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

In the Matter of
Proposal for Creation of the Low Power FM
(LPFM) Broadcast Service

**FCC RM-9242**

To: Federal Communications Commission

**Reply-Comments of Russ Painter**

I am writing to register my support for Low Power FM service (LPFM), as outlined in RM-9242. America needs the plurality and freedom of expression that this service would bring, as well as the local public service it would offer, which cannot presently be provided under the current exlusionary system of stations owned by large media corporations and conglomerates.

The NAB and other industry groups that have filed opposing comments do not truly speak for the needs of the people of America, but rather to perpetuate and strengthen their members' exclusive use of the airwaves. I request that this Agency not put their interests above the needs of the thousands of local communities who will benefit greatly through the services of LPFM in their area.

By far the most vocal objection to this plan is in the area of supposed interference with existing stations. Yet, as you are well aware, there are and have been 460 *full-power* FM stations (grandfathered short-spaced stations) operating on 2nd and 3rd adjacent channels for many years, nationwide, with no interference complaints. If these full-power FM stations are not causing interference using the 2nd and 3rd adjacent channels, then it is ludicrous to assert that LPFM stations will cause interference. In addition, there will be no interference resulting from the future use of In-Band-On-Channel (IBOC) digital broadcasting. In your Report & Order FCC 97-276, released August 8, 1997, the Agency agreed that the use of the 2nd and 3rd adjacent channels by grandfathered short-spaced full-power FM stations would not cause interference.

As regards power levels for LPFM stations, it is crucial that they be allowed enough power to truly be viable and successful. Whereas existing "Low Power Television" service enjoys reasonable power levels which provide 15-to-20 miles coverage, LPFM should likewise be given permission to cover up to 15 miles. It would be unfair to assign LPFM less. RM-9242 proposes a flexible, three-tiered system which allows licensees the freedom to choose the power level which will best serve the needs of their community, up to a maximum of 3,000 watts. This freedom of choice is an inherently American value and should be incorporated without modification into the final rules.

Localism in broadcasting has become an increasingly rare situation as large corporations operated by distant owners continue to purchase station after station. This trend must not only be stopped but reversed. Under the proposed rule changes an applicant must live within 50-miles of the proposed antenna site and not own any other "primary service" stations. This will prevent the bigger companies from aquiring these channels, and will allow those of limited financial means to establish their voice and services on the airwaves. By removing 2nd and 3rd adjacent channel restrictions, as proposed, channels will be made available in nearly every city across America. These freed up channels will open up new opportunities for specialized service in large markets where none are available now due to the unnecessary 2nd and 3rd adjacent channel restrictions. Since FM receivers have improved dramatically in design since the rules were originally drafted decades ago, the existing 2nd and 3rd adjacent channel restrictions are now unnecessary to ensure clear reception.

These small "locally owned and operated" FM radio stations will undeniably give a voice back to the average American, and are vital to the exchange of views and information *within communities* across the nation. These rule changes will also exponentially increase diversity of ownership, allowing far more minority involvement than could ever occur under the current system.

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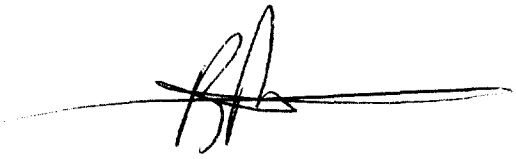
**CERTIFICATE OF SERVICE**

I, Russ Painter, do hereby certify that a true and correct copy of the foregoing "Reply-Comments on RM-9242" was sent via first class mail, this 23rd day of July, 1998, to the following parties:

Henry L. Baumann
Executive Vice-President and General Counsel
NATIONAL ASSOCIATION OF BROADCASTERS
1771 N Street, NW
Washington, D.C. 20036

Counsel for State Broadcasters Associations
Richard R. Zaragoza
David D. Oxenford
FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.
2001 Pennsylvania Ave., N.W., Suite 400
Washington, D.C. 20006-1851

Counsel for USA Digital Radio, L.P.
Robert A. Mazer
Albert Shuldiner
VINSON & ELKINS, L.L.P.
1455 Pennsylvania Ave., N.W.
Washington, D.C. 20004-1008

American Community AM Broadcasters, Inc. (ACAMBA)
Bryan Smeathers, President
P.O. Box 973
Central City, KY 42330

RM-9242 Petitioner
J. Rodger Skinner, Jr. / President
TRA Communications Consultants, Inc.
6431 NW 65th Terrace
Pompano Beach, FL 33067-1546