

In the matter of the FCC's request for
Comments relating to the licensing of low
Power FM (LPFM) radio stations.

Docket No. 99-25

RECEIVED

COMMENTS OF

AUG 02 1999

Edward P. Mannix, a private citizen,
80 Carl Road
Walpole, Massachusetts, 02081.

FCC MAIL ROOM

I, Edward P. Mannix, file these comments on July 29, 1999 relating to the FCC's recent request for comments regarding the licensing of low power FM radio stations.

SUMMARY OF COMMENTS: I was formerly a trial lawyer in the Commonwealth of Massachusetts. In 1991, at the age of 39, I suffered a stroke and was also diagnosed with a neurological disorder called narcolepsy. Narcolepsy does not have a cure and I have not been able to resume my career as a trial attorney. As a result of my illness I became aware of the economic and social problems of disabled citizens. Also, since my illness I have, on limited occasions, provided "pro bono" legal advice to individuals involved in the field of the "arts." It was in this capacity that I first became interested in the licensing procedures of the FCC regarding radio stations.

Several years ago I explored the feasibility of a radio station owned, managed and primarily operated by disabled individuals with the bulk of its programming devoted to issues of concern to individuals interested in the "arts". However, after considering the expenses one would incur to obtain a license and the revenues needed to generate a profit, I declined to further pursue this endeavor.

This Spring I learned from various articles in the "Wall Street Journal", the "New York Times", "Radio World", and other publications that the FCC was considering the licensing of low power FM radio stations. After reviewing Report No. MM 99-1, of MASS MEDIA ACTION, dated January 28, 1999, I now believe that such low frequency stations could be owned and operated by disabled individuals, provide needed programming for people devoted to the "arts", and generate sufficient revenues to render them commercially viable. Furthermore, stations operated in such a fashion would provide economic and social opportunities to disabled Americans, who are not currently benefiting from our economic prosperity. Such stations could also foster the creation of more diverse and unique programming devoted to the "arts", while servicing those communities and consumers interested in such programming who may be currently ignored by the larger stations without jeopardizing the revenues of existing stations.

1. THE RECENT ECONOMIC PROSPERITY HAS NOT IMPROVED THE EMPLOYMENT OPPORTUNITIES OF THE DISABLED.

As many as 54 million Americans are disabled. According to "A Progress Report", issued on February 16, 1999 by the National Council On Disability, to the President of the United States, approximately 32 million Americans, or 18.7 percent of the working-age Americans, have some level of disability. 15 million Americans, or 8.7 percent of the working-age population, report having a severe disability.

Despite the enactment of the Americans with Disabilities Act of 1990, other federal and state laws and programs, and eight continuous years of national economic prosperity, the economic and employment status of the disabled in this country has not improved. On the contrary, there is evidence that the plight of the disabled has deteriorated. According to surveys conducted by the Louis Harris and Associates of New York beginning in 1986, the employment rate for the disabled has declined. In 1986, their study revealed that 66 percent of individuals with disabilities of working age were unemployed. A similar study conducted in 1998 found that 71 percent of such a group were unemployed, a 5 percent increase. According to this survey, conducted between April and May of 1998 of 1,000 people with disabilities aged 16 and older, "employment continues to be the area with the widest gulf between people with disabilities and the rest of the population." This Louis Harris study also reveals that one in three adults with disabilities lives in low-wage households with annual incomes of less than \$15,000 a year.

The FCC has a tradition of concern for disabled citizens. The creation of the Disabilities Issues Task Force (DITF) in 1995 helps guarantee that in this new "information age" we are not a "nation of information 'haves' and information 'have-nots.'" The issuing of low power frequency FM stations to responsible disabled citizens, to be operated and managed, in part, by qualified disabled Americans, would further expand this important mandate of the DITF. It would provide unique economic and employment opportunities previously denied to disabled citizens.

2. LOW FREQUENCY RADIO STATIONS DEVOTED TO THE "ARTS" WOULD PROMOTE THE "ADDITIONAL DIVERSITY" SOUGHT BY THE FCC AND PROVIDE A "LOW-COST MEANS OF SERVING URBAN COMMUNITIES AND NEIGHBORHOODS.

In the Notice of Proposed Rulemaking adopted by the FCC on January 28, 1999, the Commission said one of its goals is to "promote additional diversity in radio voices and program services" while providing low cost means of servicing urban communities and neighborhoods. The importance of this objective can not be overstated. In recent years,

and especially since 1996 when limits were removed on the number of stations a single corporation may own and operate, the content of radio programming has become more standard and less innovative. Jon Pareles, writing in the February 9th, 1999 New York Times, comments on this phenomenon, "There's a strong incentive to go for the trite and true, to aim for a niche of the market – like 18-to-25- year-old men – and program only sure-fire material to reach them. The idea is not to play something they might be thrilled to discover; it's to play what they won't dislike, so they won't tune out."

This phenomenon of the "homogenization of radio content" has occurred at the same time there has been a trend for cities and urban centers to develop certain sections of their communities, usually economically deprived areas, as "arts communities" where artists may live and work. These art communities often include theaters, art studios, museums, educational facilities, and housing accommodations for the artists and their families. If successful, these programs not only promote the "arts" but also provide employment opportunities for artists while rehabilitating underutilized urban areas.

Such "artist communities" may consist of a few contiguous buildings, a couple of blocks of buildings, or an entire independent neighborhood. Low-power radio stations, located and operated in such communities, would provide the residents of such neighborhoods with the type of "community oriented radio broadcasting" envisioned by the FCC. In addition, as such artist communities prosper these radio stations could provide broadcasting services to the individuals who frequent and live near such communities.

In the eastern New England states such artist enterprise zones have been developed in Portland, Maine; sections of Boston, Massachusetts; Providence, Rhode Island; and, Hartford, Connecticut. These areas are also conveniently interconnected by Interstate 95.

In 1994 the City of Portland Maine contracted with "Maine Arts" to "develop under-used Congress Square as a focal point for the downtown arts district." (See Attachment No. 1.) The City of Boston has opted to develop several urban neighborhoods in a plan entitled "Boston's Open Studios Program". The neighborhoods include the South End, Fort Point Channel, Jamaica Plain, the North End, South Boston and Allston. "The program gives Boston's visual arts community the ability to exhibit and sell their work in the environment of their own live/work spaces and studios." (See Attachment No. 2) In Rhode Island, the City of Providence has adopted an aggressive policy for the development of a Downtown Arts & Entertainment District. "A ten-block tax refuge for artists, gallery owners and developers alike, the Arts & Entertainment District has been dubbed ProHo –as Providence's version of Soho ... As a result of this model legislation, dozens of small theater companies, artists' lofts and dance troupers have sprung up all over, infusing life and vitality into the center city." (See Attachment No. 3). In Hartford an Arts and Entertainment District exists and is actively promoted by the Greater Hartford Art's Council. (See Attachment No.4).

3. **IN ORDER TO MAXIMIZE "ECONOMIES OF SCALE" THE FCC SHOULD GRANT MULTIPLE LOW FREQUENCY LICENSES TO DISABLED APPLICANTS AND TO THOSE APPLICANTS WHO INTEND TO OPERATE SUCH STATIONS FOR THE BENEFIT OF THE ARTS.**

The FCC has asked for comments "on whether a limit of five or ten stations nationally would provide a reasonable opportunity to attain efficiencies of operation?" The Commission also intends to prohibit anyone from owning more than one LPFM station in the same community.

In order to obtain efficiencies of scale it is essential that individuals be allowed to own multiple stations and that the term "same community" be narrowly defined. This is particularly important if such stations are to be owned and primarily operated by individuals with disabilities. Multiple ownership of stations would allow the applicants to reduce expenses by purchasing equipment and services in bulk from vendors; training the disabled in groups with the necessary skills; securing necessary financing and other financial services; selling advertising; and, obtaining and coordinating government benefits. In addition, the phrase "same community" should be defined in such a fashion as to allow an individual owner to be sufficiently close to each of his or her stations to allow for proper supervision. The definition should also allow for employees to be able to work at more than one station without necessitating a change in residence or an undue hardship. Thus, in large states such as Texas or California it may be appropriate for someone to own several stations without violating the "same community" standard, whereas, ownership of multiple stations in a small state could violate the standard.

With respect to stations producing programs primarily for "artist communities" and consumers interested in the arts, it is also essential that economies of scale be considered. Because such stations will have limited audiences, they should be afforded unique opportunities to enhance their chances of survival. For instance, a group of low frequency radio stations operating in the four cities listed above (Portland, Boston, Providence, and Hartford.) dedicated to the arts could connect four artist communities, which currently are operating in isolation. Events in one community could be promoted over the stations in the other three communities benefiting the economies of all the neighborhoods. Special broadcasts in one station could be simultaneously transmitted to the audiences of the other stations. For instance, an artist giving a live performance in the Portland station could also reach an audience in the other artist communities in the other states. Such an arrangement would not only benefit the artist but also reduce the overall expenses of the radio stations.

Such a system of low frequency radio stations would also reduce other broadcasting expenses. Programs which one station could not afford to produce or purchase could be produced or purchased by a small group of properly operated stations. For instance "radio drama", which was once quite popular in this country, and is still quite popular in parts of Europe, might find a new audience. This would promote employment opportunities for individuals in the dramatic arts such as writers, directors, actors, and technicians.

This Commission now has the opportunity to create a unique economic resource (low power radio stations), which can provide social, economic, and cultural opportunities to individuals previously denied such advantages. In conclusion, the undersigned respectfully requests that the Commission consider and evaluate the merits of these Comments prior to the issuance of any rules relating to the creation of Low Power FM Radio Service for Local Communities.

Submitted by:



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Walpole, Massachusetts 02081
(508) 668-1493

July 29, 1999



EXHIBIT

maine arts

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activities
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history

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Maine Arts Yesterday

mission
statement

The late humorist Marshall Dodge (best known for his "Bert and I" tales of life Downeast) started the Maine Festival in 1976 at Bowdoin College as a celebration of Maine's folk and contemporary arts scene as a "festival of the creative spirit." Dodge dedicated the festival to the theme of community art, employing the creative process to interweave the different social threads that form the fabric of our culture. "The Maine Festival of the Arts" was the original name for the non-profit organization founded by Dodge and others. The articles of incorporation first stated our mission as "to encourage the advance of the fine, craft, and performing arts in the State of Maine through the organization of festivals for Maine artists." From the start, Maine Arts has sought out experienced and emerging artists, traditionalists and innovators, in every discipline. **Maine Arts Today**

maine arts
history

Maine Arts' efforts in fulfillment of our mission have expanded tremendously over the years. Beginning with the Maine Festival as a single, one-day "jam session," our programming has grown to over eighty days of activities year-round, involving over 2,000 artists, 600 volunteers, and an audience of nearly 50,000. The Maine Festival is now a four-day event offering a cornucopia of activities and performances. New Year's Portland, a festive mid-winter performing arts gala, has entertained and delighted audiences of all ages since 1984. In 1994, recognizing Maine Arts' leadership in bringing arts and community together, the City of Portland contracted with us to develop under-used Congress Square as a focal point for the downtown arts district. Today, Congress Square Events is the state's largest community arts series. Maine Festival, New Year's Portland and Congress Square Events, and our ongoing support of many others, stimulate the creative and financial well-being of Maine communities. **Maine Arts Tomorrow**

Maine Arts will continue to strengthen ties to and between Maine's unique communities. We will continue to promote the arts of Maine as tools for enrichment. Maine Arts looks forward to forever expanding the events that cultivate a true statewide community of the arts. And we will remain true to Marshall Dodge's vision - a celebration of the artists who define and document our experiences as a community.



maine arts

online

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OUR mission

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Maine Arts celebrates Maine artists and enriches Maine audiences by presenting musical, visual, performance and multi-cultural arts events. Our goal for over twenty years has been to cultivate a true statewide community of the arts, celebrating our master artisans, nurturing our emerging talents and building strong links between disparate elements both inside and outside the arts community.

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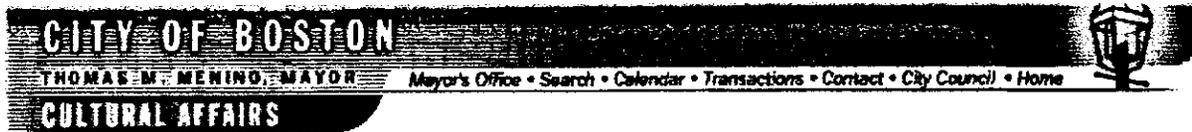
Comments and questions:
webmaster@mainearts.org



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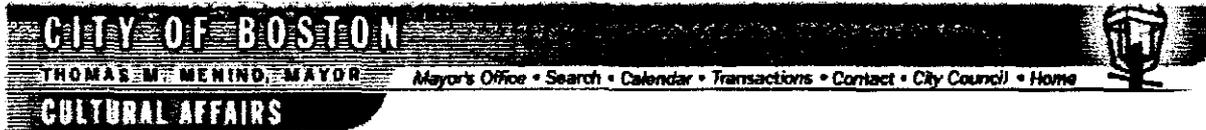
Initiatives and Programs

Boston Cultural Council Grant Program awarded grants ranging from \$500 to \$3,000 to 185 nonprofit cultural organizations for projects within the City of Boston, including all of Boston's neighborhoods. The total grant distribution was \$275,000. In addition to the direct grants to nonprofits, the Council also awarded \$35,000 through its PASS program to schools and neighborhood organizations to take school children to performing arts events in the City of Boston. This money provided approximately 7,000 tickets for Boston's schoolchildren to attend high quality performing arts events.

Boston's Open Studios Program takes place in six Boston neighborhoods from September through November. Artists open their studios to the public for six weekends and allow the public to view their work. The neighborhoods include the South End, Fort Point Channel, Jamaica Plain, the North End, South Boston, and Allston. The Boston TAB is a major sponsor of this event with the Office of Cultural Affairs. The program gives Boston's visual arts community the ability to exhibit and sell their work in the environment of their own live/work spaces and studios. Nearly 1,000 visual artists are represented in this program and their work is viewed by over 150,000 visitors each fall.

The Boston Film Bureau coordinates all film projects within the City of Boston, including major movies, documentaries, commercials, and student films. Boston is now viewed as a major sight for filming by the movie community and, in the past two years, the number of major films shot in Boston has increased by over 250%. In the past, Boston was viewed as a difficult and uncooperative city in which to film. Because of the establishment of the Film Bureau and its "one-stop" procedure for all filmmakers, this has been totally reversed. The Boston Film Bureau, through increased filming within the city, has shown that over 2,000 jobs have been provided to local residents during the filming of major movies. In addition, the movie industry has a direct economic impact on the City (approximately \$25,000,000 in FY-98).

The 185 grants issued to nonprofit cultural organizations provide necessary funding to

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Boston Open Studio Calendar 1999

Requests for information about the Boston Open Studio Coalition should be directed to Sarah Hutt, Director of Technical Assistance, Mayor's Office of Cultural Affairs, Boston City Hall - Room 716, Boston, MA 02201, (617) 635-3245.

Ferway Studios
 May 1-2, 1999

September 18-19
 United South End Artists
 South End 267-8862

Jamaica Plain Open Studios
 September 25-26
 522-3407

ACT Roxbury
 October 2-3, 1999
 445-1061

Mission Hill Art Association
 October 9, 1999
 427-7399

Fort Point Channel Open Studios
 October 16-17
 423-4299

Distillery Open Studios
 November 6-7
 464-3559

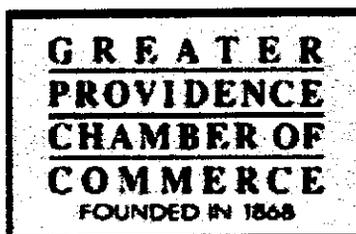
King Terminal Open Studios
 November 6-7

Rugg Road Open Studios Artist District
 November 13-14
 787-4474

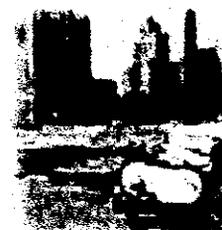
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► PROVIDENCE: ART CAPITAL OF AMERICA



Another milestone in the city's modern day rebirth came when community leaders fully recognized the value of arts, history and culture to a community. Today, Providence is reaping the benefits of an arts-induced economic boom.

Rhode Island has more artists per capita than any state in America, while Providence has the greatest concentration of architecturally-significant buildings. Add to that the intellectual benefit of being home to America's number one art school—Rhode Island School of Design. It should come as no surprise, then, that the Downtown Arts & Entertainment District would help provide the impetus for positioning Providence as a “come-back city.”

A 10-block tax refuge for artists, gallery owners and developers alike, the Arts & Entertainment District has been dubbed ProHo — as in Providence's version of SoHo. Property owners who convert commercial and industrial space into residential units are eligible for tax abatements. Sales and personal income tax exemptions are granted to artists who live and work in the arts district. And gallery owners are afforded the right to sell their work tax free. As a result of this model legislation — which was inspired by the Mayor of Providence — dozens of small theater companies, artists' lofts and dance troupes have sprung up all over, infusing life and vitality into the center city. It is the only program of its kind in the country.

Complementing Providence's newer forms of arts expression are such mainstay players as The Providence Performing Arts Center, Trinity Repertory Company and Veterans Memorial Auditorium. Through these institutions, Rhode Islanders are able to experience Broadway's most elaborate shows — Phantom of the Opera, Miss Saigon, and Sunset Boulevard — critically-acclaimed theatre and the symphony. The key to our good fortune is marrying progress with preservation. We're doing just that in Providence.

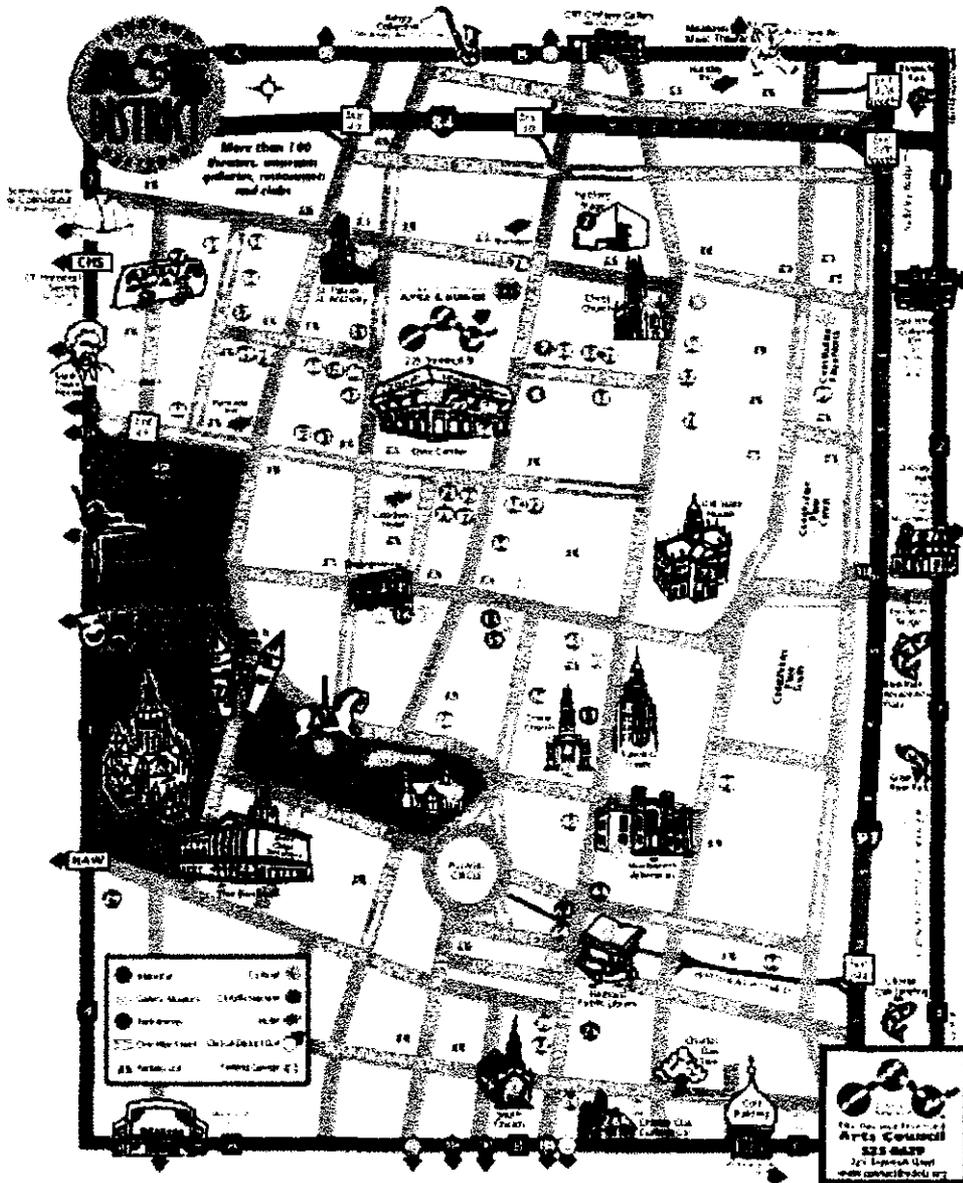
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GREATER HARTFORD ARTS COUNCIL

Happening

Downtown Hartford's ARTS & ENTERTAINMENT DISTRICT



- 1 Arts Council ARE District Office (B-1)
- 2 Alliance Francaise (B-3)
- 3 Ancient Burying Ground (B-3)
- 4 Arch Street Tavern (C-4)
- 5 ArtSpace (A-2)
- 6 Artworks Gallery (B-3)
- 7 Au Bon Pain (B-2)
- 8 Bandstand Bar & Grill (A-7)
- 9 Bar With No Name (B-2)
- 10 Black-Eyed Sally's (A-2)
- 11 Bourbon Street North (A-1)
- 12 The Backyard (A-2)
- 13 The Bushnell (A-3)
- 14 Bushnell Park Carousel (A-3)
- 15 Bushnell Park Pavilion (A-2)
- 16 Butler-McCook Homestead (B-4)
- 17 Cafe BBO Jazz Club (B-4)
- 18 Center Church (B-3)
- 19 Central Baptist Church (B-4)
- 20 Charter Oak Art Gallery (B-4)
- 21 Charter Oak Cultural Center (B-4)
- 22 Christ Church Cathedral/City Rep (B-1)
- 23 Chuck's Steak House (B-2)
- 24 City Hall (B-4)
- 25 City Steam (B-1)
- 26 The City Store (B-1)
- 27 Civic Cafe (B-2)
- 28 Coach's (A-2)
- 29 CT Commission on the Arts Gallery (B-3)
- 30 CT Sports Museum (B-2)
- 31 CRT Craftery Gallery (B-1)
- 32 Federal Cafe (A-1)
- 33 Finn's Sports Bar & Grille (B-1)
- 34 G. Fox Building (C-1)
- 35 Gaetano's Ristorante (B-2)
- 36 The Gathering Place (A-2)
- 37 Great Hall at Union Station (B-1)
- 38 Greater Hfd. Academy of the Arts (B-4)
- 39 Guakia (B-4)
- 40 Harriet Beecher Stowe House (A-2)
- 41 The Hartford Brewery (B-3)
- 42 Hartford Children's Theatre (B-3)
- 43 The Hartford Club (C-3)
- 44 Hartford Conservatory (A-2)
- 45 Hartford Downtown Council (C-2)
- 46 Hartford Public Library (B-4)
- 47 Hartford Stage (B-1)
- 48 Hot Nob Restaurant (C-2)
- 49 Hot Tomato's (A-2)
- 50 Khiban Japanese Restaurant (B-3)
- 51 Inst for Community Research Gallery (C-4)
- 52 36 Lewis St. Jazz Bar & Rest. (B-3)
- 53 Max Babo's (B-4)
- 54 Max Downtown (B-2)
- 55 McDonalds (B-2)
- 56 Municipal Cafe (B-4)
- 57 Museum of CT History (A-4)
- 58 No Fish Today (B-2)
- 59 Old State House (C-2)
- 60 100 Pearl Gallery (B-2)
- 61 BB Pearl Restaurant & Tavern (C-2)
- 62 Patsy Brasserie & Wine Bar (A-2)
- 63 Pavilion Food Court at State House Sq. (C-2)
- 64 Peppercorn's Grill (B-4)
- 65 Pig's Eye Pub (A-2)
- 66 Police Museum (B-3)
- 67 Polly Est's Big "BO's" (A-2)
- 68 Polytechnic Club (C-2)
- 69 Pump House Gallery (B-3)
- 70 Pumpkin's (B-2)
- 71 Richardson Food Court (C-2)
- 72 St. Patrick-St. Anthony Church (A-1)
- 73 San Juan Center (B-1)
- 74 The Savannah (B-4)
- 75 Scaberr O'Hara's Restaurant (B-2)
- 76 Skywalk Restaurant/Lord Ben's Pub (B-2)
- 77 Small Walls Gallery (B-4)
- 78 Soldiers & Sailors Arch (A-3)
- 79 Song Mays Restaurant (B-2)
- 80 Sonia Plumb Dance Co. (B-3)
- 81 South Congregational Church (B-4)
- 82 The Standing Stone (A-2)
- 83 Starbucks (B-2)
- 84 State Capitol (A-3)
- 85 TheatreWorks (B-3)
- 86 Travelers Tower (B-3)
- 87 Trinity College (A-4)
- 88 University of Hartford (A-1)
- 89 Velvet (A-1)
- 90 Very Special Arts CT Gallery (B-2)
- 91 Vito's By The Park (B-3)
- 92 Voodoo Lounge (A-2)
- 93 Wadsworth Athenaeum (B-3)
- 94 ZuZu's Coffee Bar (B-2)

First Thursday



Hot Dots



Great Streets



A&E Map



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GREATER HARTFORD ARTS COUNCIL

P.O. Box 231436 Hartford, CT 06123-1436 voice: 860.525.8629 fax: 860.278.5461
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AUG 02 1999

FCC MAIL ROOM

Federal Communications Commission
1919 - M Street, N.W.
Washington, D.C. 20554

Attention: Mass Media Bureau

Re: MM Docket No. 99-25
Low Power FM Stations

July 29, 1999

Dear Sir:

Enclosed please find my original Comments and four copies in response to the Commission's request for comments in the above captioned matter. Please take all necessary steps to file these documents with the Commission in order that my views may be considered. If you need to contact me I can be reached at the above address or by telephone at (508) 668-1493.

Sincerely,



Edward P. Mannix

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