

APPENDIX A

LISTING OF UNLICENSED RADIO OPERATIONS

**LIST OF FCC NEWS RELEASES REGARDING
UNLICENSED RADIO STATIONS**

1. *News Release*, Report No. CI 98-8 (May 5, 1998) (unlicensed radio station in Detroit);
2. *News Release*, Report No. G 98-10 (June 17, 1998) (unlicensed broadcaster Stephen Dunifer);
3. *News Release*, Report No. CIB 98-10 (June 24, 1998) (unlicensed radio station in Philadelphia);
4. *News Release*, Report No. CI 98-11 (July 7, 1998) (Howell Township, New Jersey pirate radio operator);
5. *News Release*, Report No. CI 98-13 (August 18, 1998) (15 unlicensed radio stations in Miami area);
6. *News Release*, Report No. CI 98-15 (August 28, 1998) (four unlicensed radio stations in Cleveland);
7. *News Release*, Report No. CI 98-20 (November 9, 1998) (unlicensed radio station in Pittsburgh);
8. *News Release*, Report No. CI 98-18 (September 29, 1998) (unlicensed radio station in Memphis);
9. *News Release*, Report No. CI 98-19 (October 16, 1998) (unlicensed radio station in Detroit);
10. *News Release*, Report No. CI 98-29 (December 11, 1998) (unlicensed radio station in Gainesville, Florida);
11. *News Release*, Report No. CI 98-30 (December 16, 1998) (19 unlicensed radio stations in Miami area);
12. *News Release*, Report No. CI 99-5 (February 5, 1999) (unlicensed radio station in Greenwood, South Carolina);
13. *News Release*, Report No. CI 99-6 (February 8, 1999) (unlicensed radio station in Palm Beach Gardens, Florida);
14. *News Release*, Report No. CI 99-7 (February 16, 1999) (unlicensed radio station in Milwaukee, Wisconsin);

15. *News Release*, Report No. CI 99-8 (February 18, 1999) (unlicensed radio station in Oakland Park, Florida);
16. *News Release*, Report No. CI 99-9 (February 23, 1999) (unlicensed radio station in Howell, Michigan);
17. *News Release*, Report No. CI 99-10 (February 24, 1999) (unlicensed radio station in Bronx, New York);
18. *News Release*, Report No. CI 99-12 (March 4, 1999) (unlicensed radio station in Canyon Lake, Texas);
19. *News Release*, Report No. CI 99-17 (April 28, 1999) (unlicensed radio station in Brooklyn, New York);
20. *News Release*, Report No. CI 99-18 (April 30, 1999) (unlicensed radio station in Houston);
and
21. *News Release*, Report No. CI 99-21 (May 7, 1999) (unlicensed radio station in Grand Rapids, Michigan).

APPENDIX B

INTERNET MATERIALS CONCERNING "ABOUT.COM"



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Who? How? Why? The answers are all just clicks away.
- [Airwaves For All](#)
Keep completely up-to-date on all the happenings - Sign up and tune in!
- [The Latest Schnazz](#)
Brand-new links dug up weekly!
- [The Enforcement Action Database](#)
~v3.0~ A running score on the war. Read [here](#) for the latest happenings.
- [Doing the Chat Thing](#)
Take a peek - I'm usually hanging out in there when I'm online.
- [The Amherst Declaration](#)
Free radio's first attempt at consensus-building [181 signatories].

Community

[Reach Out And Touch Me!](#)
I'm here for you - brain and all.

Bulletin Board

Spam-resistant and just waiting for a good thread!

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05/17/99 - What It's About - Who? How? Why? The answers are all just clicks away.

05/09/99 - A Second Round of Stalling - Ready for another two-month delay in legality?

05/02/99 - Time's Running Out - A how-to on filing LPFM comments with the FCC - from what to say to licking the stamp to clicking the mouse.

04/24/99 - The True Face of the Dark Side - NAB censors FCC Chairman's pro-LPFM comments during his annual convention speech!

04/17/99 - Beware the Propaganda - The broadcasting bigwigs have a mass-produced editorial coming to your newspaper soon - here's the antidote.

04/11/99 - They're Back! - In the face of the Feds - Free Radio Berkeley is back on the air!

04/03/99 - The Yugoslav Crackdown on Free Radio - The bust of B92 is total and severe.

03/27/99 - Free Radio Under Fire - Yugoslavia's B92 has the inside story on Kosovo - but at what cost?

03/21/99 - Less is More - How ten watts or less can also serve the public.

03/16/99 - First Skirmish - Enemies of legal low-power radio

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- buy cool clothes
- great cruise deals
- no shopping
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maneuver for the high ground.

03/07/99 - Gaining Speed - Both friends and foes of legal low-power radio are wasting no time in squaring off.

02/27/99 - The Brewing Congressional Conflict - NOW is the time to find LPFM allies in Congress - The work has already begun.

02/20/99 - Enforcement Action Database v3.0 - Tracking the FCC's police work in a much more user-friendly way.

02/14/99 - An Enemy End-Run - One man wants to kill legal low-power broadcasting - and he's got the power to do it.

02/06/99 - No Retreat - No Surrender - The FCC extends an olive branch to 'pirate' broadcasters; here's what they can do with it.

01/29/99 - It's Only Just Begun - The FCC's move to license low-power radio is a mixed blessing.

01/22/99 - ARD Takes A Stand - Americans for Radio Diversity issues its own battle cry.

01/14/99 - Coming Out - Maybe THIS will get 'legal' broadcasting's silent majority to say something!

01/07/99 - Another Attempt at Dialogue - No more guerilla war...This is the face of today's LPFM.

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1997 Features

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The Enforcement Action Database

All the news about FCC actions against free radio begins as rumors. The Enforcement Action Database is an attempt to separate fact from fiction. It's also a study-in-progress of the FCC's patterns of enforcement. Explore, learn, and fight the power! Information in this kind of thing is traditionally sketchy; if you can fill any holes or have updated information, please don't hesitate to contact me.

Total Enforcement Actions: 114

Active States:

- Florida (31)
- California (14)
- Michigan (9)
- Ohio (7)
- Massachusetts (6)
- Pennsylvania (6)
- Tennessee (5)
- Texas (7)
- Washington (4)
- New York (5)
- Connecticut (2)
- Illinois (2)
- New Jersey (2)
- North Carolina (2)
- Maryland (1)
- Missouri (1)
- New Mexico (1)
- North Dakota (1)



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- fabulous fabrics
- prices on apparel
- win cash prizes
- buy showbiz deals
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- online sports
- buy used clothes
- hot cruise deals
- me shopping
- online cards
- join a book club
- shop till you drop



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South Carolina (1)
Vermont (1)
Wisconsin (3)
Maine (1)
Kansas (1)
Other U.S. Territories (1)

By Month:

January - 4
February - 10
March - 8
April - 7
May - 6
June - 5
July - 23
August - 13
September - 5
October - 18
November - 9
December - 3
Unknown - 3

By Spectrum:

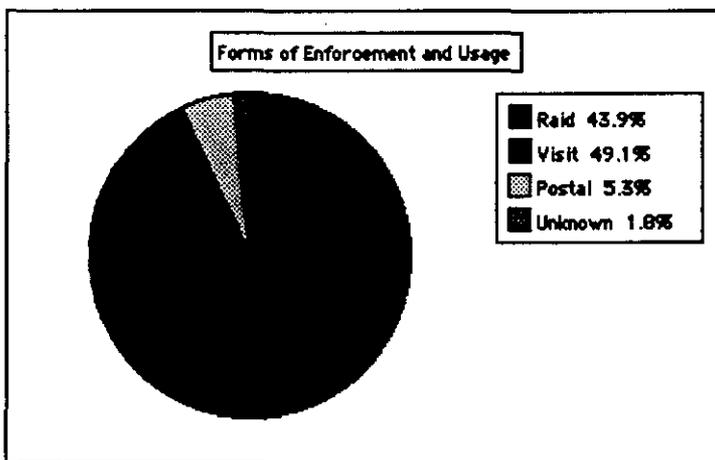
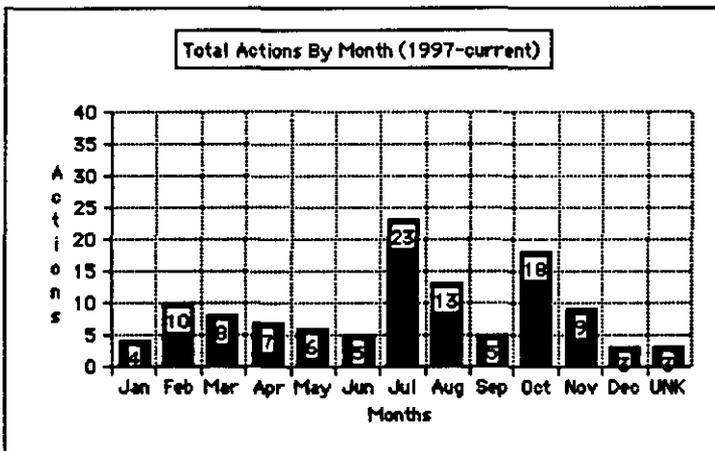
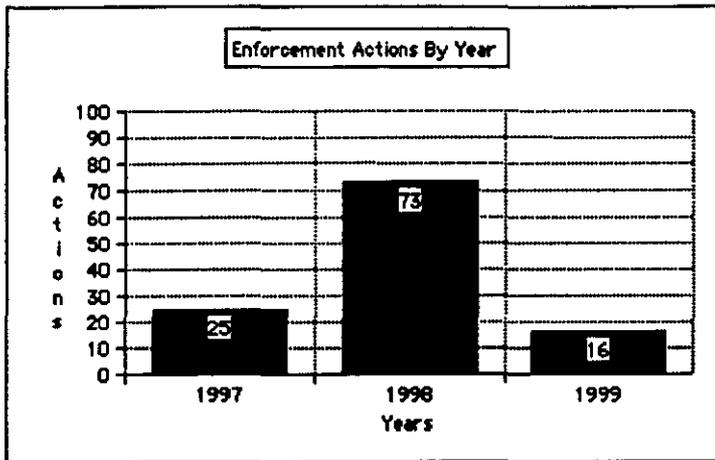
FM - 101
AM/SW - 6
Unknown - 7

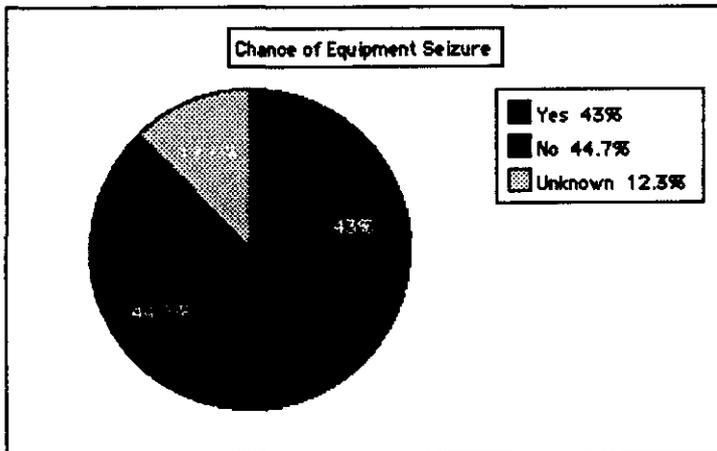
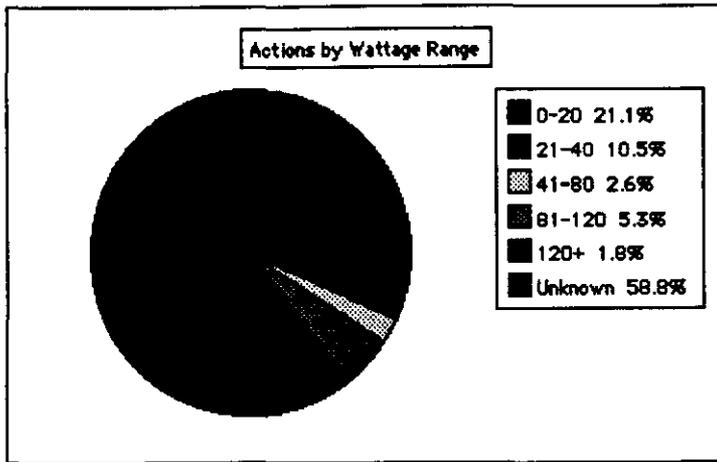
Total Raids: 50
Total Visits: 56
Total Postal Contacts: 6
Total Seizures: 49
Total Fines: 12
Average Fine/Action*: \$4600
Average Wattage/Action: 26 watts**
Average Time on Air: 6 months**

*** - where fines were issued**

**** - not statistically reliable due to unknowns**

Enforcement Summary - Charts and
Graphs





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ABC FM Transmitters

Irish purveyor of all things FM tx. Everything comes virtually plug-and-play.

Aftercoolers, Inc.

Makers of a patent-pending transmitter cooling system. Broadcast with chill.

Almost All Digital Electronics

Gadgets and gear for the kit-builder and homebrew junkie.

antenneX

The magazine entirely devoted to antennae (or is it antennas?)!

Broadcast-Warehouse Homepage

Well-designed Web page for a well-stocked supplier.

CPEQ Personal FM Transmitter

A real plug-and-play system for those who don't have the extreme technical knowledge but still want to be on the air. And all for around a hundred dollars (or 60, if you do the soldering yourself)!

Dan's Small Parts and Kits

Need that little thingamabob to stick between the transmitter and antenna cable to stop taking over your neighbor's TV? Find it here.

DANA'S Index of Electronic Manufacturers on the Web

Little bits of everything componentry-wise

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Decade Transmitters, Inc.

Canadian company selling their own line of low-power FM transmitters.

Fil's FAQ-Link-In Corner: LowPwrTx

If you're thinking about getting involved in the mini-FM movement, this page will help you get in touch with the major players that hold the goods to get you on the air.

FM Concepts

Selling 100mW to 1 W transmitters.

Gernsback Publications, Inc.

Online home for Popular Electronics and Electronics Now magazines.

Group 42 Sells Out!

The infamous group of electronic miscreants has finally succumbed to the lure of capitalism. They've issued a CD-OM chock full of the precious information they've culled.

Ireland Broadcast Electronics

Promising kits galore!

L.D. Brewer

One of the more popular places to stock up on essential gear. The proprietor also runs his own free radio station.

LPB, Inc.

Possible place to buy all the 'plug-and-play' gear you need.

MacProp

Calculate local propagation forecasts on your own PC! A demo version of the program (Mac only) is available here for download.

Mercenary Industries

Boston-based business with an emphasis on audio equipment of all kinds.

Micro FM Radio

Start-up consultancy with pointers on how to comment on the FCC's proposed LPRS rulemaking.

Mycal's 3-Meter Hacking Sources

A list of names, addresses and phone numbers for suppliers of all your pirate needs. From equipment to ideology, there's a contact to be found here.

North Country Radio

Supplier of RF, video and specialty kits for 'amateur and experimental use' (their words, not mine). Lots of goodies here!

PCS Electronics

European dealer with FM and AM gear available.

Progressive Concepts

Billing themselves as "your one-stop source for everything in broadcast electronics."

Promethius

Log yer DX contacts on the computer instead of by hand! Keep track of QSLs too! The demo software (Mac only) is available from this page to download.

Radio Archival Oddities

WFMU, an independent freeform station in New Jersey, has compiled a 90-minute cassette of some of the most bizarre and engaging broadcasts ever to cross the airwaves. Find a sample here.

Shawn Bass Productions - Pirate Radio Sweepers

Low-price deal for sweepers especially for the free radio enthusiast.

Tiare Publications: Shortwave Catalog

An extensive list of free radio related books for perusal and purchase. Shortwave, how-to, pirate, clandestine, it's all here.

UNI-HAT Antenna Corporation

More manageable antennas for the AM and SW broadcaster.

Wavematch Communications

One-stop shopping for your FM microcasting needs.

X Productions

A small-time free radio-friendly production company with a couple sound files of its work for your perusal.

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They're Back!

Dateline: 04/11/99

Stephen Dunifer, the founder of Free Radio Berkeley (FRB), has often been touted as the 'father of U.S. free radio,' and rightly so. He has been through a long and vigorous battle in the courts with the Federal government (via the FCC) over his San Francisco 50-watt operation.

As his activism continued, the press finally got wind - hence the nationwide acclaim. Dunifer's no stranger to working the press. Taken off the air after a setback in his case, Dunifer and FRB has been silent for nearly nine months now. Even so, it really came as no surprise when the following news release showed up today:

Despite a Federal Court injunction against its founder Stephen Dunifer, Free Radio Berkeley will return to the broadcast airwaves on Sunday, April 11 at 8 PM. Established as a Free Speech voice, a direct challenge to FCC regulatory authority and as a means to break the coporate stranglehold on the free flow of information, news and cultural expression, Free Radio Berkeley will resume a daily broadcast schedule as soon as circumstances permit. Citing compelling circumstances, former listeners and programmers decided to re-establish this alternative voice for the community despite potential legal and regulatory ramifications. Even though the Federal Communications Commission (FCC) is currently entertaining the possible creation of some type of low power FM broadcasting service, its proposal is severely flawed and faces incredible opposition from the National Association of Broadcasters.

Speaking on behalf of Free Radio Berkeley, Paul Griffin stated, "We

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- free shopping
- online casino
- join a book club
- shop till you drop



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have been silent for too long. The prospects of obtaining a license from the FCC at any time in the near future are very remote. We are going back on the air because that is what our listeners want us to do."

Again, Stephen Dunifer's timing is impeccable. While the process toward 'possible creation' of a low-power radio service finally gets underway, Dunifer will again hit the spotlight. This time, though, it looks like he's bailing out of it. This is both good and bad.

It's good because it will draw the FCC, who by our account is not slowing down its busts of unlicensed operations, into action. Defying a court order after such a lengthy battle will require it.

How the 'radio cops' handle the response will be equally important - a military-style raid on FRB definitely does **not** look good on the 10 o'clock news.

The badness comes from Dunifer's and FRB's rejection of the entire proposed licensing process before everyone's had a chance to comment on it. That includes you and me - the lack of actual details to the proposal shows the FCC's looking for some good ideas, and it appears the FRB crew think no idea must exist that could make them support some kind of legal low-power radio right now.

Even more dangerous will be the NAB's response. Using its unparalleled access to the broadcast media (since its members effectively owns most of it), be prepared for it to link FRB's attitude to the entire low-power radio movement. This could be mitigated if enough people sound off to make the point clear that they have **not** given up on the process, both to the public and to the FCC.

It's sad in a way, by taking back to the airwaves like this Dunifer's effectively killed his chances of getting any kind of low-power license that may be created in the future.

And, thanks to the tone of the rebirth, the Feds will be forced to respond in such a way that he might not ever get back on the air again.

Being a martyr is usually helpful to a movement, but let's hope the event doesn't kill what it died to further. Stay tuned...

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No Retreat - No Surrender

Dateline: 02/06/99

Now that the FCC has actually crafted a document proposing a legal low-power FM radio service, the subject has turned to what to do with all of those current 'pirate' broadcasters, who have taken to the air in the past or remain on the air today to show that such a service is viable on today's radio landscape. The FCC is well aware of that quandary, too - what happens if a 'pirate' applies to get a license? Below is the FCC's response, which kind of reads like a mixture of propaganda with veiled threats:

67. It is well established that the Commission is rightfully concerned with "misconduct which demonstrates the proclivity of an applicant or licensee to deal truthfully with the Commission and to comply with our rules and policies." Policy Regarding Character Qualifications in Broadcast Licensing, 102 FCC 2d 1179, 1190-91 (1986). Parties who persist in unlawful operation after the Commission has taken any of these enforcement actions could be deemed per se unqualified, and we seek comment as to the eligibility of such parties for a license in any new radio service. We seek comment on whether there are circumstances under which such a party could be considered rehabilitated. The reliability as licensees of parties who may have illegally operated for a time but have ceased operation after being advised of an enforcement action, however, is not necessarily as suspect. We seek comment on the propriety of accepting as licensees of low power (or microradio) licenses parties who may have broadcast illegally but have promptly ceased operation when advised by the Commission to do so, or who voluntarily cease operations within ten days of the publication of the summary of this Notice in the Federal Register.

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- bag and clothes
- hot crime deals
- free shopping
- online casino
- job a break club
- shop till you drop



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Who better to respond to this 'play by our rules or else' mentality than one of those broadcasters whose 'illegal' actions helped to bring this whole issue to where it is today, Free Radio Berkeley's Stephen Dunifer:

As you all know I have some major reservations and concern about engaging the FCC on their terms. While we attempt to create widespread response and support for micropower broadcasting, directing it toward the FCC during the comment period, we must not lose our focus. An exceptional opportunity exists now for a massive outreach and education campaign. Terms of debate and engagement must go beyond the rulemaking process. As a movement we need to frame the arguments around the concept of the airwaves being a public trust and resource and clearly defined First Amendment Rights.

Quoting from Gerry Spence's Justice for None:

"As newly freed people, our forefathers not only endowed us with the right but charged us with the duty to openly and lustily debate matters of public concern, to warn each other of new dangers to our liberty, and to hear each other and avoid the ensnaring traps of new masters. It is a certainty that the nation's airwaves, the most potent force for freedom ever invented by man, should be controlled by the people. Our right to uninhibited access to the means of free speech is as important as the right itself, for although we may be free to cry out our griefs and expound our beliefs, if our voices echo against dead walls, the right itself is as dead. The airways are ours like the sunshine, like the atmosphere. Yet in the hands of our enemies, the airwaves afford the most abominable tool of oppression ever conceived. They are the first seized by every tyrant.

The idea that in a democracy a free people should quietly accept the theft of their voice is, indeed, very radical. Our "eternal vigilance" must have flickered. Did we not understand what was happening to us? What was ours was transformed into the corporate cyclops and then turned against us."

This is the message we must bring to the general public. If we frame this issue within the larger context of the corporate control over our lives and the gagging of Free Speech rights, then we have a chance of going beyond the narrow boundaries inherent within the rulemaking process. Expanding the terms of debate and using this situation as a means to reach out to as many people as possible allows us to determine the rules and field of engagement. Most of the time folks use the excuse that nothing they do will matter anyway as a cop-out for not taking any action. With the right approach we can not only move folks to sending their comments to the FCC, we

can say to them: "If you are really committed to Free Speech and striking back against corporate hegemony, you can take the next step and put your own community voice on the air. Yes, there are risks but no one ever said fighting for your rights did not have a price".

I have said it before and will continue to say it - our greatest asset is the ability to put radio stations on the air, demonstrating to all concerned how inexpensive and easy (relatively) it is to do. By taking the course of non-violent electronic civil disobedience we forced the FCC to this point. It is not time to decrease the pressure but it is time to keep increasing it. Let them consider the prospect of hundreds, thousands of new stations going on the air. Stations set-up and run by every sort of person imaginable from senior community centers to hard core inner city housing projects.

We can do this. I and others in the engineering group are working on new transmitter designs that will be much easier to operate. We have other technical surprises waiting as well.

I will not be content with a few crumbs from an ever diminishing slice of pie carved from an ever shrinking pastry. It is the whole damn pie shop and bakery, that is what we need to seize. In the art of war the battle goes to the one who determines the field and rules of engagement. If the FCC wants to declare war on people exercising their inalienable right of Free Speech then let them reap the whirlwind of a major public relations disaster.

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What It's About

Dateline: 05/17/99

Even with all the increased 'illicit' activity on the airwaves over the last two years, there's still a huge knowledge gap out there.

One one hand, you've got the folks who just rented Pump Up The Volume, and think all 'pirate' broadcasters do is throw the necessary gear into a Jeep and find fame from foiling the FCC.

If Christian Slater was a real free radio broadcaster, he'd have been caught long before he could woo the girl and the cheering masses. Getting into unlicensed broadcasting involves knowing what you're getting into first.

You've got the legal aspect of things - setting up shop in ANY area where a licensed broadcaster reaches with their own signal will involve some risk, and you better know what those risks are.

If you go ahead with it, be prepared for some sort of backlash - although how the FCC will come down on you seems to be decided with a roll of the dice.

And how to do it? You need to know something about how radio works, and then decide just how to get your message out - be it FM, AM or shortwave. Your signal must be clean technically, from CD player or microphone to antenna.

It's possible to build your own station yourself, but it's safer to buy



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off the rack. Just how serious you are about the subject will determine just what kind of setup you construct.

If the risk seems too much to transmit, you can always listen - plenty of 'pirates' from all over the world now send their signals out on cyberspace as well as over-the-air.

And legal free radio may be just over the horizon, although those already in the 'radio business' are doing everything they can to shoot it down.

Regardless of THAT outcome, radio rogues won't go away, ever. Be it the love of the medium or the need to get the message out, scanning the dial will always bring surprises.

We've taken the mysticism out of the movement, though - what's written above is just a taste of what it's all About. You can track the tit-for-tat between free radio broadcasters and the 'authorities,' correspond and collaborate with those on the air, tune 'em in, or do it yourself - whatever you want, it's here.

And so am I. Help, advice and answers are always around. This is like having a brain attached to the Internet at your service all the time. Use it - find it - question it - and it's nice to meet you.

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CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 30th day of July, 1999, copies of the foregoing "Comments of the Arkansas Broadcasters Association" were hand delivered to the following:

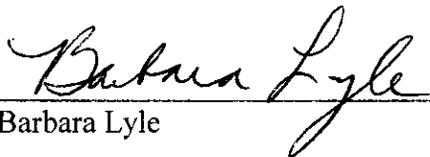
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