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Secretary
Federal Communications Commission
The Portals
445 Twelfth Street S.W.
Washington, DC 20554

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JUL 6 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: FCC DOCKET MM 99-25 (Low Power Radio)

Dear Commissioners and Commission Staff:

As you know, I am one of the 3 Co-Petitioners in FCC Docket RM-9208.

I am also Co-Founder & National Coordinator of THE AMHERST ALLIANCE. This is a nationwide citizens' group which supports greater diversity in media ownership and media programming, with the LPRS as a key step.

Today, I am filing my personal Written Comments on the Proposed Rule, in Docket MM 99-25, to establish a Low Power Radio Service. You will find these Comments shorter than most of the documents I have filed.

Enclosed are 15 copies, plus an original, of my Written Comments. Also, through the good offices of John R. Benjamin, Communications Director for Amherst, I am filing these Comments ELECTRONICALLY. Based on experience, I suspect Charts I and II will be more readable in the physical copies.

I commend the Commission for taking action to end the current ban on Low Power Radio. I urge the Commission to carry this process forward until it has established a Low Power Radio Service that is both VIABLE and MEANINGFUL.

Sincerely,

Don Schellhardt

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UNITED STATES OF AMERICA

Before The
FEDERAL COMMUNICATIONS COMMISSION
The Portals
445 Twelfth Street S.W.
Washington, DC 20554

(In the Matter of	MM 99-25
(Creation of a Low Power (Radio Service	RM-9208; RM-9242

WRITTEN COMMENTS OF DON SCHELLHARDT

I am one of the 3 Co-Petitioners in the July 1997 Petition for Rulemaking that led to Docket RM-9208 in February 1998. I am also one of the Founders of THE AMHERST ALLIANCE : a nationwide citizens' group which presses for more diversity in media ownership and media programming. THE AMHERST ALLIANCE was founded on September 17, 1998 -- in Amherst, Massachusetts -- and I have served as its National Coordinator since then (first, provisionally and later, in January of 1999, by unanimous election).

I have had a long career as a Washington lawyer. Recently, I have been a freelance writer and activist. For more information, please see the APPENDIX: a biographical sketch used for introducing me before a speech or an interview.

Wearing my RM-9208 and Amherst "hats", I have written literally hundreds of pages for the FCC to consider. In THIS filing, however, my Comments are my own -- no one else's -- AND I have kept them fairly brief.

THE COMMISSION IS COMMENDED

Let me begin by commending the Commission for issuing this Proposed Rule. The Commission's drafting of the Proposed Rule reflects careful thought -- and the ISSUANCE of the Proposed Rule reflects political courage.

Please count me among those who say "Thank You".

THERE IS "ROOM FOR IMPROVEMENT"

Having said this, however, I need to add that there IS "room for improvement" in the Proposed Rule. While a MAJOR step forward, it still falls short of what is needed to assure an effective Low Power Radio Service.

THE AMHERST ALLIANCE has often stated that its goal for Docket MM 99-25 is "establishment of a viable, and meaningful, Low Power Radio Service".

BOTH adjectives are important.

The new Service must be VIABLE. That is, it must be capable of sustaining itself -- financially, operationally and otherwise. At the same time, the new Service must also be MEANINGFUL. That is, it must actually make a major difference in the diversity of radio ownership and radio programming.

The Low Power Radio Service can bring a wide range of benefits to American society -- including community revitalization, upward mobility, release of human potential, more choices for listeners and the defense of democracy (which depends, after all, on freely flowing information and ideas).

NEVERTHELESS, unless the Service can be made both viable AND meaningful, these benefits will be more potential than real.

"THE SAINTLY SEVEN"

Since so many people and institutions (including Amherst) have addressed so many issues that involve or affect the LPRS, I feel the Commission might appreciate a distillation of these points down to "THE SAINTLY SEVEN" policy recommendations that are of paramount importance.

Of course, The Selection Of Seven reflects my own personal assessment of what is needed. Nevertheless, MANY activists in the Low Power Radio movement support each and every one of these seven policy recommendations.

FOUR KEYS TO A VIABLE LOW POWER RADIO SERVICE

The Commission's Proposed Rule raises numerous issues that relate to the viability of the Low Power Radio Service. In my personal opinion, however, FOUR policy recommendations are CRUCIAL.

(1) ESTABLISH MODIFIED PRIMARY SERVICE STATUS FOR LP-100 STATIONS AND LP-10 STATIONS. The FCC should establish both the proposed LP-100 Tier and the contemplated LP-10 Tier. Simultaneously, both LP-100s and LP-10s should be accorded a MODIFIED form of Primary Service Status: a new variant, under which they could neither be "bumped" by others nor "bump" others themselves. Without SOME form of Primary Service Status, MANY LP-100s and LP-10s will be displaced in short order by "bigger fish".

(2) KEEP LP-1000s OUT OF LARGE URBAN AREAS. The FCC's own staff study shows metro Denver can accommodate one LP-1000 or four LP-100s. In metro Minneapolis, the choice is one LP-1000 or NINE LP-100s. Unless all LP-1000s are barred by law from the nation's largest metropolitan areas, dozens -- or even hundreds -- of LP-100s and LP-10s will be "strangled in the cradle". At a MINIMUM, LP-1000s should be limited to: (a) areas where population density averages 1,000 people per square mile or less (the Amherst approach); and/or (b) areas which are outside of The Top 100 Media Markets (the REC Networks approach). FURTHER, even in those areas where LP-1000s can be licensed, an LP-250 Tier (that is, 250 watts at 100 and 200 feet) should be created -- with FULL Primary Service Status -- so that aspiring broadcasters will have a workable alternative to an LP-1000 license.

(3) MAKE LPRS LICENSES RENEWABLE. Individuals and communities will be making real sacrifices to launch LPRS stations. A policy of prohibiting license renewal, after seven years, would be unfair -- and could discourage investment. IF the Commission is not prepared to guarantee opportunities for renewal at this time, THEN -- as a "fallback" -- the Commission should: (a) DEFER THE DECISION on license renewability until "a date certain" in the future; (b) in setting this "date certain", allow at least 3 years (preferably 5) for the community of newly licensed stations to develop a "track record"; and (c) indicate to possible LPRS licensees NOW, in clear terms, what kind of results the Commission will need to see THEN in order to justify a policy of renewability.

(4) AUTHORIZE COMMERCIALS -- AT LEAST FOR NON-PROFIT STATIONS. If commercials are NOT allowed, MANY entrepreneurial stations will never be established -- and the community of LPRS stations will likely be dominated by HIGHLY IDEOLOGICAL broadcasters (primarily radicals and The Religious Right). At the same time, LOCAL MERCHANTS will continue to be denied affordable advertising in their competition with "the chains". Indeed, ADVERTISERS IN GENERAL will be denied the lower advertising rates that might otherwise result from increased competition for advertising dollars.

IF the Commission determines that only "non-commercial" stations may be exempted from mandatory license auctions, THEN the Commission should: (a) make the LPRS entirely "non-commercial"; BUT ALSO (b) define the regulatory term "non-commercial" to include stations which air commercials TO THE EXTENT NEEDED to cover reasonable costs (including decent salaries).

THREE KEYS TO A MEANINGFUL LOW POWER RADIO SERVICE

Although other issues are clearly relevant, the preceding four policy recommendations should lay an adequate FOUNDATION for LPRS viability.

Still, as noted earlier, the LPRS must be MEANINGFUL as well as VIABLE.

IF the Service is turned into "Business As Usual" under another name, then the promised benefits of the LPRS will remain but a promise. As an even graver matter, the legitimacy of the Federal Communications Commission -- and, more broadly, of the Federal Government and political system that stands behind it -- will be slashed yet again, in another "self-inflicted wound".

The FCC's consideration of Low Power Radio in general, and its issuance of MM 99-25 in particular, have "brought back from the brink" a wide range of alienated Americans. The revived hopes of these people should not be dashed.

For many of these alienated Americans, this proceeding is NOT "just" about Low Power Radio. On a level that is only SLIGHTLY deeper, it is REALLY about Whether The System Can Be Trusted.

For SOME Americans -- whose ranks are drawn from Left-of-Center political activists, Right-of-Center political activists, people of color seeking upward mobility, young adults seeking direction and "Middle Americans from Main Street" -- this may be the LAST chance The System will ever get.

THREE issues are particularly crucial in deciding whether the LPRS can indeed become a MEANINGFUL alternative to the radio STATUS QUO.

(5) REQUIRE "ONE TO A CUSTOMER". The LPRS will produce the best "payoff for the public" if it consists of small stations, owned and operated by small institutions (and individuals), with a high degree of operational autonomy.

To reach this result, "One To A Customer" licensing is VITAL -- if not the single most important factor in blocking absorption of stations into "chains". The Commission should STRICTLY limit LPRS licensees to one station each.

(6) BLOCK THE PATH OF "BACK DOOR" LICENSING. Even a license limit of "One To A Customer" leaves the door open to multiple licenses gained through affiliates, subsidiaries, franchisees and/or agents of a single institution or individual.

The Commission should grant LPRS licenses to PRINCIPALS ONLY (in the case of individual applicants) and PARENT INSTITUTIONS ONLY (in the case of institutional applicants, INCLUDING non-profit applicants). The Commission should also ban, explicitly, the acquisition of LPRS licenses by affiliates, subsidiaries, franchisees and/or agents of an institution or individual.

FURTHER, the Commission should adopt restrictions on the direct or indirect control of an LPRS station by an outside party. For a starting point, the FCC could begin with the Leggett/Schellhardt proposal, as mildly modified by THE AMHERST ALLIANCE. These proposed restrictions can be found in Amherst's Written Comments to the FCC (dated April 28, 1999).

Pages 40 through 45 of that filing, which span the Sections entitled "Restrictions Proposed By RM-9208 Petitioners" and "Prohibition of Multiple LPRS Station Ownership", are incorporated by reference.

(7) SET SIZE AND INCOME RESTRICTIONS. If the LPRS licenses are to be held only by individuals, the smallest of small businesses and the smallest of small non-profits, criteria for determining what is "small" will be necessary.

For a starting point, the Commission could use the Leggett/Schellhardt proposal, as moderately modified by THE AMHERST ALLIANCE. Like the modified proposal for restrictions on outside control, the modified proposal for restrictions on size and income can be found on pages 40 through 44 of Amherst's April 28, 1999 Written Comments. As amended by Amherst, the proposal states that INITIAL gross revenues of a prospective licensee should be $200,000 or less -- while INITIAL net assets should be $500,000 or less. (Licensees could then "grow beyond these caps" AFTER startup.)

POLITICAL OBSERVATIONS

8. HERE'S A WAY TO MAKE BOTH SIDES HAPPY ... at least on ONE issue. IF the FCC keeps LP-1000s out of The Top 50 or 100 Media Markets, OR replaces them completely with Primary Service LP-250s, bottles of champagne will be popped at the NAB. Meanwhile, Low Power Radio activists will order pizza, open bags of potato chips and break out the beer.

This is one of those occasional occasions when the interests of rivals overlap. The NAB has reason to fear that LP-1000s will grow into future Class A competitors. Meanwhile, prospective holders of LP-100 and LP-10 licenses have reason to fear that LP-1000s will FIRST grow at THEIR expense.

Due to this confluence of self-interest, restricting LP-1000s -- or replacing them completely with Primary Service LP-250s -- is ONE action that will please MANY, MANY people, while angering only a few. Opportunities to please both sides of a confrontation, with a SINGLE stroke, do not surface every day. Now that this opportunity has presented itself, the FCC should consider it carefully.

9. WHO SPEAKS FOR THE LOW POWER RADIO MOVEMENT WHEN IT COMES TO LP-1000s? Various filings, by Amherst and others, have stated clear and compelling reasons why most of the movement is frightened by the prospect of LP-1000s (ESPECIALLY if they are armed with "bumping" authority). Amherst devoted roughly ONE THIRD of its basic Comments to this single issue.

I will not repeat here what has already been said, in great detail, in other filings. I will add, however, something which has NOT -- to my knowledge -- been stated in a Commission filing before.

That "something" is this: Beyond fearing the massive damage which an LP-1000 Tier (armed with FULL and EXCLUSIVE Primary Service Status) can potentially inflict on smaller LPRS stations, many LPRS activists are ALSO frightened by what the LP-1000 Tier suggests about the Commission's thinking.

The very existence of an LP-1000 Tier in the proposal -- let alone an LP-1000 Tier with the right to "bump" smaller LPRS stations!! -- makes many LPRS activists wonder WHO THE COMMISSION THINKS WE ARE.

Many of us are DEEPLY concerned that, in a Proposed Rule which is supposed to ACCOMMODATE our movement, the Commission has included a proposal which TERRIFIES -- literally TERRIFIES -- most of our movement.

Why on Earth did the FCC think our movement would embrace a proposal that could ANNIHALATE 9 stations (or more) out of every 10 we want to build?

Why on Earth did the Commission think this abomination would please us?

I can imagine only two potential reasons, which are not mutually exclusive.

(A) "THE HIDDEN AGENDA THEORY". This theory is discussed in some detail in Amherst's Additional Comments (filed electronically on June 8, 1999, with 15 hard copies to follow). The discussion is centered in the section, "The Commission's Proposed Rule: Pulling Out Into Traffic" (pages 41 through 54).

I incorporate by reference these Additional Comments of THE AMHERST ALLIANCE, enjoining as many Commissioners and Commission staff as possible to read the discussion on "Pulling Out Into Traffic".

Basically, "the hidden agenda theory" postulates that the LP-1000 Tier, as currently proposed by the Commission, is baffling ONLY because it has been officially tied to the goal of promoting Low Power Radio. IF one assumes instead that the REAL goal of the LP-1000 Tier is REFORM OF CLASS A STATIONS, with the licensing of TRUE Low Power Radio as a convenient vehicle and a partial disguise, THEN suddenly the proposed LP-1000 Tier begins to make a great deal more sense.

Specifically, the LP-1000 Tier, as proposed, would advance the cause of CLASS A REFORM on three different fronts:

(i) In large metro areas -- say, The Top 50 or 100 Media Markets -- the LP-1000 stations might have audiences large enough so that these stations could become eventual competitors to the current Lords Of Conventional Radio. The over-consolidation of Class A Radio might, in time, be reduced by challenges from LP-1000s.

(ii) In rural areas and small cities, LP-1000s would often be large enough to take the place of conventional stations that have departed. The LP-1000s might not be TRUE Low Power Radio stations, but they might become -- in effect -- SUBSTITUTES for Class A stations that are "Missing In Action".

(iii) LP-1000s with FULL Primary Service Status would be able to "bump" satellators, replacing out-of-town stations with successors that are LARGER and LOCALLY BASED. Satellators have lately spread like weeds: LP-1000s could be introduced as "a natural predator". Unfortunately, as the FCC proposal is presently worded, the LP-1000s wouldn't have to stop (or even start) with "the weeds".

I am not opposed to ANY of these three results -- nor are most of the people I know in the Low Power Radio movement. CLASS A REFORM is a worthy goal. It is a certainty this country would BENEFIT from more diversity in the ownership of Class A stations; from new Class A stations in rural areas and small cities (to replace those which have left and/or to add more); AND from "bumping" of satellators to make room for locally based stations.

However, I would NOT want this worthy goal to be achieved AT THE EXPENSE of an even MORE worthy goal: the founding of a TRUE Low Power Radio Service. I believe most LPRS activists feel exactly the same way.

Fortunately, there ARE ways to boost the prospects for Class A Reform WITHOUT risking serious injury to the TRUE Low Power Radio stations.

IF, as Amherst has proposed, LP-100s and LP-10s are accorded a MODIFIED version of Primary Service Status -- shielding them from being "bumped" by others, but not allowing them to "bump" others themselves -- THEN satellators can STILL be prey for LP-1000s (and/or LP-250s), BUT smaller LPRS stations would be protected.

AND

IF, as Amherst and REC Networks and others have proposed, LP-1000s (and/or LP-250s) are kept out of The Top 50 or 100 Media Markets, THEN many "neighborhood stations" and community-sized stations will be spared having their futures sacrificed on the altar of a SINGLE station with a METROPOLITAN focus.

At the same time, in areas OUTSIDE The Top 50 or 100 Media Markets, LP-1000s (and/or LP-250s) would still be free to function as SUBSTITUTE Class A stations. In these areas, where a SHORTAGE of radio stations is often a problem, LP-1000s (and/or LP-250s) would have room on the spectrum to grow -- BUT would do so WITHOUT displacing other LPRS stations in the process.

Someday, SOME of these stations might even grow strong enough to challenge Disney, or Clear Channel Communications, or some other dominant megacorporation. To do this, however, they would need to "bring their wares" to where they are NEEDED MOST: the rural areas and small cities of America.

The proposals above reflect CAREFUL discussion and consideration by myself and others. We have tried to show how the Commission can gain MOST of what we THINK it wants -- in the area of Class A Reform -- WITHOUT sacrificing the opportunity for viable, and meaningful, LPRS stations at power levels of 250 watts or less.

PLEASE evaluate these proposals thoughtfully -- as a way to achieve TWO vital goals with ONE package of policies.

(B) "THE MISIMPRESSION THEORY". The other theory afoot in Amherst is "the misimpression theory". As noted earlier, this second theory is not inherently inconsistent with the first. BOTH theories could be accurate.

"The misimpression theory" speculates that the FCC has somehow grossly misinterpreted WHAT our movement is seeking -- and/or WHO speaks for it.

Personally, I find it difficult to imagine how the Commission could have "missed the message". Virtually NO ONE in our movement has asked for:

(i) Authority to broadcast at 1000 watts;
OR
(ii) ANY authority for ANY Low Power Radio station, no matter how large, to "bump" ANY OTHER Low Power Radio station, no matter how small.

The Community Radio Coalition sought 250 WATTS as a top LPRS Tier.

Personally, having started out as an advocate of lower power ceilings, AND THEN having done substantial research and analysis, I came around to joining CRC's call for a Top Tier of 250 WATTS -- but ONLY for small cities and rural areas. As the NORM, I called for a ceiling of 100 WATTS.

THE AMHERST ALLIANCE, once formed, adopted the same positions.

Americans for Radio Diversity called for a ceiling of 100 WATTS.

The Committee for Democratic Communications of the National Lawyers' Guild called for a ceiling of 100 WATTS.

Further, various INDIVIDUAL commenters urged a ceiling of 100 WATTS.

I estimate that -- cumulatively -- Amherst, ARD, CRC and CDC speak for AT LEAST 80% of the LPRS movement. ALL of these groups have asked for ceilings of 250 watts or less -- and MOST have asked for ceilings of 100 watts. Yet I can COUNT ON ONE HAND the number of people I know who back BOTH licensing of LP-1000s AND authority for them to "bump" smaller LPRS stations.

These are "Facts Of Life". I fervently hope the FCC is aware of them.

10. LPRS ACTIVISTS KNOW "THE REAL THING" WHEN THEY SEE IT -- OR DON'T. By now, the Commission must have noticed that typical LPRS activists are bright, motivated, determined and -- how should I put this? -- sometimes skeptical to a fault when it comes to authority. If the FCC creates a structure that is called "Low Power Radio" but is IN FACT Something Else, the community of LPRS activists will know it -- and know it FAST.

I do not care to speculate about the range of reactions which might ensue, but this much I WILL predict:

FIRST, should such a deception of LPRS activists be attempted, their anger over being excluded from mainstream opportunities will be fanned by a NEW anger over perceived betrayal.

SECOND, in many cases, this anger will NOT be directed solely at the FCC nor even at the FCC and the NAB, combined. This anger will often be directed toward the entire GOVERNMENT, or even the entire ESTABLISHMENT, or even the entire SOCIETY. Whether the Commission wants this responsibility or not, it needs to realize that -- as I said earlier -- many LPRS activists view Docket MM 99-25 as a "Last Chance" for the larger society to show it will INCLUDE them. If they are disappointed now, and ESPECIALLY if their disappointment is tinged with an element of attempted deceit, they may "act out" and/or "drop out", but they WILL react. Their reactions may well create EVEN MORE DISTANCE between their talents, their dreams -- and the society that needs both of them.

These are not MY feelings. I AM COMMITTED TO THE U.S.A. -- "For The Duration". Nevertheless, many of our best citizens are still weighing whether the U.S.A. is worth saving -- from enemies abroad AND from itself.

PLEASE don't give these people a reason to decide that it isn't!!

11. THERE'S "LESS THAN MEETS THE EYE" WHEN IT COMES TO THE CONFLICT OVER COMMERCIALS. Of "The Saintly Seven" policy recommendations, set forth on pages 3 through 6, only the FOURTH one -- that is, giving LPRS stations the option of airing commercials -- would generate much controversy within the LPRS movement. On the other six policy recommendations, there might be differences on the details, but the BASIC PRINCIPLES INVOLVED would be endorsed by Amherst, ARD, CRC and CDC (and probably by MEC, the newly formed Micro Empowerment Coalition).

As I stated earlier, I estimate that Amherst, ARD, CRC and CDC cumulatively speak for AT LEAST 80% of the Low Power Radio movement.

I see only two MAJOR differences in this vast segment of our movement.

The first is amnesty. Here, the basic question -- whether amnesty should be available for unlicensed broadcasting AFTER the issuance of Docket MM 99-25 -- might be described as deep BUT narrow.

The second issue is commercials. Here energy is added to the surface debate by an intense clash of underlying, but often undiscussed, philosophies.

Amherst, ARD and CRC basically envision LPRS stations which are "community ORIENTED": that is, run by INDIVIDUALS, but sized and structured so that market forces will naturally encourage them to focus on specific localities.

CDC, MEC and others appear to envision LPRS stations which are "community CONTROLLED": that is, run by GROUPS, acting IN THE NAME OF the community, and denied the ability to pursue ANY revenue sources that might facilitate ANY independence of the station from the group.

On the DEEPEST philosophical level, this is truly entrepreneurial capitalism versus democratic collectivism: a battle over whether LPRS stations should be guided by the vision of a daring, risk-taking individual OR by the consensus of a Committee (representing, at least in theory, the community). The different symbols for what is meaningful in life are so deep, and so primal, that the conflict is almost a clash of MYTHOLOGIES.

On a THEORETICAL level, the conflict is visceral and likely irreconcilable.

On a PRACTICAL level, however, the conflict is LESS than it seems.

(A) EFFORTS TO "INCH TOWARD COMPROMISE". Whatever the fervor of personal attachments to the entrepreneurial or collectivist "ideal", two practical realities are generally recognized in both "camps".

FIRST, with both "wings" of the LPRS movement roughly equal in size, AND with the NAB and its Congressional servants ready to exploit any weakness in the movement, both "wings" NEED EACH OTHER in order to prevail.

SECOND, even if one "wing" of the movement could persuade the FCC to adopt a Final Rule which constitutes a TOTAL victory over the other "wing", the victory would be a Pyrrhic one. That is, the Final Rule would be unstable from the day the ink on it dried. If EITHER "community oriented stations" OR "community controlled stations" are excluded (officially or functionally) from a major role in the LPRS, the "losing side" will organize immediately to "upset the applecart". After all, in that case, the cart would carry no apples for THEM.

Given these PRACTICAL realities, PLUS a resilient sense of comraderie across the movement, both "sides" have inched toward compromise. The movement's commercial wing offered the first olive branch, stating it does not favor an ALL-commercial LPRS -- only one that INCLUDES profit-making stations, along with commercial-airing non-profits AND commercial-free stations.

Over time, as a result of both external AND internal dialogues, Amherst and others have decided they can accept a TOTALLY non-commercial service IF: (a) the term "non-commercial" is defined to include commercial-airing non-profits, able to sell air time TO THE EXTENT NEEDED to cover REASONABLE costs; AND (b) this status will exempt LPRS stations from mandatory license auctions.

Among the anti-commercial activists in the movement, there has been scattered support for allowing commercial-airing non-profits AND/OR permitting commercials but restricting their number and frequency. I interpret these comments as overtures to my own "wing" of the movement, although so far this olive branch has come from various individuals rather than any organized group.

More heartening has been the recent declaration, by the Institute for Local Self-Reliance in Minneapolis, that it seeks to reserve for commercial-free stations "the majority" -- not the TOTALITY, but the MAJORITY -- of LPRS licenses. While this phrasing limits commercial-airing stations to a minority of the licenses, which I and others cannot accept, it is nevertheless a major improvement from the assertion that the LPRS should be TOTALLY commercial-free.

At this point, speaking for myself ALONE, I suspect BOTH of the movement factions could accept -- or even endorse -- splitting the LPRS licenses 50/50 between commercial-airing stations and commercial-free stations.

Although it was primarily anti-commercial thinkers who started the LPRS movement, and nurtured it through most of its life so far, the very growth of this movement has brought in newcomers who do NOT necessarily share all the views of the movement's pioneers. This phenomenon -- newcomers, whose different values and styles begin to affect the original nature of a movement -- is TYPICAL of groups that are GROWING. To cite the most dramatic example I can, this phenomenon is why Christianity is no longer a branch of Judaism.

In any case, a 50/50 allocation of licenses would reflect the approximate distribution of values and styles among the LPRS movement as it exists TODAY.

(B) DIFFERENT PLAYERS, DIFFERENT TURF. This point is so obvious that I overlooked it for months. It was "hiding in plain sight".

The fact is:

The aspiring ANTI-commercial broadcasters ARE GENERALLY NOT LOCATED IN THE SAME PLACES as the aspiring commercial broadcasters. "Head on" collisions over abstract philosophies are likely to continue, but "real world" collisions over ACTUAL LICENSES are likely to be far less common.

As with the issue of determining the best wattage and height ceilings for LPRS stations, the issue of allowing commercials is cast in a new light once GEOGRAPHY is considered.

Set forth on the next two pages are CHARTS which illustrate this point.

In CHART I, the leadership of Amherst -- that is, its 15 Coordinators, Coordinators EMERITI and Officers -- is compared to 8 Members of MEC and/or CDC and/or Prometheus, all of whom are widely known as leaders of the anti-commercial "wing" of the LPRS movement. In addition, because the LPRS movement has often attracted "concerned citizens", who have no plans to become broadcasters themselves, the Chart separates "Aspiring LPRS Licensees" from their "concerned citizen" colleagues in each leadership group.

Among the AMHERST LEADERS, 3 out of 15 (20%) are based in the "urban core" of a metropolitan area with more than 500,000 people. The fraction stays at 20% (2 out of 10) among those leaders who are planning to seek an LPRS license. At the other demographic extreme, 5 of the 15 Amherst leaders (33%) live in a community (or metro area) with 100,000 people or less -- and 3 of these 5 (20%) in a community with 10,000 people or less. Among aspiring licensees, the ratios are 4 out of 10 (40%) and 3 out of 10 (30%), respectively.

CHART I:
DIFFERENT PLAYERS, DIFFERENT TURF

	(A) KEY AMHERST ACTIVISTS (FAVOR ALLOWING SOME COMMERCIAL-AIRING STATIONS)		(B) OTHER KEY ACTIVISTS (FAVOR ONLY COMMERCIAL-FREE STATIONS)	
	ALL Of These Activists	Aspiring LPRS Licensees ONLY	ALL Of These Activists	Aspiring LPRS Licensees ONLY
Metro Area >500,000:				
Urban Core	3	2	8	5
Suburban	4	2	--	--
Metro Area 100,000-500,000:				
Urban Core	2	1	--	--
Suburban	1	1	--	--
Community 10,000-100,000	2	1	--	--
Community <10,000	3	3	--	--
GRAND TOTAL	15	10	8	5

GROUP A consists of Coordinators, Coordinators EMERITI and Officers of THE AMHERST ALLIANCE. GROUP B is the Steering Committee of the Micro Empowerment Coalition, PLUS Phil Tymon (CDC) and Pete TriDish (Prometheus).

DJS/djs
6/11/99

CHART II:
Demographic Environments of Amherst Activists

Because GROUP A on CHART I -- that is, the Coordinators, Coordinators EMERITI and Officers of THE AMHERST ALLIANCE -- is such a small statistical sample, THIS Chart compares the Group A distribution patterns to the distribution patterns for the Amherst Membership as a whole. Despite some differences, Group A, the LEADERSHIP of Amherst, is BROADLY representative of Amherst Members.

GROUP B, also drawn from CHART I, is composed of the 6 members of the MEC Steering Committee, PLUS Phil Tymon (CDC) and Pete TriDish (Prometheus). Data were Not Available on the general Memberships of CDC, MEC & Prometheus.

	GROUP A: All Members	AMHERST ALLIANCE: All Members	GROUP A: Aspiring Licensees ONLY	AMHERST ALLIANCE: Aspiring Licensees ONLY *	*GROUP B: Aspiring Licensees ONLY*
Metro Area >500,000:					
Urban Core	20%	26%	20%	13%	*100%*
Suburban	27%	31%	20%	7%	--
Metro Area 100,000-500,000:					
Urban Core	13%	7%	10%	7%	--
Suburban	7%	9%	10%	13%	--
Community 10,000-100,000	13%	19%	10%	40%	--
Community >10,000	20%	8%	30%	20%	--

* *These are only the KNOWN "aspiring licensees" within Amherst.*

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By contrast, consider the 8 anti-commercial leaders I selected: Phil Tymon of Washington, DC; "Pete TriDish" of Philadelphia; Sara Zia Ebrahami of Philadelphia; Diane Fleming of Philadelphia; Amanda Huron of Washington, DC; Greg Ruggiero of Washington, DC; Peter Franck of San Francisco and Alan Korn of San Francisco. The latter 6 form the Steering Committee of the MEC.

5 out of 5 aspiring licensees, and 8 out of 8 individuals, are based in the "urban core" of a metropolitan area with more than 500,000 people. Yet, as noted earlier, such an area is home to only 20% of the aspiring licensees in the Amherst leadership group.

Thus, the anti-commercial leaders are geographically concentrated. The Amherst leaders are MUCH more geographically diverse.

Because the statistical samples are so small -- 15 people representing all of Amherst, plus 8 people representing all of the anti-commercial LPRS activists -- I saw a need to compare each leadership group with their total Memberships. Unfortunately, in the case of MEC, CDC and Prometheus, I had no access to their Membership records. In the case of Amherst, of course, I did.

CHART II is the result. It compares the 15 Amherst leaders with the entire Membership of THE AMHERST ALLIANCE. It also compares the 10 aspiring licensees, within the leadership group, to all of the KNOWN aspiring licensees among the Amherst Membership as a whole.

CHART II demonstrates that the current Amherst leaders are BROADLY representative of the Amherst Members. There ARE differences, however.

The most significant difference, at least for purposes of this discussion, is between aspiring licensees in the leadership group and aspiring licensees among the general Membership. 40% of the former group are in communities (or metro areas) of 100,000 or less -- compared to 60% of the second group.

ALSO significant is the contrast between the two groups in metropolitan areas above 500,000. Among the aspiring licensees in leadership positions, 20% live in the "urban core" of such an area, and another 20% live in the suburbs, for a total representation of 40% in this demographic environment. However, among ALL of the known aspiring licensees in Amherst, the total representation in such areas -- urbanites and suburbanities COMBINED -- is only 20%. Within the "urban core" of the largest metro areas, it's only 13%.

Thus, when ALL known aspiring licensees in Amherst are considered, the geographical diversity is tempered by a "tilt" toward small cities and rural areas.

Obviously, I can only guess at what a comparable study of the CDC, MEC and Prometheus Memberships would show. Based on what I have observed so far, I SUSPECT the study would find some potential anti-commercial licensees in the "urban cores" of SMALLER metropolitan areas (in the range of 100,000 to 500,000 people). However, I also suspect there would be little or no representation of anti-commercial activism in rural areas, except for some COLLEGE towns, or in the SUBurban portions of ANY metropolitan area.

In the analysis above, I am including ONLY those who: (a) want to run a commercial-free station; AND (b) object to anyone else running anything else.

This seems to be exclusively a Left-of-Center view. LPRS activists with Right-of-Center ideologies, along with entrepreneurs in the movement, generally take a "live and let live" attitude toward airing of commercials by other stations.

Even on the Left, support for banning ALL commercial-airing stations is NOT universal. As I noted earlier, some of those in the CDC "wing" of the movement -- most notably, MicroKind of Texas -- appear open to the idea of allowing commercial-airing non-profits OR EVEN allowing profit-making stations that air commercials but agree to restrictions on their number and frequency.

In any case, advocates of a TOTALLY commercial-free LPRS seem likely to concentrate their license applications in "urban core" areas -- ESPECIALLY the cores of LARGE metropolitan areas -- and small COLLEGE towns. These potential licensees have emerged in such areas, and seem likely to REMAIN largely in such areas, for a very good reason: OUTSIDE OF "urban core" areas and small college towns, the culture of the surrounding community is unlikely to offer much support for stations with a militant Left-of-Center ideology.

Since MOST of the aspiring licensees in AMHERST plan to file license applications in communities with less than 100,000 people (60%), with the rest split evenly between the suburbs (20%) and "urban cores" (20%) of larger metropolitan areas, there is much less geographical overlap between the two "camps" -- and, therefore, a much lower frequency of "head on" conflict over specific licenses -- than the high octane rhetoric might sometimes suggest.

The different players have largely staked out different turf.

CONCLUSIONS

For the reasons set forth herein, I URGE THE COMMISSION to: (a) proceed with issuance of a Final Rule, in Docket MM 99-25, that will establish a Low Power Radio Service; AND (b) adopt all of the policy recommendations which are contained herein, in order to assure that the Low Power Radio Service will be both viable AND meaningful.

Respectfully submitted,

Don Schellhardt

Don Schellhardt

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June 14, 1999

BIOGRAPHICAL SKETCH OF DON SCHELLHARDT

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In 1992, Don Schellhardt chose "The Road Not Taken". After almost 20 years as a "Washington Insider" -- including stints as a Congressional staffer, a special interest lobbyist and a policy advisor at the U.S. Environmental Protection Agency -- he walked away. He traded Washington for Connecticut and a high income for a low one. He became a writer and political activist.

"As a Washington Insider," he explains, "I could 'speak through a megaphone' -- in the sense of being positioned to persuade powerful people and institutions to pursue goals that I believed in. On the other hand, I couldn't embarrass those people and institutions by disagreeing with them in public when I thought they were wrong. In effect, I traded free speech for Power. Finally, after 2 decades of watching Washington, and the nation, slide downhill, I just COULDN'T keep silent anymore. I HAD to speak, which meant I had to quit."

Since 1992, Don Schellhardt has written a novel -- about sex, love and Washington politics -- and has supported himself through a combination of ghostwriting, other freelance writing and contract employee assignments.

Since 1997, he has been a voice for LOW POWER RADIO stations.

In July of 1997, he joined Nick and Judith Leggett -- of Reston, Virginia -- in petitioning the Federal Communications Commission to lift its current ban on small, "citizen-sized" radio stations that transmit at 100 watts or less.

By contrast, conventional radio stations often transmit at 50,000 watts.

In February of 1998, the FCC sought comments on this Petition -- which was assigned FCC Docket No. RM-9208. This marked the first time in 20 years that the FCC had reconsidered its 1978 ban on Low Power Radio stations.

In September of 1998 -- at a meeting in Amherst, Massachusetts -- Don became Co-Founder of THE AMHERST ALLIANCE. This is a nationwide group which advocates greater diversity in media ownership AND programming.

In January of 1999, Don was unanimously elected as National Coordinator of THE AMHERST ALLIANCE. ALSO in January of 1999, the FCC decided to formally propose creation of a Low Power Radio Service. Comments on the proposal may be filed, until August 2, in FCC Docket No. MM 99-25.

Don holds a B.A. degree in Government, with a Minor in English, from Wesleyan University in Connecticut. He also holds a law degree, with a course concentration in International and Regulatory Law, from George Washington University in Washington, DC. There, he served on the Editorial Board of THE JOURNAL OF INTERNATIONAL LAW AND ECONOMICS, a student law review.

His past employers include a Congressman, EPA's global warming unit, the Overseas Private Investment Corporation and the American Gas Association.

Don's future goals include "earning a steadier paycheck" while he writes more books and helps THE AMHERST ALLIANCE to expand. If he can, he also hopes to establish a newer, larger organization with a broader focus -- "to speak for some people and businesses who aren't represented by either political party."