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From: "Joseph D'Alessandro" <jdman@magpage.com>
To: A4.A4(FCCINFO)
Date: 6/26/98 11:28am
Subject: ?

I know you your rules and regulation thats where you make mistake we will find out in court i am just buying time
YOU STATEMENT TO
ME SHOULD READ ONLY THE RICH NEED TO APPLY AND OR IF YOU HAVE \$150.000,000 DOLLARS,THE
POOR ,AND THE POOR WOMAN AND THE DISABLED
AND BLACKS AND MINORITYS EVEN THOUGH YOU LIVE IN OUR FASCIST FCC RULES GOOD LUCK

Thank you
Mr.D'Alessandro

RECEIVED

JUN 26 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

- >>>>>
- > From: MMBPRD <MMBPRD@fcc.gov>
- > To: jdman@magpage.com
- > Subject: broadcast radio license information
- > Date: Friday, June 26, 1998 9:14 AM
- >
- > GENERAL INFORMATION
- >
- > Any qualified citizen, company, or group may apply to the Federal
- > Communications Commission (FCC) for authority to construct a standard
- > (AM), frequency modulation (FM), or television (TV)
- > broadcast station.
- >
- > Licensing of these facilities is prescribed by the Communications Act of
- > 1934, as amended, which sets up certain basic requirements. In general,
- > applicants must satisfy the Commission that they are legally, technically,
- > and financially qualified, and that operation of the proposed station would
- > be in the public interest.
- >
- > Full details of the licensing procedure and station operation are in Part 1
- > of the Commission's Rules, "Practice and Procedure," and Part 73, "Radio
- > Broadcast Services." This includes technical standards for AM, FM, and
- > TV stations, and TV and FM channels (frequency) assignments by
- > states and communities. These rules are summarized in this publication.
- > Copies of the complete rules may be purchased from the Superintendent
- > of Documents, Government Printing Office, Washington, D.C. 20402;
- > (202) 512-1800.
- >
- > Most applicants retain engineering and legal services in preparing their
- > applications. The Commission does not perform technical or other special
- > studies for prospective applicants nor does it recommend individual
- > lawyers or engineers. Names of firms and individuals practicing before
- > the Commission are listed in various trade publications. Broadcasting &
- > Cable Yearbook and the Television and Cable Factbook are two such
- > publications. These publications can be found in most public libraries or

No. of Copies rec'd
List A B C D E

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> may be obtained by writing:

>

> Reed Reference Publishing Company

> Attention: Customer Service

> 121 Chanlon Road

> New Providence, NJ 07974

> 1-800-521-8110

>

> and

>

> Warren Publishing, Inc.

> 2115 Ward Court, N.W.

> Washington, D.C. 20037

> (202) 872-9200

>

> respectively.

>

> The following is a summary of the consecutive steps to be followed in

> applying for the authorization to build and operate a broadcast station.

> The application procedure is substantially the same whether

> the facility sought is AM, FM, or TV.

>

>

AM STATIONS

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> An applicant must make his/her own search for an AM frequency on

> which they can operate without causing or receiving interference from

> existing stations and stations proposed in pending applications.

> At present, AM stations operate in the existing band from 540 kHz to

> 1600 kHz. The Commission is in the process of authorizing certain

> existing licensees to operate in the expanded band from 1610

> kHz to 1700 kHz, however, this band is not presently available to

> applicants for new broadcast stations. In the United States and in Region

> 2, the channels are spaced at 10 kHz intervals. Stations are designated

> channel by channel to serve various size areas and operate on "clear,"

> "regional" and "local" channels. Dominant clear channel stations (Class

> A) operate at a maximum power of 50,000 watts; secondary clear

> channel stations (Class B) operate at a power between 250 watts and

> 50,000 watts. Many stations (Class D) operate as daytime only stations.

> (Applications are no longer being accepted for daytime only stations).

> Class B stations operating on regional channels may now operate at

> power levels between 250 watts and 50,000 watts. Class C stations

> operate on local channels serving limited areas and operating with no

> more than 1,000 watts day and night.

>

> Please be aware that the submission of an application for an AM station

> requires the payment of an application filing fee.

>

> [Special Note (added Nov. 26, 1997) -- For conflicting applications, the

> comparative hearing process is in the process of being replaced by an

> auction process. See Competitive Bidding for Commercial Broadcast and

> Instructional Fixed Television Service Licenses (Word Perfect 5.1

> version). Details have not been worked out as of Nov. 26, 1997.]

>

>

FM STATIONS

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> The FM service includes the frequencies from 88.1 MHz through 107.9

> MHz. These frequencies are also known as FM broadcast channels (See

> 47 C.F.R. Section 73.201). The FM channels run from Channel 201 (88.1

> MHz) through Channel 300 (107.9 MHz).

>

- > Channels 221 through 300 (92.1 MHz through 107.9 MHz) are generally
- > used for commercial FM stations. Any applicant wishing to apply for a
- > commercial FM station (or a noncommercial educational station on
- > Channels 221 to 300) must first determine if there are any unused
- > frequencies ("allotments") assigned to the community to be served. The
- > FCC maintains a Table of Allotments (47 C.F.R. Section 73.202) that is
- > helpful in identifying any available channels. These tables are
- > available from the FCC's Copy Contractor. If an applicant identifies an
- > unused channel that is listed as a first come / first served allotment, then
- > the applicant may file an application (FCC Form 301) for the vacant
- > allotment. If the applicant identifies an unused channel that has a window
- > filing period for the allotment, the applicant may file an application for that
- > channel before the end of the window filing period. If the current FM
- > Table of Allotments indicates that there are no unused channels
- > allotted to the community, the applicant may have a private consulting
- > engineer, of their choice, perform an engineering study to identify a
- > channel that may be allotted to the desired community. If
- > the applicant identifies a channel that could be allotted to serve the
- > community, the applicant may submit a petition for rulemaking to the FCC's
- > Allocations Branch (Policy and Rules Division, Mass Media Bureau)
- > requesting allotment of the channel to serve the desired community. See
- > How to Participate in the Rule Making Process. If the FCC approves the
- > petition, the channel will be added to the FM Table of Allotments and
- > applications may be filed during a "window" filing period (usually
- > a 30 day period) specified by the FCC. (See FM Commercial Application
- > Filing Windows for additional information.) If there are conflicting or
- > "mutually exclusive" applications filed in the window period, the
- > applications will be designated for a comparative hearing before an
- > administrative law judge.
- >
- > Applicants filing for a commercial FM station during a window filing
- > period, or filing for a first come / first served vacant allotment, must
- > include the application filing fee with the construction permit application.
- >
- >
- > Channels 201-220 (88.1 MHz to 91.9 MHz) are reserved for
- > noncommercial educational operation. Applicants for noncommercial FM
- > radio stations must first conduct an engineering study for a suitable
- > channel within the reserved band to serve the desired community. Once
- > the engineering study has been completed and a suitable channel within
- > the reserved band is identified to serve the desired community, an
- > application (FCC Form 340) may be filed for that channel. The application
- > is then placed on an "A" cutoff list, which defines a date by which any
- > competing applications or petition to deny must be filed. If no competing
- > applications are filed, legal review and further technical review is
- > performed on the application, with that application being granted if it is
- > acceptable. If there are conflicting or "mutually exclusive" applications
- > filed on or before the "A" cutoff date, the applications will be designated
- > for a comparative hearing before an administrative law judge.
- >
- > [Special Note (added Nov. 26, 1997) -- For conflicting commercial FM
- > applications, the comparative hearing process is in the process of being
- > replaced by an auction process. See Competitive Bidding for Commercial
- > Broadcast and Instructional Fixed Television Service Licenses
- > (Word Perfect 5.1 version). Details have not been worked out as of Nov.
- > 26, 1997.]
- >
- > Channels in the unreserved portion of the FM band (Channel 221 through
- > Channel 300 or 92.1 MHz-107.9 MHz) may be used for noncommercial
- > programming. However, procedures governing commercial FM channels

- > will apply (i.e., window filing periods, technical requirements). No
- > application filing fee is required for applicants seeking authorization for a
- > noncommercial educational station.

>

- > The Commission authorizes seven classes of FM stations: A, B1, B, C3,
- > C2, C1, and C. The maximum power for a Class A station is 6,000 watts;
- > Class B1 is 25,000 watts; Class B 50,000 watts; Class C3 is 25,000
- > watts; Class C2 is 50,000 watts; Class C1 is 100,000 watts; and Class
- > C is 100,000 watts but at a higher (300 to 600 meter) antenna height
- > above average terrain (HAAT). (See FM Classes.) The minimum power
- > authorized for any FM station is 100 watts. (See Low Power Broadcast
- > Radio Stations.)

>

> FM Translator Stations

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- > FM Translators comprise a low power service on the FM broadcast band
- > (88 to 108 MHz) which complements the primary FM service. This
- > service was first created in 1970 to allow FM stations to provide
- > supplementary service to areas in which direct reception of radio
- > service is unsatisfactory due to distance or intervening terrain barriers
- > (e.g., a mountain). Translators may not originate programming, except for
- > very limited fundraising efforts. . Translator stations rebroadcasting
- > commercial FM stations may be authorized on Channel 221 through 300
- > (92 MHz to 108 MHz), while translators rebroadcasting a noncommercial
- > educational FM station may be authorized on any FM channel (201 to
- > 300). The maximum effective radiated power permitted for any translator
- > station is 250 watts. The maximum power permitted for a particular
- > transmitter station may be further limited by the location of that station.

>

- > Applications for a construction permit for an FM translator station must
- > be filed on FCC Form 349. Once construction is completed in accordance
- > with the construction permit granted by the FCC, a license application on
- > FCC Form 350 is then necessary. An application filing fee is required for
- > FM translator stations which rebroadcast a commercial FM primary
- > station.

>

- > Further information about FM translator stations is available in the fact
- > sheet, FM Translator and Booster Stations.

>

- > [Special Note (added Nov. 26, 1997) -- For conflicting translator
- > applications, the comparative hearing process is in the process of being
- > replaced by an auction process. See Competitive Bidding for Commercial
- > Broadcast and Instructional Fixed Television Service Licenses (Word
- > Perfect 5.1 version). Details have not been worked out as of Nov. 26,
- > 1997.]

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> HOW CAN I GET AN AM, FM OR TV BROADCAST STATION?

>

- > To apply for a new AM station, or a commercial FM station or a
- > commercial TV broadcast station for which a vacant allotment is
- > available, the applicant must submit FCC Form 301 (Application for
- > Construction Permit for Commercial Broadcast Station), with the
- > applicable application filing fee. Noncommercial educational television
- > applicants, and noncommercial educational FM station applicants filing for
- > operation on Channels 201 through 220, must submit FCC Form 340
- > (Application for Construction Permit for Noncommercial Educational
- > Broadcast Station): no application filing fee is required for noncommercial
- > educational applicants. These forms are also used to make modifications
- > in an existing facility. FM Translator, TV Translator and LPTV, applicants
- > must submit FCC Form 346 (Application for Authority to Construct or

- > Make Changes in an LPTV, TV Translator, or FM Translator Station).
- > These forms require information about the citizenship, legal and financial
- > qualifications of the applicant, as well as engineering and technical
- > specifications of the proposed or modified transmitter site.
- >
- > Another way to obtain a broadcast station is to purchase an existing
- > station that the owner is willing to sell. The FCC does not maintain a list of
- > stations for sale and does not participate in the negotiations of the sales
- > contract. Station brokers and communications attorneys can assist you
- > in identifying stations that are for sale. You may also contact individual
- > station owners directly to see if they are interested in selling their station.
- > After you have found a station for sale, and have signed a contract to
- > purchase the station, FCC Form 314 (Application for Consent to
- > Assignment of Broadcast Construction Permit or License) must be
- > submitted within 30 days accompanied by appropriate filing fees.
- > Applicants who apply to purchase a station may not take over operation
- > until the FCC approves the application to purchase the station. Once the
- > application is approved, the buyer must submit a letter of consummation
- > within 90 days of the grant. FCC Form 323 (Ownership Report for
- > commercial stations) or FCC Form 323-E (Ownership Report for
- > Noncommercial Educational stations) must also be submitted within 90
- > days of the grant. FCC Form 315 (Application for Consent to Transfer of
- > Control of Corporation Holding Broadcast Station Construction Permit or
- > License) must be submitted when a controlling block of shares of a
- > broadcasting company is transferred to a new entity or an individual.
- > There is also a FCC Form 316 (Application for Consent to Assignment or
- > Transfer of Control) which is used when a station is involuntarily
- > transferred, such as to a trustee in bankruptcy. FCC Form 316 is also
- > used for Pro Forma (changes in form, not substance) assignments and
- > transfers, such as a sale from a person to a corporation controlled by
- > that person.
- >
- > Broadcast applications must be submitted in triplicate, with the
- > appropriate application filing fee attached. (See Mass Media Fee Filing
- > Guide for fee information). Applications for noncommercial educational
- > stations do not require a filing fee.

APPLICANTS MUST GIVE LOCAL NOTICE

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- > All applicants must give local notice in a newspaper of general circulation
- > in the community in which the station is licensed or proposed to be
- > licensed. They must also afford an opportunity for the public to file
- > comments on these applications with the Commission. Copies of the
- > application must be maintained in the station's public files or at a location
- > accessible to the public in the community where the station is proposed,
- > i.e. public library, post office. Licensees who submit a license renewal
- > application must give local public notice of the filing by broadcasting
- > announcements over their stations. Any application that is designated for
- > hearing must again give local public notice indicating such action by the
- > Commission. (See 47 CFR Section 73.3580).
- >
- > The Commission receives many inquiries annually (over 13,000 per year!)
- > from individuals and groups wishing to start a "low power" or "micro
- > power" radio station for local broadcasts (AM or FM). The Audio
- > Services Division has assembled this general information to answer
- > some of the more commonly received questions on this subject.
- >
- > A number of inquiries received at the Commission are from persons or
- > groups who believe that there is a First Amendment, constitutionally

> protected right to broadcast. However, the Supreme Court of the United States has repeatedly ruled on this subject and concluded that no right to broadcast exists.

>

> In *National Broadcasting Co. v. United States*, 319 U.S. 190 (1943), the Supreme Court stated, in pertinent part, as follows (footnotes omitted):

>

> We come, finally, to an appeal to the First Amendment. The Regulations, even if valid in all other respects, must fall because they abridge, say the appellants, their right of free speech. If that be so, it would follow that every person whose application for a license to operate a station is denied by the Commission is thereby denied his constitutional right of free speech. Freedom of utterance is abridged to many who wish to use the limited facilities of radio. Unlike other modes of expression, radio inherently is not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to government regulation. Because it cannot be used by all, some who wish to use it must be denied. . . . The right of free speech does not include, however, the right to use the facilities of radio without license. The licensing system established by Congress in the Communications Act was a proper exercise of its power over commerce. The standard it provided for licensing of stations was the 'public interest, convenience, and necessity.' Denial of a station license on that ground, if valid under the Act, is not a denial of free speech.

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> In addition, in *Red Lion Broadcasting Co., Inc. v. United States*, 395 U.S. 367, 89 S.Ct. 1794 (1969), the Supreme Court of the United States stated, in pertinent part, as follows (footnotes omitted):

>

> When two people converse face to face, both should not speak at once if either is to be clearly understood. But the range of the human voice is so limited that there could be meaningful communications if half the people in the United States were talking and the other half listening. Just as clearly, half the people might publish and the other half read. But the reach of radio signals is incomparably greater than the range of the human voice and the problem of interference is a massive reality. The lack of know-how and equipment may keep many from the air, but only a tiny fraction of those with resources and intelligence can hope to communicate by radio at the same time if intelligible communication is to be had, even if the entire radio spectrum is used in the present state of commercially acceptable technology.

>

> It was this fact, and the chaos which resulted from permitting anyone

- > to use any
- > frequency at whatever power level he wished, which made
- > necessary the enactment of
- > the Radio Act of 1927 and the Communications Act of 1934. National
- > Broadcasting
- > Co. v. United States, 319 U.S. 190, 210 - 214 (1943). It was this reality
- > which at
- > the very least necessitated first the division of the radio spectrum into
- > portions reserved
- > respectively for public broadcasting and for other important radio
- > uses such as amateur
- > operation, aircraft, police, defense, and navigation; and then the
- > subdivision of each
- > portion, and assignment of specific frequencies to individual users or
- > groups of users.
- > Beyond this, however, because the frequencies reserved for public
- > broadcasting were
- > limited in number, it was essential for the Government to tell some
- > applicants that they
- > could not broadcast at all because there was room for only a few.
- >
- > Where there are substantially more individuals who want to
- > broadcast than there are
- > frequencies to allocate, it is idle to posit an unbridgeable First
- > Amendment right to
- > broadcast comparable to the right of every individual to speak, write,
- > or publish. If 100
- > persons want to broadcast but there are only 10 frequencies to
- > allocate, all of them
- > may have the same 'right' to be a licensee; but if there is to be any
- > effective
- > communication by radio, only a few can be licensed and the rest must
- > be barred from
- > the airwaves. It would be strange if the First Amendment, aimed at
- > protecting and
- > furthering communications, prevented the Government from making
- > radio
- > communication possible by requiring licensees to broadcast and by
- > limiting the number
- > of licensees so as not to overcrowd the spectrum.
- >
- > This has been the consistent view of the Court. Congress
- > unquestionably has the power
- > to grant and deny licenses and to eliminate existing stations. [citation
- > omitted here]. No
- > one has a first amendment right to a license or to monopolize a radio
- > frequency; to
- > deny a station license because 'the public interest' requires it 'is not a
- > denial of free
- > speech.' National Broadcasting Co. v. United States, 319 U.S. 190,
- > 227 (1943).
- >
- >
- > "QUIET SPOTS" BETWEEN STATIONS ON THE DIAL
- >
- > The fact that there are locations on a radio tuning dial which do not
- > receive a broadcast station does not necessarily indicate that a station
- > can be added on that frequency. A station's signal on the same
- > frequency or an adjacent frequency which is too weak to be picked up
- > by a radio receiver can still cause interference to other broadcast

> 2. Article 19: "Everyone has the right to freedom of opinion and
> expression; this right includes freedom to hold opinions without
> interference and to seek, receive and impart information and ideas
> through any media and regardless of frontiers."

>

>

> We Request a Immediate FM frequency Broadcast

> License

> and or, Freedom to deviate from abuse of liberty., and civil rights, under
> the Democracy that we live in and under.

>

>

>

> 1. License A.88.3 FM Frequency, 24 hours per day 50 Watts.

> to be Non-Commercial, and Educational, to play music, and

> teach about, Black American Rythem & Blues Doo-WOP Music, which is

> an

> American Cultural, A Music Art Form, and A Part of American

> Heritage, which was abused and Denied Air Play During the 1950's

> because

> the Boys and Girls and i mean Pre-Teenagers and Teenagers, where

> Black, and the Radio Station back then where Predominately White, you

> know what it is 1998 and it still the same as a matter of knowlege

> it is worse extent.:

>

> 2. License B.88.3 FM Frequency. Special Event License 6 Hours

> per-week 24 hours per-month for 1 year. Non-Commercial, Educational

> same

> As Above

> for License A.

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> please send License .

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> thank you sincerely

> Mr. & Mrs. D'Alessandro

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> U.S. Department of Justice

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> Americans with Disabilities Act

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> ADA HOME PAGE

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> I Also file for a Livense threw the ADA
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> The ADA prohibits discrimination on the basis of disability in employment,
> programs and services provided by state and local
> governments, goods and services provided by private companies, and in
> commercial facilities.

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> The ADA was signed into law on July 26, 1990. It contains requirements
> for new construction, for alterations or renovations to
> buildings and facilities, and for improving access to existing facilities of
> private companies providing goods or services to the

- > public. It also requires that State and local governments provide access
- > to programs offered to the public. The ADA also covers
- > effective communication with people with disabilities, eligibility criteria
- > that may restrict or prevent access, and requires
- > reasonable modifications of policies and practices that may be
- > discriminatory.
- >
- > The ADA gives the Department of Justice (DOJ) authority to issue
- > regulations for title II and III of the ADA and to provide
- > technical assistance and enforcement. The Department also has
- > authority to certify that a State or local accessibility code is
- > equivalent to the ADA's requirements for new construction and
- > alterations.
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- > Mr.D'Alessandro
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