

January 27, 1998

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Docket #

95-31

To: Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, DC 20554

JAN 29 1999

FCC MAIL ROOM

From: Cris McConkey
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RE: COMMENT ON LOTTERIES, POINT SYSTEM TO CHOOSE BETWEEN COMPETING APPLICANTS FOR NONCOMMERCIAL BROADCAST STATIONS; Action by the Commission October 21, 1998, by Decision (FCC 98-269).

This letter is in response to the FCC's call for public comment on its tentative conclusion that either a lottery or a point system should be used to award noncommercial educational (NCE) television and radio station licenses between mutually exclusive competing applicants.

I live in the town of Enfield, NY, where I can receive two and sometimes three public radio stations sporadically depending on reception conditions but only one consistently. Sometimes I can receive my favored morning shows on the kitchen radio if the roof antenna is positioned right, and sometimes not. When I commute to work in Ithaca, I don't have the ability to adjust the roof antenna or whip antenna of my portable and then there is the topographic problem of driving into the valley. When I am at work, I can only receive the public radio station out of Binghamton, which often does not offer the programming I am interested in tuning into. When I am running errands in town in my car, the same applies.

Ithaca, NY needs a second full power public radio station that would serve both city and outlying areas. But because of competing applications, everything is on hold. The issues that have been raised in the local press by virtually everyone concerned have involved questions of programming, diversity, public trust and accountability. This is not something to flip a coin over. A lottery to determine who gets a license in the case of mutually exclusive competing NCE applications is not an acceptable solution. It is antithetical to any notion of process and goes against the public interest mandate of section 309 (a) of the Communications Act of 1934, as amended.

A point system is a much better idea. Local diversity should be a key consideration, but points awarded for broadcast range might run counter to the overall goal of promoting local diversity. If an applicant were simply to broadcast the same programming that it already offers in another market, I don't see how that promotes local diversity. More frequency space, not less, is needed to allow more broadcasters to serve more communities. That is, after all, the crux of the problem that leads to competing applications in the first place. If, on the other hand, an applicant demonstrated the willingness and ability to offer a distinct and separate programming mix for a given community and outlying areas, and furthermore offered a plan for the development of such programming that included local input, local production facilities, and the ability to downlink or otherwise accept feeds specifically for and at the discretion of the local station, then that should be worth three points rather than two.

Perhaps a new category of local service and public interest should be added to the point system.

Sincerely,

Cris McConkey

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