

Prometheus Radio Project
prometheusrp@earthlink.net

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

RECEIVED
DEC 24 1998
FCC MAIL ROOM

In the Matter of RM No. 9395
Amendment of Part 73 of the Commission's Rules to Permit the Introduction of Digital Audio
Broadcasting in the AM and FM Broadcast Services

12/20/98

These comments are filed by the Prometheus Radio Project (PRP), and authored by Pete triDish. Prometheus Radio Project is an organization dedicated to providing technical, legal and political support for the transition of the microradio movement to licensed, non-commercial low power fm broadcasting. The author of these comments is Pete triDish. Pete triDish previously filed comments on RM 9242 and 9208.

This comment is regarding RM 9395, the proposal for implementation of USADR's IBOC broadcasting scheme. As consumers, we commend the IBOC concept, which allows consumers to continue using their analog radios for an extended period of time before switching over to all digital broadcasting. We urge caution, however, in adopting IBOC at this time, because we believe that many questions are still unanswered that will affect the viability of the proposal.

The first question that Prometheus has is this: "to what extent is the rush to IBOC market driven?" The proposal makes a vague proclamation that consumers are expecting higher quality audio than is currently available on the radio. While probably no one would object to the idea of higher quality audio by itself, the question must be raised: "at the expense of what other improvements that can be made to our radio service will we receive this higher quality sound? "

The advent of digital technology presents us with a great challenge. Our regulatory framework for broadcasting was developed in the 1920's, before the transistor, the microprocessor or digital compression. Yet our regulatory framework still relies heavily on the notions that were implicit in the primitive state of technology at the birth of radio. Spectrum scarcity is still the rationale trotted out to defend the exclusive access to the airwaves enjoyed by the small class of people who currently hold licenses to broadcast. As has been noted by more than one Commissioner, the veneer on this rationale is wearing thin in today's technical context. Usable bandwidth is multiplying like rabbits. The heart of the issue is what to do with this cornucopia of spectrum- should we add more channels (and thus new competitors to the market), improve audio quality, or both?

It would be interesting to see what the American public would choose if we were presented with the choice of having five times as many radio stations competing for our listening, or CD quality sound on the ones that they already have. We recommend that the FCC find independent data about what the American public really wants from radio before going ahead with a plan that ignores the potentialities for more channels. Obviously, more channels means lower market share for existing broadcasters. However, even the 1996 Telecommunications Act does not mandate that the FCC regulate in the interest of the profit margins of existing broadcasters: rather, it mandates that the FCC regulate in the public interest.

No. of Copies rec'd 10
List A B C D E

It is our understanding that the difference in quality between current analog broadcasting and IBOC broadcasting is a function of the lower level of background noise. The standard level of signal to noise ratio today is 60dB- with digital broadcasting, it may be 90dB. While improvements are always welcome, most radio listeners today listen at work, or in their car, where ambient noise levels make such a difference unnoticeable. On the other hand, radio audiences have steadily been declining over the past several years. Thousands of individuals have risked severe fines and prison in order to diversify the options that are available on the radio dial. It is at least worth asking whether a plan that maintains the interests of the current players in the marketplace is truly serving the public's needs.

An important outstanding issue is the fate of Eureka 147. The rest of the world is adopting this standard for digital broadcasting. We understand that for economic reasons, the military is unwilling to give up its current control over those frequencies in the United States. Perhaps that situation is perceived as unremediable, but it should be realized that by going the route of IBOC, it means that all receivers will have to be specifically manufactured for the US market. This may limit consumer choice and make them more expensive than we are used to as a result of economies of scale in marketing and manufacturing of consumer electronics. Eureka, of course, has other advantages- it has more efficient coding and use of spectrum, and is more friendly to opening as many channels as are perceived as being useful.

Even if it is not possible to put digital radio in the same place as Eureka, there are plenty of spectrum allocations that would allow terrestrial digital radio the full efficiency of a fresh swath of spectrum to work with. There is no particular reason that the current licensees should have any more right to a guaranteed slot in that new system than anyone else.

USADR has recommended that the implementation of low power FM be delayed until IBOC has already been established, so that interference tests can be made. If that's how they think, then we could always suggest the opposite- that digital radio's implementation be delayed until it's interference with an established low power fm service can be measured. However, it seems clear from their comments that low power FM and IBOC should be no less compatible than IBOC's implementation with grandfathered short-spaced stations. Page 62 of the USADR petition claims that: "Since there is no direct overlap of energy between the desired digital signal and second-adjacent signals...the effect of [this] ... interference is minimal." USADR can not have it both ways- assuring us that it is technically compatible with today's broadcast system (which includes high power short spaced stations) and expressing concern about LPFM with vague, indeterminate worries about "future spectral integrity."

Prometheus Radio Project urges the commission to delay approving IBOC's implementation until they confront the issue of compatibility with LPFM head on- let USADR make whatever tests they think they need to make, and state once and for all whether their proposal will interfere with the commission's stated objective of developing broadcast opportunities for a wider class of Americans. The implementation of a practical LPFM system can not be held hostage to technical flexibility and indeterminacy on the part of those who already control too much of radio. Low power FM should not be considered as an afterthought, a secondary service or of tertiary importance. The issues of control and management of media, of localism in broadcasting, and the availability of public forums for all citizens go to the heart of our democratic system of governance in a way that 30dB of noise reduction never can.

We encourage the commission to consider more enlightened regulatory approaches to regulating a new service than the 1930s broadcast regulatory model. Why not regulate the new service more like Cable TV- the companies that profit through their franchise are required to put a small percentage of their profits aside to finance a number of public access channels. They are relieved from public service obligations on their moneymaking operations by putting out the money to leave a corner of the cable ether for the citizen participation that is so essential to maintaining our nation's democratic institutions. It is no more cumbersome to regulate this than monitoring public affairs broadcasting time and so on. There is no law of physics which precludes such an approach- this is a question of political and economic will, and our nation's commitment to democratic public forums.

Thank you for your consideration,
Pete triDish,
for Prometheus Radio Project