

# Shainis & Peltzman, Chartered

Counselors at Law

Suite 290

1901 I Street, N.W.  
Washington, D.C. 20036

(202) 293-0011

Fax (202) 293-0810

February 10, 1999

Aaron H. Shainis  
Lee J. Peltzman

Of Counsel

William H. DuRoss, III  
Ruth S. Baker-Battist  
Robert J. Keller

Magalie R. Salas, Esq.  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RECEIVED

FEB 10 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Proposal of The American Community  
AM Broadcasters Association to Allow  
AM Licensees to Become Licensees of  
FM Translators for Retransmission  
Fill-In Service  
RM 9419

Dear Ms. Salas:

Transmitted herewith, on behalf of Broadcast Communications, Inc. and Robert M. Stevens and Ashley R. Stevens, is an original and four (4) copies of Comments filed with respect to the above-referenced rule making proposal. Please contact the undersigned in the event the Commission has any questions with respect to this filing.

Sincerely yours,



Lee J. Peltzman  
Counsel for

BROADCAST COMMUNICATIONS, INC.  
and ROBERT M. STEVENS and ASHLEY R. STEVENS

Enclosures

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Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**RECEIVED**

FEB 10 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )  
)  
Petition for Rule Making of The ) RM-9419  
American Community AM Broadcasters )  
Association to Allow AM Licensees to )  
Become Licensees of FM Translators for )  
Retransmission Fill-In Service )

**COMMENTS**

Broadcast Communications, Inc. ("BCI") and Robert M. Stevens and Ashley R. Stevens ("Stevens"), sole owners of BCI, hereby file Comments in the above-referenced proceeding. In support thereof, the following is submitted:

The attached Statement from Robert M. Stevens and Ashley R. Stevens properly summarizes the position of BCI/Stevens with respect to the rule making proposal of The American Community AM Broadcasters Association ("ACAMBA") to permit AM licensees to become licensees of FM translators. Mr. and Mrs. Stevens have been broadcast owners for over 12 years. They currently own and operate two AM stations located near Pittsburgh, Pennsylvania.

As the Stevens point out in their Statement, as a result of the Telecommunications Act of 1996 and the Commission's multiple ownership rules implementing that Act, small broadcasters have been deprived of the opportunity to compete on a level playing field in urban settings. AM

stations especially have been discriminated against since they often must operate with daytime-only authorizations or with substantially reduced nighttime power. This, obviously, places them at a severe disadvantage when competing with FM market stations.

The proposal of ACAMBA to permit some AM stations to utilize FM translators for fill-in service provides a limited bandage for a severe problem. By permitting daytime-only AM stations, as well as AM stations that operate full-time but with limited nighttime power (less than 600 Watts) to utilize FM translators, the Commission will only begin to provide an equal playing field for those AM operators who have been discriminated against by past Commission policy. BCI/Stevens urges that in such cases FM translator usage be licensed as a primary broadcast service to allow the programming of AM stations to occur on the FM broadcast band.

BCI/Stevens also urges that the Commission adopt a more liberal technical standard governing the use of the FM broadcast spectrum with respect to such translators to be used by AM stations. BCI/Stevens requests that the Commission adopt translator standards not dissimilar from the proposed standards now being considered for the proposed low power FM service. Specifically, BCI/Stevens believes that the elimination of the second and third adjacent protection requirements and a more liberal output power for this specific class of translator to be used by AM stations should be adopted by the Commission.

As Robert M. Stevens and Ashley Stevens state, America's small business AM broadcasters provide the majority of this nation's public interest programming. However, these small business AM broadcasters need access to listeners in order to compete on a level playing field with FM operators. Adoption of the ACAMBA proposal would partially level that playing field. The Commission should propose rules consistent with that proposal as discussed herein.

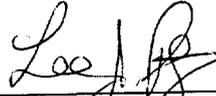
Respectfully submitted

BROADCAST COMMUNICATIONS, INC.

and

ROBERT M. STEVENS AND  
ASHLEY R. STEVENS

By:



\_\_\_\_\_  
Lee J. Peltzman  
Their Attorney

Shainis & Peltzman, Chartered  
1901 L Street, N.W. - Suite 290  
Washington, D.C. 20036  
202 293 0011

February 10, 1999

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
A Petition For Rule Making of )  
The American Community AM )  
Broadcasters Association to )  
allow AM licensees to become )  
licensees of FM translators for )  
retransmission fill-in service )  
(RM 9419) )

COMMENTS

Comments regarding the ACAMBA Rule Making Proposal are hereby submitted by Broadcast Communications, Inc. "BCI" and Robert M. Stevens and Ashley R. Stevens as the sole owners of BCI. (Hereinafter as "BCI/Stevens")

BCI/Stevens supports the general concept of the ACAMBA Proposal giving AM broadcasters the usage of FM translators, but strongly recommends certain modifications as setforth below in these comments.

Mr. Robert M. Stevens has been in the radio broadcasting industry holding various positions since the mid 70's. Robert M. Stevens and Ashley R. Stevens, as husband and wife, have been broadcast station owners since 1986. Currently Robert M. Stevens & Ashley R. Stevens own 100% of Broadcast Communications, Inc. which owns and operates two AM stations near Pittsburgh, Pennsylvania. Robert M. Stevens serves as President/General Manager and Ashley R. Stevens serves as Vice-President/Assistant General Manager.

The Telecommunications Act of 1996 as it pertains to radio broadcasting should have actually been titled "The Radio Station Ownership Monopoly Act of 1996". The Telecom Act of '96 has had a devastating effect on small privately owned broadcast companies. These small privately owned broadcast companies are owned by real people: American citizens; minorities; non-minorities; men; and women. And now, thanks to the absolute unfairness of the Telecom Act of '96, America faces the extinction of local community oriented radio broadcasting. This local community oriented programming has been and still is provided primarily by AM stations including AM daytime only stations and AM stations that operate with substantially reduced nighttime power. In many cases these stations are locally owned and operated by small broadcast companies (small business).

Although AM stations that operate with daytime only licenses and/or substantially reduced nighttime power have, for many years, been at a severe disadvantage, especially since the mid to late '70's when FM listenership grew at a substantial rate, the Telecom Act of '96 has actually hurt small business broadcast companies. Small companies that own and operate stand alone AM stations without sister - in-market - FM stations are truly experiencing a severe disadvantage.

Small business AM broadcasters are being destroyed because they have been cut-off, locked-out, and prevented by the Telecom Act of '96 from competing on the FM dial where approximately 80% of the nation's listening is done. A handful of mega monopolistic publicly traded companies have sucked-up like a plague nearly all of America's most important regional high-power FM radio stations that most Americans listen to. This practice has strangled, stifled, and prevented small business AM broadcasters from competing for and getting the advertising revenue necessary to run radio stations.

The primary reason for this anti-competition problem is the methodology used in defining the geographical size of radio markets and in determining which radio stations actually cover a given market. For example, let's look briefly at market 21, Pittsburgh, Pennsylvania. The City of Pittsburgh and approximately 120 other municipalities (boroughs, townships, etc.) situated in Allegheny County comprise a total county population of 1,336,449. Although stations located in other nearby counties (such as Washington with a population of 204,584, or Butler with 152,013 people) are considered part of the Pittsburgh market because Pittsburgh based high-power regional FM stations intersect and/or overlap the city grade contours of certain small distant 1,000 watt AM stations and distant class A FM stations, the simple fact is that the many small distant stations located in various counties (including those referenced above) beyond the Metro and suburban area (the market) do not cover the major population center that is actually the Pittsburgh market. If the Pittsburgh market must be considered as Allegheny county and the surrounding counties, then it is proper to assert that the small distant stations located beyond the Metro and suburban area only cover a very, very small percent of the over-all market such as 3%, 5%, 7%, etc.

Although the mega monopolistic corporations use seriously flawed, irrelevant guidelines to substantiate 45 or more signals covering the Pittsburgh market, the fact is, that there are only 12 licensed commercial FM stations with Pittsburgh and/or Allegheny County based transmitter sites providing reliable local city grade service to all or most of Allegheny County (population 1,336,449) which is substantially the Pittsburgh Market.

Approximately 80% of the listening public tunes into FM radio. In Pittsburgh, with only 12 commercial FM stations substantially covering the market where a mega monopolistic corporation can and does own (5) five of the 12 FM stations (due to the outrageously wrong and anti-competitive Telecom Act of '96 as it pertains to radio station ownership) is it really any wonder how locally owned small business broadcast companies operating on the AM dial only are being forced out of business?

Today, as we approach the year 2000, operating an FM station is like operating a retail outlet at a large regional mall adjacent to a 6 lane highway where the vast majority of people shop. However, an AM station is like a business establishment located at a small shopping plaza with a small number of stores adjacent to a less traveled 2 lane road. Unfortunately for small business AM broadcasters, agencies and businesses that purchase advertising on radio stations understand this as well. In far too many instances, advertisers will not even consider an AM dial time purchase except for certain AM clear channel 50,000 watt stations that are usually owned by the handful of mega monopolistic corporations, which, by the way, usually own multiple high power FM stations and/or a television station with any such clear channel 50,000 watt AM station in the given market.

The Telecom Act permits local telephone companies to provide cable television service and cable companies to provide local telephone service, and opens up a new competitive environment for telephone and cable related services. Unfortunately, the Telecom Act of '96 does just the opposite for radio broadcasting. The Act victimizes and locks-out most small business broadcasters from competing for listeners and revenue. Although large regional shopping malls adjacent to 6 lane highways are anchored by mega chain stores, these malls permit small business retailers within their facilities. This affords the same opportunities to both the small business retailer and the mega chain store. Because both the small business retailer and the mega chain store are present where the vast majority of shopping is done, consumers win because diversity leads to greater choice.

When the Telecom Act was being debated Representative Jack Fields from Texas, the chairman of the congressional subcommittee at that time, said: "These guys need help." These guys surely did not mean the vast majority of America's broadcasters. These guys meant a handful of fat cats that control a small number of mega corporations, the fat cats who want it all. A lack of insight and a lack of practical knowledge about radio broadcasting, perhaps even a lack of basic common sense, caused our congressional leaders to force the Telecom Act, as it pertains to radio, upon all broadcasters. The fat cats who control the mega monopolistic corporations sucking up, like a plague, America's great tool of Democracy, The Public's Airways, were victorious to the demise and destruction of America's small business broadcasters. As a result, true diversity and choice for consumers was eliminated.

The fat cat argument that radio does not get its fair share of advertising dollars, comparing a radio station to a television station or a newspaper is simply not apples to apples. Many radio stations in this country function with 10 to 20 employees, while a large newspaper with reporters, writers, editors, cameramen, typesetters, press operators, delivery truck drivers, door to door delivery agents, advertising sales representatives, classified sales representatives, etc., may employ several hundred workers (if not more) depending upon the size of the market. The fact is that radio stations are relatively inexpensive to operate, while newspapers or television stations can be extremely expensive to operate. Although radio revenue can and does grow, mega monopolistic corporations binge purchase stations mounting unrepaid debt believing that, by monopolizing radio markets, they will substantially increase radio's overall revenue percentage. They are chasing a fleeting fantasy.

The ACAMBA proposal to permit certain AM stations to use FM translators now before the Commission, as well as the Skinner proposal advocating various forms of low power FM radio service are really the outcry from small business broadcasters and other have-nots for justice. Frankly, any such proposals requesting broader usage of the monopolized FM broadcast band (which accounts for approximately 80% of the nations' listening) will only serve as a very small bandage over a large monopolistic anti competitive wound which continues to infect this nation more and more each day. Although broader usage of the FM band in the case of the ACAMBA request is just a small bandage over a large ever growing wound, it is a first step in the right direction to reinstate true diversity and consumer choice to radio listeners and an opportunity to prevent the demise and extinction of small business AM broadcasters.

The ACAMBA proposal is not in the best interest of the handful of mega monopolistic publicly traded over-indebted corporations fighting to control and monopolize America's radio broadcasting frequencies. These are the very frequencies that actually belong to the citizens of the United States for the benefit and service of each American citizen.

However, the ACAMBA proposal is definitely in the public interest. It will provide the citizens of the United States with experienced broadcasters creating a diversity of ownership on the FM broadcast band where approximately 80% of our nations' radio listening occurs. This will foster and permit immediate diversified radio formatic programming, including news dissemination as well as diversified points of view regarding political issues and various opportunities of community public service that currently only exist for the most part on the AM dial. In short, there will be greater choice and better service for consumers.

Additionally, many small retail and service businesses that have been locked out and prohibited from reaching the approximately 80% that listen on the FM band due to the inflating monopolistic advertising prices will be afforded an equal opportunity to reach more consumers. Given the fact that small business employs nearly 2/3 of the US labor force, this increased opportunity for small business to reach more consumers will actually benefit many American citizens, both employees with job stability and consumers with more product choice through more awareness.

BCI/Stevens does favor the ACAMBA proposal, and hereby formally requests that the Federal Communications Commission adopt the ACAMBA proposal in whole, or if necessary, in a modified form. In either case however, the Commission should permit small business AM broadcasters operating AM daytime only and/or AM stations with substantially reduced nighttime power the opportunity to utilize FM translators as a primary licensed and protected broadcast service for the sole purpose of broadcasting the programming of such stated AM stations on the FM broadcast band. This will give certain small business AM broadcasters the opportunity to once again compete for listeners and advertising revenue as well as provide a much needed touch of diversity to the nations' main broadcast band.

BCI/Stevens suggests that FM translator usage by AM stations as a primary licensed and protected broadcast service be limited to AM stations with daytime only licenses. We further suggest that this opportunity be available to AM stations that operate full-time but that are limited to less than 500 watts nighttime power, provided that such full-time stations as a result of nighttime directional antenna operations are substantially limited from covering their daytime 5mv/m city grade coverage area during nighttime hours.

Additionally, we suggest that FM translator usage by AM stations also be limited to small business broadcast companies with no more than 7 owned and operated stations nationwide and only in situations where the AM station requesting an FM translator authorization does not have a licensed FM sister station in the same radio market.

We further suggest that a more liberal technical standard governing the usage of FM broadcast band spectrum pertaining to translators to be used by the stated AM stations be adopted to permit additional FM translators specifically for AM station usage. We urge the Commission to adopt translator standards (as they pertain to AM stations set forth in these comments) similar to the contemplated standards now being considered for a new low power FM service. Of specific interest are the elimination of the 3rd and 2nd adjacent protection requirements and a more liberal output power (perhaps reaching the level of the proposed LPFM 1000 service), but only for a specific class of translators to be used by AM stations, the AM stations set forth in the previous paragraphs.

It is our hope that the Commission has enough common sense and expertise to realize and understand that small business AM broadcasters (including daytime only stations) are currently the broadcasters providing diversified programming to America.

One only needs to scan the FM dial to hear the vast majority of America's radio stations pumping out various "less talk, more music" formats, void of community oriented programming. However, upon scanning the AM dial in most markets, one will find a richly diverse array of meaningful community oriented programming including: debate of political issues; news programming; local community information (cancellations, delays, closings, etc.); religious programming; alternative health talk; local scholastic sports programming; and so much more, including various musical formats that for the most part are not available on the FM dial.

America's small business AM broadcasters operating stations only on the AM dial (including daytime only stations and stations with very limited nighttime coverage) need access to listeners and revenue and a chance to compete on common ground where most Americans listen, the FM band.

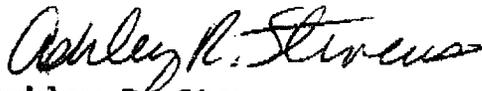
We thank the Federal Communications Commission for the opportunity to provide comments and suggestions regarding the ACAMBA proposal on the usage of FM Translators by AM Stations. We hope that the Commission will take this outcry for justice seriously. This nations' small broadcast companies have truly been victimized by the Telecommunications Act of 1996.

Respectfully submitted,

BROADCAST COMMUNICATIONS, INC.



Robert M. Stevens,  
President & owner



Ashley R. Stevens,  
Vice-President & owner

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