and with rights of free speech and hope for democracy, I support the attached counter-proposal of the CDC of the NLG as a very good alternative to shutting out those that own the airwaves- The People.

I am licensed by the FCC as a HAM operator. The FCC has given us the right to be on the air. We seem to get along fine with reasonable rules. There is very little problem with mis-use. I believe that the same will be with microbroadcasting.

Patricia Heffley
KC2CBE
Save Our Station/WBAI 99.5FM New York Community Sponsored radio
511 w. 20th st.
NYC, NY 10011

From: Jesse Moorman <jmoorman@igc.org>

I join and support the proposed rulemaking.

Jesse Moorman
jmoorman@igc.org
(NLG CDC member)

From: "Lorenzo Edward Ervin,jr." <lervin@mindspring.com>
Organization: MindSpring Enterprises, Inc.

COMMENTS IN SUPPORT OF RM9208 -TO ESTABLISH A MICROPOWER BRAODCAST SERVICE-ON BEHALF OF BLACK LIBERATION RADIO NETWORK

1. Because of our under-representation in the broadcast industry as owners (600% under-represented) or employees (only 20% of the total), the only way that most minority owners/managers of any broadcast property will ever obtain control of a radio station is with a low cost micropower station.

2. The FCC's rules, requiring financial qualification, before any license can be granted hampers the ability of racial minorities to obtain radio station licenses. This discriminates against low income or small nonprofits in the Black community, and racial minorities generally.

2. The change from liberal to rigid rules by the FCC, forbiding distress sales of stations, increased power requirements for non-commercial service (100 watts minimum), elimination of minority ownership incentive rule, elimination of duopoly rule, and other regulations to promote diversity has created a dearth of radio station owners in Black communities.

3. Outright censorship by the FCC and corporate media control by major broadcast companies of the content of broadcasting in minority communities.

4. Allowing white corporate seizure of most minority controlled radio stations in the Black/minority communities in the U.S.

5. Lack of Broadcast content diversity. The FCC is guilty of refusing to exercise control over re-licensing of stations that clearly do not serve the Black community, and engage in politically biased and racist programming, while it suppresses Black radical programming and speech.

6. The FCC should allow the creation of a new broadcast service where spectrum space exists, and clearly no interference is found or contemplated. Where there are no technical limitations and no interference with existing stations, it should be allowed with moderate or no regulation.

7. The FCC rules are illegal and unconsitutional when they are clearly only to give a competitive advantage to white license holders in a broadcast market, and only favor the rich.

8. The FCC regulations are illegal and unconstitutional when they clealy censor and control free expression, even anti-government sentiments and the call for Black revolution.

We therefore fully support the proposal by the Committee for Democratic Communications of the National Lawyers Guild for creation of a new broadcast service. It is the only proposal we do support, and we want our support for this new service heard and registered by this agency. Thank you.

Sincerely,

Lorenzo Komboa Ervin, Black Liberation Radio of Tennessee
P.O. Box 5604, Chattanooga, TN. 37404

From: San Francisco Liberation Radio <sflr@slip.net>

San Francisco Liberation Radio*s comments to the Federal Communications Commission:

In regard to the proposals put forward by the Committee on Democratic Communications of the National Lawyers Guild, we add the following remarks:

We are glad to see that some forward motion is being made here. However, it is going very quickly and we don't want to be rushed into agreeing to anything that will have a lasting impact on micro radio without time to think about it and discuss it with fellow broadcasters. We propose there be an expanded period of time to work out rules we can all live with. We urge you to make a genuine effort to restore some semblance of balance and democracy to the nation's airwaves. These last few years of consolidation in the broadcast industry, particularly in the wake of the Telecommunications Act of 1996, have resulted in the elimination of entire topics of conversation and points of view from radio broadcasts. While WE accept the need to protect the integrity of the airwaves, we urge YOU, on the other hand, to recognize that this is an injustice which cries out to be rectified.

Generally we agree with most of the CDC's proposals, however, we do have some concerns in the following areas:

Proposal number 7 would set a 50 watt maximum on micro stations in urban areas. We are concerned that this may be too low for an urban area like San Francisco, a city well known for its hilly, mountainous terrain. Micro radio stations in this city are consigned to a virtual broadcast apartheid, with our signals hemmed in and confined to small pockets of territory. Speaking for our own station, this fact of nature leaves significant portions of our community inadequately served by our signal. For instance, the Haight Ashbury neighborhood lies a mere three miles from our antenna as the crow flies. Yet parts of the neighborhood cannot receive our signal at all, while others do so only with great difficulty. We would like to see rules that would allow an urban micro station to broadcast at up to

100 watts when a demonstrable need exists. We would appreciate it if the FCC would provide a forum in which this issue could be discussed more fully. We would like to point out that it was the FCC itself which arbitrarily chose a cut off point of 100 watts when it eliminated low power radio some eighteen or twenty years ago. We would like to see this entire 100-yard field of territory, charted completely off the map when the FCC changed its rules, regained now for the American people.

Proposal number 10 would provide for a registration period of four years, without mentioning anything about options for renewal. We would like to see this point clarified. What happens four years from now?

Proposal number 8 mentions a "voluntary body" that would be set up by the "local or regional micropower broadcast community to oversee micropower stations." We think the setting up of such a body is a good idea, however, we are concerned--and this may be outside the purview of the FCC--that it operate democratically, with at least one representative from each micro station in the region included in the decision-making process.

We have other issues regarding fundraising. As a strictly non-commercial station ourselves, we have no problem with proposal number 1. However, if we had our druthers we would probably like to see the decision as to commercial versus non-commercial status left up to each individual station. Setting up a micro station can cost $1,000 or more. How are people in poorer communities going to be able to afford this? This matter, too, deserves a forum for discussion, and we encourage the FCC to provide one. Moreover, even a non-commercial station must raise money. We would assume that non-commercial micro stations would have the right to hold on-air fundraisers just like any other public or listener supported station, however, perhaps this should be spelled out in any final agreement.

San Francisco Liberation Radio, 750 LaPlaya Box 852, San Francisco, CA
415-750-1714
Richard Edmondson