

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the matter of:)
LPFM Licensees Propose Necessary) RM-11753
Improvements to the Low Power FM (LPFM))
Radio Service) MB Docket _____
)

**REPLY COMMENTS OF THE LOW POWER FM ADVOCACY GROUP (LPFM-AG) TO
VARIOUS COMMENTERS IN RM11753, NAMELY:**

JOINT COMMENTS OF THE NAMED STATE BROADCASTERS ASSOCIATIONS (ALABAMA BROADCASTERS ASSOCIATION, ALASKA BROADCASTERS ASSOCIATION, ARIZONA BROADCASTERS ASSOCIATION, ARKANSAS BROADCASTERS ASSOCIATION, CALIFORNIA BROADCASTERS ASSOCIATION, COLORADO BROADCASTERS ASSOCIATION, CONNECTICUT BROADCASTERS ASSOCIATION, FLORIDA ASSOCIATION OF BROADCASTERS, GEORGIA ASSOCIATION OF BROADCASTERS, HAWAII ASSOCIATION OF BROADCASTERS, IDAHO STATE BROADCASTERS ASSOCIATION, ILLINOIS BROADCASTERS ASSOCIATION, INDIANA BROADCASTERS ASSOCIATION, IOWA BROADCASTERS ASSOCIATION, KANSAS ASSOCIATION OF BROADCASTERS, KENTUCKY BROADCASTERS ASSOCIATION, LOUISIANA ASSOCIATION OF BROADCASTERS, MAINE ASSOCIATION OF BROADCASTERS, MD/DC/DE BROADCASTERS ASSOCIATION, MASSACHUSETTS BROADCASTERS ASSOCIATION, MICHIGAN ASSOCIATION OF BROADCASTERS, MINNESOTA BROADCASTERS ASSOCIATION, MISSISSIPPI ASSOCIATION OF BROADCASTERS, MISSOURI BROADCASTERS ASSOCIATION, MONTANA BROADCASTERS ASSOCIATION, NEBRASKA BROADCASTERS ASSOCIATION, NEVADA BROADCASTERS ASSOCIATION, NEW HAMPSHIRE ASSOCIATION OF BROADCASTERS, NEW JERSEY BROADCASTERS ASSOCIATION, NEW MEXICO BROADCASTERS ASSOCIATION, THE NEW YORK STATE BROADCASTERS ASSOCIATION, INC., NORTH DAKOTA BROADCASTERS ASSOCIATION, OKLAHOMA ASSOCIATION OF BROADCASTERS, OREGON ASSOCIATION OF BROADCASTERS, PENNSYLVANIA ASSOCIATION OF BROADCASTERS, RADIO BROADCASTERS ASSOCIATION OF PUERTO RICO, RHODE ISLAND BROADCASTERS ASSOCIATION, SOUTH CAROLINA BROADCASTERS ASSOCIATION, SOUTH DAKOTA BROADCASTERS ASSOCIATION, TENNESSEE ASSOCIATION OF BROADCASTERS, TEXAS ASSOCIATION OF BROADCASTERS, UTAH BROADCASTERS ASSOCIATION, VERMONT ASSOCIATION OF BROADCASTERS, WASHINGTON STATE ASSOCIATION OF

BROADCASTERS, WEST VIRGINIA BROADCASTERS ASSOCIATION, WISCONSIN BROADCASTERS ASSOCIATION, AND WYOMING ASSOCIATION OF BROADCASTERS- COLLECTIVELY, THE “STATE ASSOCIATIONS” OR “ASSOCIATIONS”)

JOINT COMMENTERS (AMERICOM LIMITED PARTNERSHIP, BEASLEY BROADCAST GROUP, INC., CLARKE BROADCASTING CORPORATION, ENTERCOM COMMUNICATIONS CORP., GALAXY COMMUNICATIONS LLC, GREATER MEDIA, INC., JOURNAL BROADCAST CORP., RENO MEDIA GROUP, L.P., and SOVEREIGN COMMUNICATIONS, LLC)

NATIONAL ASSOCIATION OF BROADCASTERS

JOINT COMMENTS OF MORE NAMED CORPORATE RADIO GROUPS (THE NORTH CAROLINA ASSOCIATION OF BROADCASTERS, OHIO ASSOCIATION OF BROADCASTERS, AND VIRGINIA ASSOCIATION OF BROADCASTERS)

JOINT COMMENTS OF VARIOUS BROADCAST LICENSEES (SAGA COMMUNICATIONS, INC., TRI-STATE COMMUNICATIONS, INC., SOUND COMMUNICATIONS, LLC, REED BROADCASTING, LLC, NORTH LOUISIANA BROADCASTING, INC., ALEXANDRA COMMUNICATIONS, INC., FLAGLER BROADCASTING, LLC, and D&H BROADCASTING LLC)

COMMENTS OF HUBBARD RADIO (CORPORATE COMMERCIAL RADIO)

COMMENTS OF EDUCATIONAL MEDIA FOUNDATION (CORPORATE NONCOMMERCIAL RADIO)

COMMENTS OF SUMMIT MEDIA (AL SERGI)

AND, REPLY COMMENTS TO THE FOLLOWING PARTIES (HEREIN KNOWN AS FAUX LPFM “ADVOCATES:”

COMMENTS OF COHEN. DIPPELL AND EVERIST. P.C. (DON EVERIST)

COMMENTS OF PETE TRIDISH (PROMETHEUS RADIO PROJECT)

COMMENTS OF REC ‘NETWORKS’ (MICHELLE ‘MACHI’ BRADLEY)

COMMENTS OF CHRISTIAN COMMUNITY BROADCASTERS (JOHN BROOMALL)

Introduction: Pursuant to Section 1.405 of the Commission’s rules, the Low Power FM Advocacy Group (LPFM-AG) submits the following reply comments to opposing comments

submitted by the parties above (herein known “**opposition**” or “**corporate radio**” or in the second field of opposing non-licensees as faux LPFM “**advocates**”); all of which oppose the proposed necessary changes to the LPFM service requested in RM11753, in which the Low Power FM Advocacy Group (“**LPFM-AG**” or “**we**”) proposes a host of necessary policy changes designed to enable the failing Low Power FM radio service (LPFM) to survive; unlike the last 15 years where 600 LPFM licenses have been returned to the commission and communities have been stripped of the local radio stations. Real Americans are denied the expectation of continuity from their FM radio bands and real, easy to deliver emergency services from their local FM stations due solely to protection of corporate profits. With a substandard broadcast contour at just 100 watts & rules that do not work for stations who broadcast with 100,000 watts, LPFMs are not able to support themselves, as demonstrated by supporting case studies and the fact that 600 stations have failed. This is a serious pressing issue and we ask that it be remedied by this FCC; in order to be on the right side of history and in demonstration of important commission statements made recently regarding:

1- AM revitalization

2- A new efficient FCC, discussed as field offices are designated for shut down.

In the realization that, after 15 years, our requests for relief from our faux “advocates” have fallen on deaf ears, it is the licensees right, further, the licensees *duty* to step in and beg for relief from the FCC directly. After 600 stations have failed, our well-known “advocates” have not seen sufficient evidence of the LPFM’s service issues to help. They, unexplainedly, still support **more of the same** for the LPFM service and for the very American people who are most affected. No one but the LPFM-AG has defined any call letters for the stations they represent and, as such, should be viewed as the only group in this proceeding that actually represents the wishes & views of LPFM licensees. Our opposition, especially the “advocates,” should be viewed as uneducated or agenda seeking opportunists who do not have the success of service in mind. The proof is in the rules they helped establish (the current LPFM rules) and the comments they submitted in these proceedings.

Gaming the System: Dozens of radio groups submitted opposing comments as “states associations,” “national association” and as licensees themselves. Still the fact is that there is really nothing differing one group from another. They are simply gaming the system to appear to have support they do not have. For instance., Beasley Media Group is listed as a party to a commenting group of licensees, is also member of various states associations and is, indeed, a very active member at the NAB. Yet, corporate radio is allowed the appearance multiple “viewpoints” through the guise of “extra association.” In recognizing this, we ask the commission to ignore any comments from associations or groups.. or from the licensees themselves. Weight should not be added to their viewpoint because they understand how to create an illusion of support.

LPFM stations must be able to support themselves financially. Such action would empower local economies, repair two failing services (LPFM and AM) and thoroughly reduce paperwork and process at the FCC. It is, indeed, a very fast fix to a complicated problem that needed to be fixed yesterday. The opposition never considers the impact their suggestions of *“more of the same”* are having on the American economy.

Corporate radio and their advocates traditionally throw "everything but the kitchen sink" at LPFM to stall its growth; it's very survival. Such abuse of process was also witnessed for LPFMs first 15 years through needless interference studies conducted only to slow down development of the service. Indeed, there was no merit to their argument about third channel interference. In the end, not even second-adjacent interference had any real argumentative substance, yet was still allowed to stall LPFMs infantile growth. They were able to cripple it for years via regulatory means. However, as already proven with the recent enforcement of the FCC in the net neutrality decision, this is an FCC who is ***one of wise and swift action***. This proceeding, RM11753, is the perfect place where another demonstration of that power is warranted; in order to function in the public interest and to be a ruling FCC that is on the right side of history; one that finally advocated for all Americans; not just large corporate interests and influencers.

Corporate radio seems to think, through it's comment filings, that it is in the public interest for LPFM stations to be so low powered that their signal doesn't penetrate buildings. It may see LPFM as secondary, not as important as their 100,000 watt jukebox stations. They seek to retain the right eliminate competition and to force FM radio stations to put their listeners in peril by not allowing them the same access to emergency programming that full-power commercial radio stations enjoy. However, they are wrong. LPFM should be able to participate in its own rulemaking processes and to defend its audiences against substandard radio service; inflicted on the service by the current rules. To deny the changes proposed in RM11753 is a statement about public service. It adds up, ultimately, to a Nielsen ratings battle that is being held at and advocated by the FCC. We feel that this is a clear abuse of process and respectfully request the commission to admonish the practice entirely and to consider the comments above to be boit in the public interest. There is no demonstration the the American radio was ever considered in any of the opposing filings.

Further, we challenge that much of their presentation involves a further pattern of "truth distortion" that is exemplified in the fact that the "LPFM expert" or "advocates" chosen to speak on behalf of corporate radio, REC (Michelle Bradley), has such little experience in the matter that she has not ever worked in a full-time job for any broadcast AM, FM or LPFM radio station and, other than the fact that she worked with corporate radio licensees to create the self-defeating rules that LPFMs must endure, had no interest or standing in the LPFM community, regardless of the limited function, PHP website she is known for. Yet, somehow, corporate radio sees her as an expert.

Corporate radio's opposing comments represent a case of "hide the facts" by "throwing everything at it." Not one point made by corporate radio has any basis in truth and all are

clearly designed to forward their profiteering agenda; at the expense of the American LPFM radio listener. The US radio listener's perspective is one glaring omission from all of the opposing comments above.

As US citizens, we have a reasonable expectation that all government agencies are required to operate in the American public interest. We feel it is the most important perspective put forth so far.

Here are some easily discovered facts:

1- When all things are equal, (both an LPFM and a class C commercial station can be equally received) the typical listener doesn't know the power level of either FM radio station.

2- When all things are equal, (both an LPFM and a class C commercial station can be equally received) the typical listener doesn't know the rules in which either station is forced to abide with.

If both stations are received equally, they appear to be equal to the typical radio listener. Further, when an LPFM is located in the commercial band, it further *adds to the perception that they are equal* to full power stations and will provide the same level of services.

That said, it is paramount to public safety, currently dangerously deceptive and well within the public interest for:

1- Both stations to provide the same level of emergency coverage. An audience should not be left out of an important emergency event simply because they chose to listen to the wrong radio station. In the comments of corporate radio, they unfairly suggest that LPFMs should produce this information; emergency coverage of weather, news, and traffic from within our own studios. Yet, they leave out **the costs involved** in doing this & the fact that **they don't even do it this way**. They barter it, exactly as we propose to do.

It is common practice for a full-power commercial station to broadcast commercials in exchange for premium coverage of potentially life-threatening situations. We feel our audience is as important as their audience, and should be afforded the same level of protection from their equally-perceived FM radio stations. Suggesting that underfunded LPFMs invest additional funds toward providing a service that could easily be paid for with a commercial indicates that corporate radio is either:

a. Ignorant to the true challenges of a locally run FM radio service like LPFM and, as such, inept at commenting on them, rendering all of their comments as moot.

b. Intentionally attempting to forward LPFMs demise by suggesting ideas that are not in its own best interest.

However, with approval of all of the requested items in RM11753, it could be said that LPFM, with additional commercial funds, could indeed provide a more local broadcast service and, perhaps, might provide an even more local emergency service next to that provided by bartered experts. Should that be the case, it would certainly be an equal station situation where the LPFM was providing additional local service. This, apparently, is one that corporate radio, with no obvious intention to provide this service as of this date, hopes to avoid.

That said, corporate radio profits and ratings are not worth the sacrifice the American people have made to protect them. They are not worth the burden caused to the American people. Saving lives should be the name of the day up and down the dial in emergency situations, not a competitive revenue game for the most listeners. Such a game, especially in times of emergencies, is not in line with the public's interest.

2- Both should be able to provide the same level of public service broadcast coverage; not only programming that suits a fringe group licensee. Broadcasting is a service for the people. In corporate radio's own comments, they clearly state that FM spectrum is scarce. This is common knowledge,; they are right. This being the case, shouldn't every bit of American FM spectrum of it be devoted to serve its audience? Isn't it more in the public interest to allow an LPFM to take on the duty of public steward, enabling economic growth and full landscape of charitable fundraising for the entire area? The current rules that only allow an LPFM to only raise funds for itself are capricious and not at all in the public interest. Even when stations want to serve others, they are forced to *only be self-serving*. What public interest purpose could this have? How does this benefit the America radio listener?

Why is corporate radio spending so much on attorneys to fight this?

There is much speech from a very small, but vocal group who has always claimed to speak for LPFM, yet has no licenses or supportive licensees of any substance behind their efforts. This is the "advocate" group as defined above. Their cry is that LPFM should not become more than it is; and, at the same time, is quoted in corporate radio comments as "experts" or "advocates." Their inexperience in real world radio station operations, combined with their interference into LPFM rulemaking & administrative license processes, are one of the glaring reasons why this service has failed. It is understandable that our corporate radio opposition would choose to elevate their status in a public comment against LPFM's survival. However, it should be said clearly:

1- No "advocacy" group mentioned in corporate radio comments is a licensee, nor has ever been a licensee of any LPFM, FM or AM station.

2- No "advocacy" group member from REC (a one member organization) has ever been employed full-time for any FM, AM or LPFM station.

3- Aside from engineering services, neither Prometheus or REC has any recognized knowledge in the radio industry. Neither has any good basis to assist in the creation of regulatory rules that we, as LPFM licensees, should have to live by. Just because you can install a transmitter or perform a spacing study is no reason to be given credibility in legislative and FCC processes regarding LPFM operations rulemakings.

4- No one understands the real world challenges of operating an LPFM more than the actual licensees and operators of LPFMs. Again, instead of truly advocating for public interest, local FM radio, corporate radio attempts to cloud the issue with legally inept ideas like their claim that our filing is nothing more than an untimely “petition for reconsideration.” We feel that a true advocate might have responded with a more encouraging suggestion. Perhaps a welcoming of LPFM licensees to their own rulemaking proceedings? Isn't it time the opinion of those who pay the bills for LPFM is heard?

However, as LPFM grows mature enough as a broadcast service to reach the levels of operators who can actually speak for themselves, corporate radio and their “advocates” seem bent on discouraging the actual voices of the licensees who are most affected by these rules. Neither corporate radio or their advocates can prove any real influence, access or other control over an LPFM station; yet, seem very vocal to their continued influence over LPFM's very structure and rulemaking. Big corporate radio and their LPFM “advocates” are obviously attempting to find any legal grounds possible to deny LPFM licensees & their huge American audiences *access to their own rules*.

There are times when an injustice inflicted upon the American people is so blatant that it should be remedied quickly. Examples far exceed our ability to demonstrate in this comment and we'd expect the commission's attention span would not allow the many examples. But suffice it say, civil rights, class systems and other abuses of the American population has happened over history. In a situation where small town American economies can benefit greatly; returning to small local businesses opportunities the promotional tools they need in their battles with big box retailers, the ones that always seem to shut down “Main Street,” is greatly in the spirit of public service. “Instant promotions” can often enable many of those small American businesses a promotional edge that might help them pay the bills one month. It very obviously could help them survive.

Instant promotions of any effectiveness can ***only happen on local commercial FM radio.***

Small businesses in small towns currently have limited promotional alternatives; usually an overly expensive, far away large market FM that, oftentimes, used to be located in their hometown; but moved away years ago. Or, they can invest their hard earned money into a local AM station ad campaign that no one will hear. Indeed, popular belief doesn't seem to describe a successful, well-listened-to AM service. Everyone seems to agree that AM needs revitalization.

For radio to be local and effective, it must be on FM. LPFM licensees already have a **huge part of that available spectrum**.

Corporate radio goes on to make a huge issue of interference in their comments. Yet they forget how much of a non-issue that was when they established a **fully commercial, non-auctioned low power commercial service** via the **HD2 to FM translator** radio station service; a backdoor effort to skirt the rules and turn FM translators into originating broadcast stations; clearly not the original intent of that service. Certainly, it should be expected that the crippled LPFM service noticed when huge corporate radio was given 3-5 new, *fully commercial opportunities* that LPFM was denied; even as stations were being sent back to the FCC at a record pace. There were clusters of 5 full market FM stations who were suddenly granted 5 more commercial stations. The fact that LPFM, with a **commission rule** that forces it to be **the most local of all broadcast services**, was forced to endure such hardship while the richest cluster broadcasters were bonused with new commercial spectrum is, at very least, a terrible injustice.

The REC Study: Michelle Bradley of REC is quoted in corporate radio comments and REC comments as opposing RM11753. Indeed, there is mention of an official “REC study” in which she “exposes” that only 10.5% of the 600 licenses that were returned to the commission could have benefited from the proposed items in RM11753. Though, it only references the **commercial items** in the petition for rulemaking, it is touted by REC and corporate radio as a real reason not to approve all of the items in RM11753.

We challenge that every single license or CP that was returned to the FCC in the last 15 years could have avoided having to do so with **the right rules**. If the items in RM11753 were granted, indeed most of these stations may have survived. To understand better, we address the “real world” information Ms. Bradley (REC) attempts to include as “fact.”

From the REC comments in RM11753:

“LPFM.AG’s assertion that “over 600” LPFM stations have “failed” since the creation of the service is overblown and presumptive and assumes that all of these facilities failed because the stations weren’t allowed to raise funds or permitted to play commercials. Of the 620 so-called “failed” LPFM stations, only 142 (23%) actually constructed their facilities before having their licenses canceled. Short of interviewing the parties involved with all 620 facilities, any theory on the root cause of these cancellations would be pure speculation and does not satisfactorily show how LPFM stations being able to operate commercially would have “saved” these stations, especially the 77% of the stations that never made it on the air.”

Please notice how we included their entire comment, where, unlike their comment did not include any of the real statements LPFM-AG made in its petition (RM11753); instead, it only implies that we only indicated that “commercials” alone could have saved all of those licenses. We did not.

Please note also how REC also says "*short of interviewing the parties involved.*" We feel that, to call this any sort of **research study** that could gain enough traction for the large corporate radio comment filers, the researching party should have to had, at a minimum, interviewed some of those stations before dispensing data. There is no indication that there were **any interviews at all**. Further, the one person behind the study has never worked in any full-time position at any radio station, much less an LPFM. There is no way that there should be a bit of revelation in the imagined ramblings of an inexperienced, non-surveying "results-giver." Still, corporate radio tries to lend credibility to this survey, when no one see the value of it. Simply because corporate radio labels someone, especially in this proceeding, as an "advocate" does not make it true.

We believe that the right rules for LPFM would have saved *every single one of those licenses*. We beg the commission to consider the research sources, relevant experiences, methodology and actual research when considering this data. **There may be other motives involved.**

Asking for relief to stop the massive LPFMN license return process is well within our rights as licensees. It's also in the public interest to do so. If 600 AM, FM TV or LPTV licenses had failed in just 15 years, emergency alarms would sound and something would certainly get done. However, the *only mandated local broadcast service*, LPFM, should be denied primary status as the NAB suggest, bringing its very existence into question.

How could anyone invest in something that could be gone tomorrow? How does this benefit anyone, especially the radio listener?

The right rules are what we ask. Rules that do not destroy. Rules that empower.

Further Response Discussion:

Sadly, NAB and states' associations' responses were just what we expected. There were no good ideas having anything to do with public service. There was nothing but grandstanding in the name of profits against the subject of "improving FM radio for the American people." Still, a remarkable exposure was had nevertheless.

Corporate radio seems to stand firmly against local FM radio. The proof is in their coments. Why else would their competitive response to a potential radio programming battle come from legal teams who seek regulatory relief at the FCC? One might expect they would try to win those battles from the programming department in their hometowns, not in the Washington, DC legal circles.

Fighting hyperlocal radio? How can corporate radio see it as anything less than public service in it's purest form? The operators are so passionate that they file for stations with terrible rules; hoping they will self-adjust toward public service. Operators of LPFMs are so passionate they

lose money to serve their communities. these are creative people that corporate radio would rather not compete against.

It's as if "Country Time Lemonade" company was stomping out lemonade stands and asking the US government to help.

If corporate radio is a group of true public servants as NAB and states' associations claim, why would they not consider the end user, the audience as they fight RM11753? How do campaigns of LPFM destruction and local radio inhibition accomplish anything resembling public service for the American radio listener?

Has the entire radio division of the NAB truly lost touch with small town America?

What a ridiculous notion to try and sound like a station that doesn't serve an audience, in the day and age of scarce FM spectrum. In the NAB's own comments they discuss the scarcity of spectrum; and at the same time, suggest that some of it, the LPFM part, be used to self-serve the licensees of the stations instead of the American people. They have issued informal objections at small LPFMs because they attempt to serve the very audience they wish to serve (see WVVF-LP "Informal Objection from Beasley Media Group;") as evidence that they may fear competition from LPFM operators who might be able to serve the public interest better with 100 watts that they can do with 100,000 watts.

Let's keep it real. Let's call this what it is. An attempt of the NAB and member stations to cloud the issue with fake technical claims; how can an existing LPFM cause additional interference that an NAB member station doesn't?

HD2 to FM translator service - This is a real service that full power stations can use as new 250 watt fully commercial services. Being frank, the failure of the HD2, etc channels to gain real traction with American listeners has caused them to become nothing more than de facto STLs (studio to transmitter links) to originate new, fully commercial FM programming service at an FM translator. As such, commercial radio has created a market where translators have become so expensive that LPFM & AM licensees can no longer afford them; while, at the same time, changing the fundamental usage of FM translators and the commercial rule of 30 seconds of local origination per hour. 30 seconds of commercial time per translator has now become 30 minutes.

That's all LPFM-AG is asking for in this petition; ***exactly the same service*** that full-power radio was able to sneak by FCC processes with. We only ask that, instead of feeding them with an HD2 channel, we feed them direct or via standard STL means.

None of corporate radio's current interference objections seemed to count when they were asking for this new service a few years ago. They only count for non-member NAB stations today.

Did any of these new stations move from large markets to serve small towns as we propose?

None that we know of.

2- Will passage of RM11753 return LPFM to the service it was intended to be? Absolutely. LPFM was created to fill the holes left by full power FM radio when they moved from small town America to the largest nearby market. The 1990s created a system of cultural destruction where the entire art-form of local radio broadcasting was liquidated for a fast buck. Somehow the largest radio groups convinced our regulators that they could not survive in that regulatory environment and forced them to change the rules in such a warped way that the creativity was sapped from FM radio. They explained the, at 6,000 watts, radio needed more government assistance in regulatory relief; yet, they cry foul when LPFM, with much harder rules to endure, expresses our own financial issues at 1/60th the power of their lowest service. LPFM was able to gain traction due to that frustration. One grown out of the new local FM radio deficit. LPFM was originally designed to be a fully commercial service at 1000 watts.

There was never a need for a lower powered version of NCE-FM *with worse rules*. NCE-FM on-air beg-a-thons and calls for taxpayer funding were not secrets before the 1990s; it's common knowledge that those stations have always had a hard time financially. Why on Earth would anyone suggest we create a service with an even worse capacity to survive?

American Support & LPFM Purpose Is Radio's Purpose:

If you "Google search" the City of LANDRUM, SOUTH CAROLINA, you begin to see a very special city. Yet, Landrum receives no local FM service from any local station. Broadcasts drift in from markets like Greenville, SC & Asheville, NC - but no FM radio station wants to call LANDRUM its home market.

Why is that?

People in LANDRUM call LANDRUM home. These are real people with real lives. They never hear the name of their city (population 2,376 in the 2010 census) on any FM station. They have crime & emergencies like anywhere else. When a person needs help because their house has burned down or there is a call for the honoring of a great local person, that information is not on the air on FM radio.

Again, why is that?

An LPFM signal will fit well into this small area. The city seems to qualify as one who could support its own FM station..

From the official Landrum, SC website at www.cityoflandrumsc.com:

"The City of Landrum was founded in 1880 and incorporated 1883. Located just west of Interstate 26 between Spartanburg, South Carolina and Asheville, North Carolina, the City of Landrum is nestled against the backdrop of the stunning Blue Ridge Mountains. Residents and visitors alike enjoy drives along scenic roads, strolling through unique antique and specialty shops, and dining in Landrum's quaint eateries. Landrum also provides an ideal climate for business, as evidenced by booming retail sales and a work force of over 175,000 within twenty miles of the City."

Yet, the opposing comments of those with only a financial stake involved can be heard loud and roundly in Washington hallways. They would have Landrum be denied its first service for no reason whatsoever.

Why would they ever deny a city this large it's first ever local FM station?

Will any NAB member from nearby Asheville or Greenville move one of their station's focus from the large market they currently serve to this area exclusively?

Of course not. Landrum's businesses cannot afford the big city rates of the big cluster radio groups in much larger nearby markets and, as such, they not being served at all. In other words, a station there would not be adverse technically, nor affect economic stability for stations in any nearby market and is still denied service for no reason.

It's a crime.

There are lots of cities like LANDRUM that are left out of the fold. Corporate radio would have you believe that LPFM causes interference that somehow isn't being caused with the addition of new translators to their clusters; in essence, skirting the rule and meaning of the translator service and turning them into exactly what we are proposing for LPFM. **A viable low power commercial service.**

They only seem to oppose "interference" when it is created by a non-NAB member.

Large market corporate radio is bonused with new, auction-free 250-watt commercial radio service, using an HD2 channel only as an STL. LPFMs, the only mandated local service, is forced to return its licenses at staggering rates to the FCC. We challenge that diversity is in the public interest and it's not accomplished this way.

The thought of a small business empowering a city as a commercial LPFM somehow worries NAB, State Organizations, and REC. Why? If it is not protection from the potential competition, what are their reasons?

Perhaps, the issue is best explored in the Informal Objection filed by Beasley Media Group against WVVF-LP in Town 'N'Country, Florida. The filing shockingly described how a little 76-watt radio station actually gave their station a name, like a real radio station. It complained that the programming was too slick; sounded too good. They seemed to be using the government to try and protect themselves from competition in an area where savvy radio programming should do so.

They would rather try to keep an entire locally originating broadcast service down.

They'd rather ask the FCC to hold back all the economies of all the many cities in America like LANDRUM, for no reason.

When America's small businesses want to operate stations that service neighborhoods and cities, they balk. What could their real motivations be?

Upend this model?

What model?

As you look into our petition, you'll see it returns small town FM radio to small towns; something that has been missing since the 1990s. We propose to duplicate the existing full power model; with less power. There will be commercial and non-commercial LPFMs just as there are in full power radio. Stations who choose to be noncommercial can continue on their path and those who wish to be operated by small businesses and serve small towns; would be empowered to do so.

In a true multiple decade research study, ***the many years of full power radio service***, commercial full power FM has yet to devour non-commercial FM. Still they send alarm bells indicating that this could happen to LPFM if RM11753 is passed.

LPFM is not mini NCE-FM, even though the comments of our opposition seem to express that they know of an unwritten definition somewhere for LPFM that says it is; a definition that, of course, favors their competitive agenda. However, it's a natural place for LPFM is to become a ***public serving broadcast service***; both commercial and non-commercial. The entire reason the commission was forced to start the service was due to rapid evacuations of full power FM radio from small towns. Even the NAB agrees in their comments. "The Commission's expressed goal in establishing LPFM was to 'create opportunities for ***new voices*** on the airwaves and to allow local groups, including schools, churches and other community-based organizations, to provide programming responsive to local communities and needs."

Small businesses should rightfully be considered as a "new group" to FM broadcasting these days; exactly what LPFM was created for.

There was never a reason for the service the way it is now. NCE-FM could already do everything an LPFM does, with better rules and at power levels as low as 100 watts. LPFM was created to be a fully commercial service with power levels up to 1000 watts at first; then when the NAB protested and released its lobby on the subject, it was watered down to just 100 watts and noncommercial.

When the lowest class of full power radio, the Class A service, increased its own power from 3,000 to 6,000 watts, it became a *regional broadcast service*. Small towns like Landrum, SC were truly lost in their focus.

Corporate radio and their advocates don't and, judging from their actions over the last 15 years, apparently *won't* serve those unserved, yet deserving cities & towns. A small business owned, primary & fully commercial LPFM will. This is very much in the public interest, especially small town public interest.

The LPFM service needs a fundamental change. The rules we currently endure crafted by a competitive NAB and faux LPFM advocates (like REC) - it was not crafted from an LPFM licensee or American listening audience standpoint. RM11753 hopes to remedy this.

It seems counter to the public interest for LPFM stations go dark while the largest of the large are adding new auction-free 250-watt commercial FMs to existing station clusters of 5-7 full power radio stations. Opportunities for survival should be extended to all stations in the FCC's charge, not just those with 5-10 signals in their market.

In the words of the NAB: "The Petition would reshape LPFM. Although permitting LPFM stations to sell commercials may help their bottom line, it would come with a cost. Advertisers, no matter how small or local, buy spots to increase brand awareness and entice customers. Any commercial LPFM station would inevitably feel pressure to maximize its consumer appeal to support its advertisers, at the expense of its primary purpose or target audience."

The NAB just stated:

a. They, as commercial FMs, are not serving their audience properly. They support their advertisers at the expense of its primary audience. Another argument why LPFM should be empowered.

b. Commercials would help the bottom line for LPFMs.

They even know it.

Prior to the 90s, when full power radio was limited to only own one FM station per market, they traditionally devoted more resources to that one station. But, in the age of multi-station clusters, it's not uncommon for a full class C to be slammed into a closet "studio" and to act as a jukebox.

These days, there are typically a lot more stations in the building and a lot less creative people to staff them.

SUMMARY

The good thing about Low Power FM radio reaching a point of cognizance is that it can finally defend itself from full power bullies and those who would shape our rules for our detriment. (see: *WVVF-LP informal objection from Bealey Media Group*)

But let's keep it real. Corporate radio will not help us, they will predictably throw every legal obstacle into our path to attempt to cloud the real issues and effectively slow the survival process for LPFM down. We need heroes in the FCC to be sure this doesn't happen.

Fairness should be the name of the day; not for corporate radio or LPFM licensees, but for the huge amount of unserved American radio audience passage of RM11753 will enable to be served..

Corporate radio is expected to try everything to stop RM11753. They will likely dispatch their teams of lawyers to try and cloud the issue around their very flimsy argument. This could extend this relief project indefinitely; perhaps it would take 20 years to get passed. With enough legal effort, anything is possible.

But the force is there, **won't be denied** and as it grows will plow right through all obstacles eventually. Attempting to stop or stall the development of small town FM radio just isn't a good position to take. Like any other obvious injustice in America, the lack of service will get recognized and remedied. It is quite predictable.

As is corporate radio's effort to stop it; as evidenced in the comments they submitted in RM11753.

Existence is LPFM's right. Small town America deserves fair rules for LPFM from its US government agencies. They deserve to be recognized.

Corporate radio has a monopoly on attorneys, no doubt. But this goes well beyond that. Attorneys may interpret the law. But perhaps they are not always the best to shape it, as in this case. How could they ever add substance to the creation of LPFM operational law when those who hire them seem so out of touch themselves?

The end result should be about fairness. This is a growing movement. Figureheads in the music industry, radio industry equipment industry, and many others have publicly and privately shown great support. Against the less than 20 comments opposing RM11753, there are many, many more from individual entities, community groups and others who support every aspect of this petition; and with good reason:

RM11753 returns small town FM radio to small town America. It does so by applying existing rights and already passed rules, granted unfairly to others, big corporate radio, who

only qualify due to their financial status. How can this possibly be in the public interest? We should value the impact FM radio has on America a little more than that.

The potential effects of a fully-passed RM11753 to the American economic, emergency services and public interest areas are immediately obvious and easily seen as staggering. All delays thrown up by the opposition to RM11753, corporate radio, their advocates represent one glaringly forefront message; that the FCC, ***an agency representing the US people***, should continue to chip away at our beloved cultural foundation and destroy the enjoyment of all toward our FM radio service in exchange for regulatory protection of corporate radio and their profits.

But we do not expect this FCC to be a party to that. Already many bold decisions and actions have occurred here. This seems to be an FCC ***for*** the people. We are thankful that we are able to respectfully present our arguments before an educated and experienced group of regulators. With you we trust in this matter and thank you for your consideration.

In regards to the comments filed by opposition, corporate radio, and advocates, we respectfully ask the FCC to dismiss all opposition as moot and capricious and execute a rapid push toward the emergency passage of RM11753 and all the items therein. Low Power FM radio (LPFM) was important enough to create. We feel it should be important enough to save.

LPFM is only defined by the way America defines it; not by those, proponent or opposed, with a financial stake in it. It is the commission's duty to define public service and public interest through interpretation of directives from Congress. Today's FCC has the unique position to define what LPFM is and will be, and will be judged historically for its decisions. We are hopeful that, in this case, American interest outweighs big corporate interest and the American people are finally the winners.

Support for full passage of RM11753 is in the 50 case studies included in the original petition, and even more so in the many positive comments that support these proceedings. Further, it exists, quite obviously, across the American landscape, a fact that is very easily investigated and very quickly realized. It's a fact that also should not be ignored.

Local radio listenership, unlike the reference to Nielsen's radio research in corporate radio's comments, can only increase in the markets ***in which it serves***. It is very much flat in markets where it doesn't exist. LPFM would like to serve those areas, the rest of America.

We are very thankful for your consideration and, hereby, request full passage of every item in RM11753.

Respectfully Submitted,

/S/

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September 11, 2015

CERTIFICATE OF SERVICE I, David Solomon, Executive Director of the Low Power FM Advocacy Group (LPFM-AG) hereby certify that on this 11th day of September 2015, I served copies of the foregoing "**REPLY COMMENTS OF THE LOW POWER FM ADVOCACY GROUP (LPFM-AG)**" on the following via first-class United States mail, postage prepaid:

CORPORATE RADIO and RELEVANT OPPOSITION TO RM11753

ALABAMA BROADCASTERS ASSOCIATION, ALASKA BROADCASTERS ASSOCIATION, ARIZONA BROADCASTERS ASSOCIATION, ARKANSAS BROADCASTERS ASSOCIATION, CALIFORNIA BROADCASTERS ASSOCIATION, COLORADO BROADCASTERS ASSOCIATION, CONNECTICUT BROADCASTERS ASSOCIATION, FLORIDA ASSOCIATION OF BROADCASTERS, GEORGIA ASSOCIATION OF BROADCASTERS, HAWAII ASSOCIATION OF BROADCASTERS, IDAHO STATE BROADCASTERS ASSOCIATION, ILLINOIS BROADCASTERS ASSOCIATION, INDIANA BROADCASTERS ASSOCIATION, IOWA BROADCASTERS ASSOCIATION, KANSAS ASSOCIATION OF BROADCASTERS, KENTUCKY BROADCASTERS ASSOCIATION, LOUISIANA ASSOCIATION OF BROADCASTERS, MAINE ASSOCIATION OF BROADCASTERS, MD/DC/DE BROADCASTERS ASSOCIATION, MASSACHUSETTS BROADCASTERS ASSOCIATION, MICHIGAN ASSOCIATION OF BROADCASTERS, MINNESOTA BROADCASTERS ASSOCIATION, MISSISSIPPI ASSOCIATION OF BROADCASTERS, MISSOURI BROADCASTERS ASSOCIATION, MONTANA BROADCASTERS ASSOCIATION, NEBRASKA BROADCASTERS ASSOCIATION, NEVADA BROADCASTERS ASSOCIATION, NEW HAMPSHIRE ASSOCIATION OF BROADCASTERS, NEW JERSEY BROADCASTERS ASSOCIATION, NEW MEXICO BROADCASTERS ASSOCIATION, THE NEW YORK STATE BROADCASTERS ASSOCIATION, INC., NORTH DAKOTA BROADCASTERS ASSOCIATION, OKLAHOMA ASSOCIATION OF BROADCASTERS, OREGON ASSOCIATION OF BROADCASTERS, PENNSYLVANIA ASSOCIATION OF BROADCASTERS, RADIO BROADCASTERS ASSOCIATION OF PUERTO RICO, RHODE ISLAND BROADCASTERS ASSOCIATION, SOUTH CAROLINA BROADCASTERS ASSOCIATION, SOUTH DAKOTA BROADCASTERS ASSOCIATION, TENNESSEE ASSOCIATION OF BROADCASTERS, TEXAS ASSOCIATION OF BROADCASTERS, UTAH BROADCASTERS ASSOCIATION, VERMONT ASSOCIATION OF BROADCASTERS, WASHINGTON STATE ASSOCIATION OF BROADCASTERS, WEST VIRGINIA BROADCASTERS ASSOCIATION, WISCONSIN BROADCASTERS ASSOCIATION, AND WYOMING ASSOCIATION OF BROADCASTERS

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