

Federal Communications Commission

DA 98-2560

Federal Communications Commission
Washington, D.C. 20554

December 21, 1998

Mr. Joel Lawrence Efrein
P.O. Box 199
Kilauea, HI 96754

Dear Mr. Efrein:

This is in response to your undated petition that we received November 16, 1998, proposing an amendment to our rules to reserve FM Channel 300, 107.9 MHz, for very-low-power FM radio broadcasting pursuant to current Part 15 rules.

Your petition describes your Part 15-based operations and requests that FM Channel 300 be vacated, then reserved for operations such as yours nationally. You suggest that the transition from analog to digital affords an opportunity to re-assign existing Channel 300 FM stations to other FM channels. You further suggest that the cost to those stations "can be rebated in tax credits and a better, longer, signal range."

Your petition is seriously flawed and is being denied. There currently is no transition from analog to digital in the FM Broadcast service, and thus, no "opportunity" to clear all licensed FM stations from a channel. The FM broadcast spectrum is heavily used, with many stations operating on each and every channel. For most, if not all, existing stations, there are not alternate channels available to which they could move in conformance with our rules. Your petition fails to adequately address this substantial negative impact on existing FM broadcast licensees and therefore plainly does not warrant consideration by the Commission.

Accordingly, your petition for rule making to reserve FM Channel 300 for unlicensed, Part 15, very-low-power FM broadcast service IS DENIED. This action is taken by the Chief, Policy and Rules Division, Mass Media Bureau, under authority delegated by Sections 0.61, 0.204(b), 0.283 and 1.401(e) of the Commission's Rules, 47 C.F.R. Sections 0.61, 0.204(b), 0.283(b), 1.401(e).

Sincerely,

Charles W. Logan
Chief, Policy and Rules Division
Mass Media Bureau