

EX PARTE OR LATE FILED

RECEIVED

APR 29 1999

Federal Communications Commission
Office of Secretary



From: joseph dalessandro <jdman@magpage.com>
To: William Kennard <wkennard@fcc.gov>
Date: Sun, Apr 18, 1999 10:25 AM
Subject: (no subject)

Subject: Anti-Trust Violations:
Date: Sun, 18 Apr 1999 09:38:34 -0400
From: joseph dalessandro <jdman@magpage.com>
To: wkennard@fcc.gov

April 15th, 1999

NAB GEARING UP TO FIGHT LPFM MOVEMENT
Thanks to sympathetic sources, we have received a PDF file of the National Associations of Broadcasters' "LPFM

ACTION KIT" which instructs NAB members on how to fight the Low Power FM movement. Interesting reading. It includes such items as: an "argument sheet" for comments, a one-page "talking point sheet for Members of Congress," and a sample editorial for NAB members to send to their local papers! While there is much to pick apart (such as the "threat" of establishing new

stations)

there is one line we'll have to agree with:
"This is the single biggest issue to hit the radio

industry

in the last few decades."

CUMULUS BUYS 6 IN WISCONSIN
full story online at Excite News

Cumulus Media Inc. announced that it plans to enter the Eau Claire, Wisconsin radio market through the purchase of four FMs and two AM radio stations. The Company plans to purchase WQRB-FM, WATQ-FM, WBIZ-AM/FM and WMEQ-AM/FM from Phillips Broadcasting for a total purchase price of \$14.8 million. Cumulus will begin operating these stations immediately under the terms of Local Marketing Agreement (LMA). "We believe this acquisition will immediately add to shareholder value," said Richard Weening, Cumulus Executive Chairman.

CUMULUS BUYS 5 IN KENTUCKY
full story online at CBS Marketwatch

Cumulus Media said that it's agreed to acquire five radio stations -- all serving the Lexington,

No. of Copies rec'd 2 copies
List ABCDE

Ky.-area -- from privately held HMH Broadcasting for \$44.5 million. Cumulus will start operating the stations immediately under a local marketing agreement. Cumulus owns or operates more than 200 stations in small and mid-sized U.S. markets. Lexington is the nation's 107th-largest radio market, according to the Arbitron ratings service.

JACOR BUYS PENNSYLVANIA STATION
full story online at Cincinnatti Business Journal
full story online at Deseret News

Jacor Communications will pay \$800,000 to buy WBZY-AM from WBZY Radio Sam of New Castle, Pa. The purchase is subject to approval by the Federal Communications Commission.

SINCLAIR SELLS THREE STATIONS
full story online at Excite News
full story online at Baltimore Business Journal

Sinclair Broadcast Group, Inc. announced that Barnstable Broadcasting, Inc. has agreed to acquire for \$23.7 million in cash radio stations WFOG-FM and WGH-AM/FM serving the Norfolk, Virginia radio market.

Civil Rights Suit Pending LPFM Approval FCC Docket MM 99-25

Plain-tiff: Mrs.Olga D'Alessandro
Mr. Joseph D'Alessandro

Defendant: Ed Fritz of The NAB
All Radio Conglomerates Represented By Ed Fritz And

The
NAB

Jeff Baumann
Executive Vice President
Law and Regulatory Policy
Congressman: Billy Tauzin of LA.

United States Code
TITLE 15 - COMMERCE AND TRADE
CHAPTER 1 - MONOPOLIES AND COMBINATIONS IN
RESTRAINT OF TRADE

Sec. 2. Monopolizing trade a felony; penalty
Sec. 1. Trusts, etc., in restraint of trade illegal; penalty

Preface:

THE UNITED STATES CONSTITUTION
We the People of the United States, in Order to form a more perfect Union,
establish Justice, insure
domestic Tranquility, provide for the common defence, promote the

general
Welfare, and secure the
Blessings of Liberty to ourselves and our Posterity, do ordain and
establish this Constitution for the
United States of America.

The Anti-Trust laws are anything but short and simple. The blatant
ambiguities of these laws make them quite easy to enforce, and the DOJ
uses

this power to the fullest extent. In light of the ongoing Microsoft
case,
it should be apparent to even the simple minded that the anti-trust
laws,
originally created to promote competition, are actually restricting
fair-market competition. A monopoly can only be created by regulatory
interference. Telecommunication Act 1996 SEC. 202. BROADCAST OWNERSHIP.

monopoly * exclusive control of a commodity or service in a
given market, or control that makes possible the fixing of prices and
the
virtual elimination of free competition.

The Reagan and Bush administrations were ideologically hostile
to

antitrust and the Clinton administration--being politically weak and
eager
for 'business' support--is rapidly compiling a pro-monopoly
(non-enforcement) record which rivals that of the McKinley
administration
(1897-1901). Economics has been hijacked by politics, at a vast cost to
the

public.

To: Dear Honorable Senators and Congressman ,of The great
Republic of The United States:

I Exercise My Freedom Of Expression, and Free Speech, Threw My Bill Of
Rights

and My Constitution of The Republic Of The United States:

I File A

Complaint Against :
Ed Fritz of The NAB:
Radio Conglomerates:
Bruce Reese - Chairman President/CEO Bonneville International
Corporation
Salt Lake City, UT Raymond Benedict Dir., Spectrum Engr & Regulatory
Compliance CBS Washington, DC Michael Carter President/General Manager

Carter Broadcast Group, Inc. Kansas City, MO Ed Christian President/CEO
Saga

Communications Grosse Pointe Fm, MI Diana Coon Vice President/General
Manager WMAN/WYHT/WSWR Mansfield, OH Richard Ferguson Vice President/CEO
O

Cox Radio, Inc. Bridgeport, CT Joe Field Chairman/CEO Entercom Broadcast
Group Bala Cynwyd, PA

Bert Goldman VP-Engineering, Radio Division ABC, Inc. Dallas, TX 75240

William L. McElveen Executive Vice President

Bloomington Broadcasting Corp. Columbia, SC Randy Michaels Chief
Executive

Officer Jacor Communications, Inc.

Covington, KY Randy Odeneal General Partner Sconnix Broadcasting Company

Vienna, VA J. William Poole General Manager WFLS-FM/WYSK-AM/FM
Fredericksburg, McHenry Tichenor President/CEO Heffel Broadcasting
Corp. Dallas, TX

Bayard Walters President The Cromwell Group Nashville, TN Richard
Weening

Executive Chairman Cumulus Media, Inc.

Milwaukee, WI Lawrence Wilson President/CEO Citadel Communications
Corporation Las Vegas, NV :

Co-Conspirators as Follows:

Rep. Billy Tauzin

Rep. Greg Walden

Chief Legal Counsel Of The NAB Jeff Baumann:

To: US The Department Of Justice

Anti-Trust
Division

JOEL I. KLEIN
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

US The Department Of Justice
BILL LANN LEE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Civil Rights Division:

Copy:
Federal Communications Commission:

Nadine Strossen
New York Law School
57 Worth Street, New York, NY 10013-2960
(212) 431-2375; (212) 431-3295 (FAX)
nstrosse@counsel.com

Charge

the NAB As Follows:

Re: Civil Rights Lawsuit Pending The NAB's Hostility In The Passing of

LPFM Broadcast Service As Put Forth By The FCC in Docket MM 99-25 :

Sec. 1983. Civil action for deprivation of rights

US Code : Title 15, Section 631

Sec. 631. Declaration of policy (a) Aid, counsel, assistance, etc., to small business concerns The essence of the American economic system of private enterprise is free competition.

US Code : Title 15, Section 631a

Sherman Antitrust Act in 1890Sec.

13. Discrimination in price, services, or facilities

Lawsuit For Inflicting Punishment Threw Technical Differences and,Denying

Mrs.Olga D'Alessandro Legal Title to NAB Trust Fund:

Impedeing My Right To Free Enterprise, Free Speech and Obstruction,Of My Constitutional Rights,As Proposed By The FCC in The Enactment Of NPRM Docket MM-99-25 For LOW POWER Community Radio Service.

Suit Is Based on the Judgments rendered in the Sanders vs.

The FCC 1940:This Judgment Sets Justification For My Suit:

The Court Granted a

FCC

License On Three Main Issues:

A. Free Enterprise,The Basis Of Our Economy:

B. No Exclusive Control of a Commodity or service in a given Market.No

Monopoly or Monopolys:

Sec. 2. Monopolizing trade a felony; penalty

Every person who shall monopolize, or attempt to monopolize, or combine or

conspire with any other person or persons, to monopolize any part of the

trade or commerce among the several States, or with foreign nations, shall

be deemed guilty of a felony, and, on conviction thereof, shall be punished

by fine not exceeding \$10,000,000 if a corporation, or, if any other person, \$350,000, or by imprisonment not exceeding three years, or by both

said punishments, in the discretion of the court. Ed Fritz and the NAB
Have

Monopolized:

C. To Serve The Needs Of Your and or A Community, The Publics Interest
First:

The Sherman Anti-Trust Act of 1890 100 Years +

SECTION 1 Every contract, combination in the form of trust or otherwise,
or

conspiracy, in restraint of trade or commerce among the several States,
or
with foreign nations, is declared to be illegal. Every person who shall
make any contract or engage in any combination or conspiracy hereby
declared to be illegal shall be deemed guilty of a felony, and, on
conviction thereof, shall be punished by fine not exceeding ten million
dollars if a corporation, or, if any other person, three hundred and
fifty
thousand dollars, or by imprisonment not exceeding three years, or by
both
said punishments, in the discretion of the court.

SECTION 2 Every person who shall monopolize, or attempt to monopolize,
or
combine or conspire with any other person or persons, to monopolize any
part of the trade or commerce among the several States, or with foreign
nations, shall be deemed guilty of a felony, and, on conviction thereof,

shall be punished by fine not exceeding ten million dollars if a
corporation, or, if any other person, three hundred and fifty thousand
dollars or by imprisonment not exceeding three years, or by both said
punishments, in the discretion of the court.

Civil Liberties, Civil

Rights,
Equal Opportunity, and Discrimination

Sanders vs. FCC 1940 Case Judgment:
Free Enterprise;
No Monopolys
Public Interest Community First:

Sanders vs. The FCC 1940 Federal Court

Judgment
Voids The 1996 Telecommunications Act:

SEC. 202. BROADCAST OWNERSHIP.

(a) National Radio Station Ownership Rule Changes Required: The Commission shall modify section 73.3555 of its regulations (47 C.F.R. 73.3555) by eliminating any provisions limiting the number of AM or FM broadcast stations which may be owned or controlled by one entity nationally. This

Section Is Void

X. State Anti-Trust Law State Of Delaware

Delaware's anti-trust statute supplements the substantial anti-trust provisions of federal law. The purpose of the Delaware statute is to promote the public benefits of a competitive economic environment based upon free enterprise. The State anti-trust law protects trade and commerce

from unlawful restraints, price discrimination, price fixing and monopolies. It is not, however, intended to prohibit the existence of labor

organizations and other associations instituted for the purpose of mutual

help. In addition, the statute does not forbid any conduct or arrangement

approved or required by a regulatory board of Delaware or the United States, or a non-profit corporation, trust or organization established for

religious or charitable purposes (but only to the extent that the activity

is religious or charitable in nature). The penalties for a violation of the

Delaware anti-trust statute may include monetary civil penalties, equitable

relief, or both. The Attorney General of Delaware may bring suit on behalf

of all natural persons residing in the State for a violation or threatened

violation of this statute.

Trusts ala. NAB Trust Fund and monopolies are concentrations of wealth in the hands of a few. Such conglomerations of economic resources are thought to be injurious to the public and individuals. This is because such trusts minimize, if not obliterate normal

marketplace competition, and yield undesirable price controls. These, in

turn, cause markets to stagnate and sap individual initiative.

The Communications Act of 1934

The Act Was Intended For Community Service and its Community Members,It was

not Intended for Economic Wealth, Which Ed Fritz and The NAB Have Made It Today

The basic landmark agreement between Radio and the people of the United States was established in the Communications Act of 1934 and has become the

unifying thread of all telecommunications laws since then. The basic agreement was actually established in the years before.

This important law established basic philosophical principles:
 The airways are public property.
 Commercial broadcasters are licensed use the airways.
 The main condition for use will be whether the broadcaster served "the public interest, convenience, and necessity."

The Communications Act's of 1927 and 1934 were Created for the American People, and The Communities They Reside In:

They NAB With Ed Fritz and His Chief Counsel Baumann Have Inflicted The Following Damages Against the Public Airways The American Public Own:

A. Violations Of My Civil Rights, and Civil Liberties: And Bill Of Rights, And My Constitution:

1. To make Distinctions in Treatment:
2. To show Partiality:
3. To show Prejudice:
4. To Discriminate:
5. Dictatorship:
6. Ethnic Violations:
7. To Monopolize An Entire Market = Anti - Trust Violations Against Free Enterprise As Proposed By The FCC in Docket MM-99-25 LPFM Broadcast Community Service:

The Above Violations are imposed because The NAB, Has taken the Communications Act's Of 1927 & 1934, 1996 Which Were Established for the

American People, All The People, not Just The Rich and Wealthy, Radio Conglomerates, The NAB, or Investment Firms. The Act's were created for all people to have an Opportunity, to Compete, on a JUST AND HONEST, PRINCIPAL FOUNDATION. The NAB has Taken the Communications Act's of 1927 & 1934, and

1996 used it with Total Disregard Against 99.9 % of the Peoples Democracy.

Dear Honorable, Senators, and Congressman: I as a Constituent, Request you to hold Hearings on the NAB for Violations of the Communications act's of 1927

& 1934, & 1996 in which they have Discriminated Against 99.9% of the American People

The Communications Act's stated explicitly, 3 LAWS: the NAB has Broken all 3 Laws, AS NOTED:

1. Stop Chaos: There's more Chaos now than ever when The FCC lets the NAB have power levels of 10, 25, 50, 100, 150, and 200 Hundred Thousand Watts of

Power, the purpose of the Communications Act's where for, when an American is granted a FCC Broadcast License, he is to Serve his Community's Needs And

Concerns., the Largest Urban City May require Power Levels of 6000 Watts No

More, in other words there should be No Radio Station in the United States

At this Present Moment with power Levels to Exceed 6000 Watts, the NAB, has broken the LAW for the RICH AND WEALTHY .

2. POWER LEVELS TO SERVE A COMMUNITY, with power levels of 10 thousand and up

to 300 thousand Watts, they serve no body but the NAB, and keep Woman, Blacks, and Other Minoritys From Competing, in the Broadcast Industry, Thanks to shrinking technology prices, LPFM RADIO at 50 WATTS can

generate an FM radio signal with as little as \$500 worth of equipment.

But

seeking a license from the Federal Communications Commission can require an

investment of \$100,000 and or up to \$300,000

3. The FCC will Grant A FCC License Only When The Applicant, will Serve its

Community., this is the Biggest, Crime Against the American People and the

Communications Act's of 1927 & 1934. They The FCC will not grant a License

Below 100 Watts WHY???????, there is no REASON Except the NAB Said SO

You As My Elected Official Need To React To This Run Away Radio Conglomerate. You Need To, Reveal to the Public, the Crimes For The Last 64

Years: By the NAB:

The American People Have A Right To Free Enterprise, Contrary To the Big Money Changers Billy Tauzin, And Ed Fritz Of The NAB and the Radio Conglomerates

Personal liberty includes the right to enter the free market of economic activity LPFM Broadcast Service, As Proposed By The FCC Docket MM 99-25-and

the free market of ideas. You have the right to participate in the free market and speak your mind freely. You have no guarantee of success in free

enterprise, but you have the right to defend yourself against anyone who

tries to limit or extinguish your right to free enterprise, Such as Congressman Billy Tauzin Of Louisiana and Ed Fritz of the NAB . Free enterprise built this country. Let's keep building.

Citizens Alert

We the American People Elected You to Supervise (our the Americans Peoples

Government) Not Yours we pay you for services rendered.

Give us the Opportunity to own an Operate a LPFM Broadcast Community Business and Service, as Proposed by The FCC Docket MM 99-25

Our nation is, conceived in liberty, and dedicated to the proposition that all men are created equal.- that our nation, under God, shall have freedom and that government of the people, by the people, for the people, shall not perish from the earth, and that Woman, Blacks, Hispanics, and the Less Fortunate, have the right to Achieve Free Enterprise, and earn a Liveing in the United States Of America: As Proposed by the FCC in there Adoption of LPFM Broadcast Service, for those Citizens who want to Achieve a Community Broadcast Service and Business.

Rep. Billy Tauzin of

Louisiana

said the Federal Communications Commission plan for so-called microradio

would reduce the audience and advertising revenue of current stations and possibly create severe interference.

Look

at

the above Statement

and Tauzin is our Representative, he flat out tells us and the FCC sorry but

you dont have any Civil Rights and you can not Operate a Business in the

United States, because it will take MONEY OUT OF MY POCKETS AND MY GOOD OLD

BUDDIES THE RADIO CONGLOMERATES AND MOST OF ALL MY GOOD OLD BOY ED THE MONEY CHANGER FRITZ OF THE NAB!!

This statement by Tauzin is a Obtrusive and Contrary to laws and customs of

our Nation, Tauzin and the NAB are Stealing my right to Own an operate a Free Enterprise Business in the United States, they are Stealing my Freedom Of Expression, and my Civil Rights and my Free Speech !)

Congressman Walden of Oregon, is Against Free Enterprise As Proposed By The

FCC In Docket MM 99-25, yet he Owns 4 Commercial Radio Stations:

Congressman Walden Against The American Peoples Constitutional Rights He Needs to Resign!!!!!!!!!!!!

Congressman Greg Walden was interviewed by QST magazine (April 1999 pp. 15 and 16). Representative Walden is from Oregon's 2nd District. He had the following comments about radio:

1. Setting up LPFM "could prove very disruptive".
2. He is skeptical about auctions and their impacts on voluntary services and on commercial broadcasting.
3. He thinks that there will be a major restructuring and reform of the FCC this year. He states that there will be a lively debate in Congress on this subject.
4. He wants the FCC to be more aggressive in shutting down pirates. In his view, the FCC should be "more aggressive in pursuing the integrity of the spectrum".

Representative Walden owns 4 commercial broadcast stations. He is also

an amateur radio operator.

Citizens Alert:
Mr.D'Alessandro
94 Angola Estates
Lewes,Delaware 19958
302-945-1554