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JUL 30 1999

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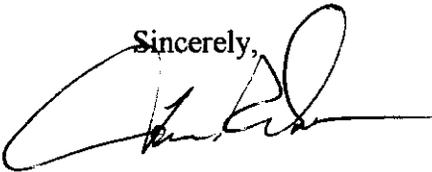
Secretary
Magalie Roman Salas
Office of the Secretary
TW-A306
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Ref: MM Docket No. 99-25

An original, and four (4) copies of Comments in the reference matter are respectfully submitted herewith.

In addition, a 3.5" diskette, formatted in an IBM format, using WP5.1 for Windows, Word97, and ASCII is attached.

Sincerely,



Frederick R. Vobbe

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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JUL 30 1999

In the Matter of:)
Proposed Licensed Low Power)
FM Radio Service)

MM Docket No. 89-25
RM-9208
RM-9242

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Comments of Frederick R. Vobbe

The writer applauds the Federal Communications Commission's proposal for a Low Power Radio Service.

1. Vobbe will detail the following positions herein:

- a) LPFM should be operated as a non-commercial radio service, licensed to non-profit corporations, recognized neighborhood associations, gated communities, churches, educational institutions, or local government bodies.
- b) LPFM should be a secondary broadcast service, with stations limited to a maximum facility of 100 watts ERP at a maximum antenna height of 30 meters, (height above average terrain).
- c) LPFM stations should not be viewed as a competitor to existing broadcast stations, but more as an extension of service to a confined location for the purpose of localized broadcasting of news, public affairs, weather, neighborhood information, and emergency notifications.
- d) LPFM stations technical standards must be stringent. The licensee must qualify for an LPFM license based upon the public service the station will perform, and a guarantee of performance for renewal of license.

2. Vobbe is a practicing engineer, presently working in the television broadcast service for the last fourteen years as the Chief Engineer/Operator of WLIO Television, located in Lima OH. Vobbe is a licensed amateur radio operator. Vobbe is active in

Skywarn weather reporting, and is co-chair of the Lima E.A.S. District. Vobbe has been the Chief Editor for the National Radio Club's DX Audio Service, (a monthly magazine for the blind on the topic of broadcast radio), since April 1985. Prior to involvement in television and books for the blind, Vobbe has worked in broadcast radio since 1968. Duties have included Program Director, Operations Manager, and assistant or Chief Operator of numerous broadcast stations, from FM Class A, to AM 50 kW DA2 facilities. Vobbe has volunteered his services to numerous educational FM (Class D), AM Carrier Current and non-profit religious stations to assist and educate in engineering and program concerns.

3. Throughout these comments, Vobbe will demonstrate how the LPFM radio service can co-exist with the present broadcast service, and can serve a need that the present broadcast service is incapable of performing. The present broadcast service, and the proposed LPFM service, should not be viewed as competing broadcast services. The purpose of LPFM stations should be to provide news, weather, localized sports, church services, educational instruction, and entertainment to a small section of a community. Neighborhood associations, local government, and civic organizations may use this service to inform citizens. Educational programs may be broadcast to ethnic populations, such as English language lessons. Due to its small footprint in a community, the LPFM station may also narrow-cast to a section of the population with information which standard broadcast stations would not allow to be broadcast due to the small amount of people it would affect in their service area. Finally, the LPFM station provides a much more defined and concentrated broadcast point, in the event of a local emergency.

Section II: Comments In Detail

4. *LPFM should be operated as a non-commercial radio service, licensed to non-profit corporations, recognized neighborhood associations, gated communities, or local government bodies.*

- a) A licensee may only own and operate one station. A licensee must not have a controlling interest in any other LPFM station. The only exception is comment 4B.
- b) A local government body, such as a city, village, or township, may hold the licensee to two or more station under one of the following conditions.
 - i. No other applicants have tendered an application for the LPFM facilities in question.
 - ii. Each station is operated separate from other LPFM stations, with only the governing body being the “trustee” for each station, and assuming responsibility for the operation of the stations.
- c) LPFM stations must be locally owned and operated. All programming must be locally originated with the exception of national network newsⁱ, and emergency information from a recognized governmentⁱⁱ source.
- d) Commercial operations of LPFM should not be permitted. The LPFM broadcast station should be non-profit. As such, LPFM should not be used by a commercial institution for the purpose of broadcasting announcements of products and services. This would be counter-productive to the public service aspect of LPFM, and would limit the number of available channels in a community.
- e) LPFM stations may not retransmit, in whole or part, and portion of programming from other broadcast stations licensed by the Commission. The LPFM station may not be used as a relay, translator, or auxiliary station. The LPFM station must not be used to relay another LPFM station, or programming which another LPFM station uses; either locally, regionally, or nationally.

- f) Based on personal experience with high school, college, and religious “non-profit”, low power broadcast facilities, Vobbe feels that an organization in control of an LPFM station can support, operate, and maintain such a facility. Such support is obtained from dedicated citizens and local businesses, which would provide the necessary funding and operation of the station.
- g) A Not-For-Profit Corporation is, by its charter, responsible for its actions and reflects a position of long term commitment. An LPFM station operated by an established church or educational institution would also reflect a commitment for public service. An LPFM station licensed to a recognized neighborhood association, or to a local government body, would indicate a solid commitment to a community of public service.

5. *LPFM should be a secondary broadcast service, with stations limited to a maximum facility of 100 watts ERP at an antenna height of 30 meters, (height above average terrain).*

- a) At the present time LPFM must be regulated as a Secondary Radio Service. Due to the unknowns of future technology, with the urgent need of this service for public service, it stands to reason that the LPFM service must be divorced from traditional broadcasting.
- b) The absolute maximum power of an LPFM station should be 100 watts ERP, with the maximum height of the antenna being 30 meters (center of radiation). It is Vobbe’s opinion that the LPFM station is designed for “local” service, thus there is no need for a higher power. It is also Vobbe’s opinion that stations in the Federal Communications Commission’s older Class-D service sufficiently covered a local area with powers of less than 20 watts from antennas less than 30 meters. Therefore, the LPFM signal will be robust enough to cover a five-mile radius of a small community or neighborhood.
- c) It is also the writer’s opinion that in some communities a power of less than 10 watts ERP with an antenna height of less than 10 meters would be sufficient to provide adequate coverage. A small neighborhood consisting of

1 story ranch style homes, in an area 1 kilometer by 1 kilometer square, in terrain that has less than 5 meters rise and fall, could be served with a smaller power and antenna height. Licensing the station at 100 watts ERP at an antenna height of 30 meters would be a waste of spectrum. It would be unnecessary to serve the required area. It would also be a cost burden to the licensee.

- d) Since LPFM should be designed for local, small area broadcasting only, Vobbe does not support the LP1000 Service as defined in ¶22 through ¶29. The LP1000 service, when one takes into account the technical differences in coverage, comes close to replicating the present Class A service the Federal Communications Commission has established. LP1000 would be counter-productive for implementation of small "neighborhood" stations.
- e) To utilize spectrum to its full extent, share-time operation of facilities or frequency sharing should be encouraged.
 - i. Share Time operations is defined as a local government body being the licensee a single station with blocks of the broadcast day being provided to regions or neighborhoods for broadcast of their content.
 - ii. Frequency Sharing is defined as two or more individual stations utilizing the same channel, with a pre-arranged schedule of transmissions for each station.
- f) LPFM stations should have priority over translators, especially in communities where a translator is relaying a station further than 60 kilometers from the primary station. The need for local information outweighs the needs of a broadcaster from several states away to reach a small portion of a community.
- g) An LPFM licensee should be given first consideration to upgrade from LPFM status to a Class A broadcast station (primary service), should the Federal Communications Commission amend the FM tables in such a way that the station will technically qualify.

- h) Once an LPFM station is licensed, it can not be moved further than 1 km from its original location. Any move outside the 1-km radius is treated as a “new application”.
- i) An LPFM station will be allowed to participate in any plans involving digital transmissions, or IBOC.

6. *LPFM stations should not be viewed as a competitor to existing broadcast stations, but more as an extension of service to a confined location for the purpose of localized broadcasting of news, public affairs, weather, neighborhood information, and emergency notifications.*

- a) Many people have discussed in public comments, and in private comments to the writer, that LPFM will “compete with commercial and educational broadcasters”. This is absolutely not the case. Commercial and high power educational radio stations are designed to entertain an audience over a large service area. Due to their large service area, commercial stations do not have the means to provide small, localized service. LPFM has the means to serve a small, select group of listeners, which conventional stations can not provide.
- b) Throughout the city of Lima OH, there are 24 neighborhood associations. In Allen County OH there are 31 neighborhood organizations. In the writers neighborhood, (Westgate Subdivision), there is a 50/50 mix of people who are retired, and those in the 18 to 54 demographic. There are seven “local” FM stations, and two “local” AM stations. Two national broadcast companies each own 3 FM stations and 1 AM station. The majority of these stations are heavily automated. Most depend heavily on music intensive formats, or nationally syndicated talk programming. Many of the stations do not possess the staff or lack interest to provide broadcast time to a single neighborhood.
- c) Commercial stations broadcast to a large region of listeners. LPFM stations would address more local issues, and return the “public service” aspect to the population. A commercial station does not have the time and resources to

broadcast city council or school board meetings. A commercial station can not allow each city councilman a forum to address issues in their specific district, and to answer questions as long as questions are pending.

7. *LPFM stations technical standards must be stringent. The licensee must qualify for an LPFM license based upon the public service the station will perform, and a guarantee of performance.*
- a) The writer suggests that the technical standard for LPFM stations not be decreased. LPFM transmission equipment should be Federal Communications Commission “type accepted” or certified. No “kits” or “home brewed” equipment should be allowed.
 - b) The writer feels that it is reasonable to request that the transmitter be located within .5 km of the primary control point, studios, and office.
 - c) The writer feels that the antenna standard should allow various polarization, or directional antennas to eliminate interference. This would allow two LPFM stations to co-exist in the same community, with proper spacing.
 - d) The writer suggests that each LPFM station shall provide a means for manual or automatic logging the technical parameters of the station, which could be provided in print or data form to an Federal Communications Commission field officer upon inspection.
 - e) The writer suggests that each LPFM station employ an E.A.S. system, or a method in which to alert citizens immediately in the event of a “local” emergency. The station should relay any E.A.S. warnings from the LP-1 or LP-2, which affect any area in the service contour of the LPFM station. The LPFM should sign off the air in the event of an EAN (National) emergency. The LPFM licensee shall employ a method for the local government to address citizens in the event of a local or regional emergency.
 - f) The writer suggests that each LPFM station maintain a public file. The file shall contain details on the broadcasts made by the LPFM station, programs aired on a regular basis, and justify the “public service” to the community of license.

- g) The LPFM license period would be for a term of 1 year. At the end of 1 year, a review of the stations file would be made, and the renewal of the license would be for a period of 5 years, unless there are reasons to re-evaluate the license.
- h) An applicant for an LPFM station may not sell, or otherwise transfer a construction permit or license. A license is returned to the Federal Communications Commission for re-issuance should the licensee no longer find it within their interest to operate an LPFM station.
- i) An applicant for an LPFM station, or any family member, or business associate, may not have any interest in a primary AM or FM broadcast station. The LPFM station may not be used in any way to supplement, or enhance the service area of an AM or FM broadcast station, translator, or booster.
- j) Application for an LPFM channel should be based upon the "best use" of the station in its designated area. If there are competing applications, each applicant will agree to equally pay a local mediation board, comprised of "community leaders", (mayor, city council, etc), and provide their argument for consideration in written a outline. The ruling of this board shall be made within 10 days. The check list for approving an applicant shall consist of items such as the best way to conserve spectrum, frequency or time sharing, content which is directly relevant to the area of operation, commitment to public service, and action plan in times of emergency. The "check list" will be provided by the Commission to each board, and the results of the board will be sent directly to the Federal Communications Commission for ruling on the matter. The Commission, or board, may table a decision for 10 business days to seek additional facts in the matter. All applicants agree that by going to mediation, the ruling by the board, and the Commission is final. No appeals or damages may be sought by any party.
- k) The "cost" of the LPFM license should be affordable, but the license fee should be such that it allows the Commission to make at least one visit per year to the station to audit the technical and program files of the station. The

Federal Communications Commission may appoint a state certified PE, or engineering committee to act on it's behalf.

Section III: Response to the NPRM

8. **NPRM ¶10:** The Federal Communications Commission is right on the mark in its comments regarding the need for community based radio. As detailed in this paragraph, the needs of the licensee should be satisfied.
9. **NPRM ¶11:** The writer, (Vobbe), feels that the LPFM stations should focus on public service, information, education, and cultural issues. The bulk of programming on an LPFM station should not be pre-recorded music, national syndicated talk shows, or recorded entertainment. A large percentage of the programming should be locally originated news, public affairs, weather, sports, educational broadcasts, religious services, discussion groups, readings for the blind, cultural information, etc. Programming on an LPFM station should not be networked except if originating from a local government entity which is providing news for all stations in the city or jurisdiction. (I.e.: Mayor's "State of the City", City Council Meetings, School Board Meetings). The writer feels that most LPFM stations will welcome this material, and that if this material were to given to a commercial station, it would overwhelm their public service files, and ultimately be ignored.
10. **NPRM ¶12:** LPFM would address the special interests in a small community, and would allow the voices of the people to be heard. Under the present system, there are problems with the current commercial and educational license structure. First, in many areas there are no channels available. Second, if there were a channel available, it would be put to auction, whereby the majority of the population would not have a chance due to the buying power of large broadcast concerns. Third, due to multi-ownership of many commercial stations, there is no opportunity for a small group to have access to the public airwaves. Fourth, under the present system, there is no incentive for commercial stations to provide, or act in the public interest.
11. **NPRM ¶13:** Vobbe is not able to agree with the Federal Communications Commission's idea of operating stations over 100 watts ERP. LPFM should be designed for small neighborhood, or small regions, and localized. Its purpose is not "to attract listeners". Its purpose is to enlighten, educate, and provide for the needs of a local area of listeners who share the same interests, and concerns.

12. **NPRM ¶14:** The Federal Communications Commission has related high power operation to the mobile listening. In the writers experience, many people listened to educational stations back in the mid 1950's to present, and have no problem with reception of a local station operating at powers of 10 watts ERP, utilizing antennas of less than 30 meters. It is also Vobbe's belief that many residents in our community listen to radio more in the comfort of their home than while in their car. In the past 14 years, I listen to radio for only 2.4 minutes in my car, however I may listen up to 7 or 8 hours a day while in my home or office. I would also like to respectfully point out to the Commission that the radiation pattern of a single LP1000 station would be up to 6 times that of an LP100 station, (according to the NPRM). It makes sense to the writer that it would be more beneficial, and a wiser use of spectrum, to license LP100 stations to various areas, rather than blanketing an area with a single LP1000 station.
13. **NPRM ¶15:** Vobbe agrees with the Federal Communications Commission that the creation of new frequencies for LPFM would be counter-productive. The public is not prepared to purchase receivers specifically for the reception of LPFM stations.
14. **NPRM ¶16:** Vobbe feels that limiting LPFM stations to a band, or assignment of channels within the present FM band would limit the availability of possible stations. LPFM stations should have access to any of the channels in the present 88.1 to 107.9 megahertz assignment, as long as they meet the criteria for preventing interference to the primary stations on those frequencies.
15. **NPRM ¶17:** Vobbe agrees with the Federal Communications Commission that any new low-power authorizations belong in the FM band. Unlike AM signals, the FM signal will be dependable daytime and nighttime, under even the heavy atmospheric disturbances or weather conditions.
16. **NPRM ¶18:** Vobbe feels that an LPFM station may be licensed to a non-profit corporations, recognized neighborhood associations, gated communities, churches, educational institutions, or local government bodies, for the sole purpose of the dissemination of information, news, and education programs to a small service area. In accordance with §73.503(a) of the rules, Vobbe feels that LPFM stations may use any of the 100 FM channels.

17. **NPRM ¶19:** Vobbe urges the Commission to only allow the broadcasting of local news, local weather, educational programs, or local civil functions. Therefore, the issue of NPRM ¶19 becomes a moot issue. However, if the Commission is pressed by comments to allow commercial programming, the channels of 201 to 220 (88.1 to 91.9 megahertz) would be strictly set aside only for broadcasters meeting the criteria of §73.503(a).
18. **NPRM ¶20:** Vobbe understands the need for LPFM stations to utilize radio broadcast auxiliary frequencies. This would be crucial to those stations wishing to provide live coverage of town meetings and events in their community. As such, there is no objection. However, LPFM stations should coordinate their activities through the same local or regional frequency coordinator a primary station. This measure will hopefully eliminate harmful interference to primary station's auxiliary service. As pointed out in section 7(b) of my comments, the studio to transmitter distance shall be limited to a distance of .5 km. The LPFM operator, if using a studio to transmitter link, shall limit the emission of the transmission to the minimum power required, plus 6dB, to obtain satisfactory signal to noise ratio.
19. **NPRM ¶21:** LPFM stations should be classified as "Secondary Services". No protection should be afforded to LPFM stations from Class A, B, or C stations.
20. **NPRM ¶22:** Vobbe strongly supports the Federal Communications Commission's interest in the "LP100" and "Microradio" broadcast service. However, Vobbe does not support any proposal for "LP1000" based upon the writer's statements in Paragraphs 5(b)(c)(d).
21. **NPRM ¶23-29:** Vobbe does not support the Federal Communications Commission's proposal for an LPFM service with a power greater than 100 watts ERP, and antenna higher than 30 meters. The typical listener's receiver will not notice any difference between an LP1000 station, and a Class A FM station. It is not clear how an LP1000 service would serve in the public interest, and provide the missing elements of public service and information to small, regional areas. (See comments at the end)

LP100 Radio Service

22. **NPRM ¶30:** Vobbe is in fully agreement that LPFM stations must use only Federal Communications Commission certified transmission equipment. Vobbe does not agree with the Federal Communications Commission that there should be a minimum power level for LP100 class of stations. Most manufactured equipment has the ability to run at various power levels. In many instances, the applicant may not need to construct a station with 100 watts ERP, with an antenna height of 30 meters. Using the Westgate subdivision of Lima OH as an example, to achieve good coverage in that specific area I would only need 10 watts ERP at an antenna of 7 meters. If my program content is directed to only citizens in the Westgate subdivision, what benefit would there be to require a minimum facility of 100 watts ERP at 30 meters. I would like to respectfully point out to the Commission that a lower power, and low antenna profile, would allow more stations on the air. It would additionally be wise spectrum management. Vobbe does support the Commission's proposal for lesser operating and service requirements detailed in Section G of the NPRM.
23. **NPRM ¶31:** Vobbe supports the classification of LP100 stations as operating on a secondary basis. LPFM stations must agree to change their operating channel should it be proved that their signal impacts the coverage of a primary station.
24. **NPRM ¶32:** Should LP1000 stations be classified as Primary stations, they should be afforded full protection from all classes of stations.
25. **NPRM ¶33:** Vobbe agrees that existing FM booster and translators licensed before the adoption of LP100 rules should be "grand-fathered", as long as the booster or translator is relaying a station within 60 kilometers of the primary transmitter. However, Vobbe feels that an LP100 station should take priority over a translator where the translator is being used as an extension of a station which is well out of the primary stations service area, and offers no bonified local programming to the community in question. Vobbe feels that a local voice, or local LP100 station, outweighs the need of a broadcaster with hundreds of translators operated by satellite that provides no local service what so ever.

1-10 Watt Secondary "Microradio" Service

26. **NPRM ¶34:** Vobbe agrees with the Federal Communications Commission that a 1 to 10 watt Microradio Service is greatly needed, and would prove popular. This service would classify a station the type of station detailed in Paragraph 22 of this text. This class of station should qualify as detailed in 1(a) of this text. The use of a 1 to 10 watt station would be especially attractive for senior citizen housing complexes, gated communities, hospitals, public meeting locations (i.e. City Hall), neighborhood associations, and public parks. Without question, the use of 1-10 watt stations for commercial use, especially in the area of repetitious announcements, would be a terrible waste of spectrum. The writer would like to point out that parties wishing to use a transmission system for this purpose have access via §15 of the Federal Communications Commission's rules using both the AM and FM broadcast frequencies.
27. **NPRM ¶35:** Federal Communications Commission certification of the exciter should be required for the Microradio service. While the exciter design may conform to the technical standards, and directly drive an antenna system at low powers, the exciter could also be incorporated into power amplifiers of higher power class. Therefore, it should meet the technical standard as other FM broadcast equipment. Vobbe again stresses, no kits or home brew transmitters.
28. **NPRM ¶36:** The Microradio service should be secondary to all other broadcast services. This should apply to the present analog mode, as well as any future digital transmissions. However, as the Federal Communications Commission has noted, the Microradio station should not pose any excessive interference, as its range would be only a few hundred feet.
29. **NPRM ¶37:** Vobbe is in agreement with those whom have commented that a power level of 1 watt should receive attention in the LPFM Radio Service. As pointed out in Paragraph 26 of this text, a one-watt signal would provide adequate coverage of areas not necessarily requiring a power level of 10 or 100 watts. With a properly designed antenna, at a height of 15 to 30 meters, it is reasonable to assume that a 1-watt signal could sufficiently cover an area of less than 1 mile square. Again, using Lima as a model, it would be reasonable to expect that with proper planning, each of Lima's 24

neighborhood associations could employ their own station, by using only 3 or 4 FM channels. The writer would also suggest that the Commission erases the line between the Microradio and LP100 classes of service, and allow stations to build facilities suited to their needs, rather than to maximum values.

30. **NPRM ¶38-41:** The use of a minimum distance separation between stations is valid for the LPFM Radio Service. Without some specification for interference, many non-technical applicants would potentially cause interference between one or more LPFM stations. The writer does not feel that the Commission will have any additional burden in adapting its computer processing of applications to examine the ERP and antenna specifications submitted by an applicant. The benefit of LPFM and Microradio as a public service should not be limited by the Commission's present processing or database capabilities.
31. **NPRM ¶42-50:** Vobbe would like to request that the Commission form a committee to investigate the issue of interference protection ratios. While the writer feels there should be a standard, we also must be practical in our expectations. While the term "interference" causes any primary station licensee or organization to grimace, in real life, a 10 watt station, operating at 10 meters, on the adjacent channel from a Class A station 50 kilometers away, would only impact that station in close proximity of the LPFM station. The question also arises if the Class A station would have any listeners in that area due to field strength from a signal propagating 50 kilometers. At the least, the Federal Communications Commission should form a committee which will assess a reasonable standard, and use standards presently employed for defining interference in the FM, AM, NTSC Television, and DTV services.
32. **NPRM ¶51-56:** Vobbe can not support the thought of allowing a different transmission bandwidth or standard of LPFM. The LPFM transmission should be the same as the present FM service, allowing a licensee to broadcast in monophonic, stereophonic, or even stereophonic with several SCS services. A stereophonic signal would be useful in cases where the transmission of church services, sporting events, or civic performances are required. The use of SCS would be beneficial to transmit repetitious audio announcements, or even data consisting of information to persons in confined areas. The writer also feels that the public would have some problems in

receiving the signal, as some have equated the Stereo Pilot Light to a tuning indicator, and have difficulty in locating the station. Any reduction in bandwidth will have a detrimental effect on the successful implementation of the LPFM service.

33. **NPRM ¶57:** Vobbe agrees with the Commission's proposal regarding ownership. Vobbe also agrees that an AM station licensee should not receive preferential treatment in obtaining an LPFM license. However, the Commission's proposal does fail to preclude a commercial establishment from owning LPFM stations, and especially a firm that may establish thousands of LPFM stations for the purpose of advertising their local store. This would be an absolute waste of spectrum, and would deny many communities' access to provide news and public affairs to their citizens. The writer pleads with the Commission to only allow non-commercial applicants, as specified in Paragraph 1(a) of this text. Ownership of two or more LPFM stations by any entity will defeat the purpose of allowing more citizens access to the airwaves for their own regional needs.
34. **NPRM ¶58:** Vobbe is puzzled how the Federal Communications Commission can equate the loss of "valuable broadcast experience" to a lack of cross-ownership. In the writer's experience, there is no lack of talent needed to operate a station. There are also many people from within the community who would be willing to assist in the technical side of the operations. Obtaining volunteers for LPFM operation is a moot point.
35. **NPRM ¶59:** Vobbe feels that at no time should any LPFM station be co-owned with another broadcast facility, either LPFM or primary broadcast in the AM or FM service. The writer feels that absentee ownership should not be allowed, nor shall a group or organization be allowed to place a member in proxy ownership of a station, so as to allow any organization control over multiple LPFM station. The only exception to this should be LPFM stations designated for use by neighborhood associations, wards, etc, where the City or local government holds the licensee, and acts as the trustee in control of stations. LPFM station must be locally owned. LPFM stations must provide local programming, (live or recorded), educational programs, and public service announcements. Vobbe also would like to point out that the primary reason for needing LPFM in many communities is because of the problems

spawned by the Telecommunications Act of 1996, and the lack of public service on commercial stations today.

36. **NPRM ¶60:** The Federal Communications Commission has expressed some concerns over "economies of scale". The writer sees these economies pertaining to the areas of programming. This is counter to the opinion of the writer. The majority of programming should be local, period. For this, there are no economies of any consequence. The Federal Communications Commission may wish to visit the option of allowing re-broadcasting portions of programs from international short-wave broadcasters, outside the jurisdiction of the United States, in cases where foreign language programs are required in ethnic neighborhoods. However, it is the writers position that if this step is taken; a). the programming may not contain any commercial content, b). Neither the LPFM station, the broadcaster, nor any agent would receive any compensation, and c). The transmission from the LPFM station must be of an actual government or private radio station transmitting the program, and not a recorded broadcast from an independent group. Vobbe feels that the Commission is supporting an additional group of stations, rather than the concept of the local neighborhood station. This is adverse to the purpose of LPFM. If a program, of any content, is of sufficient interest to a large audience in a region or state, it should be broadcast by conventional radio stations in the FM and AM service as part of their public service obligation.
37. **NPRM ¶61:** Vobbe feels that local origination of programming is something that the public wants. Furthermore, it should be pointed out that LPFM is a perfect platform for public service, and narrowcast programs that conventional stations do not want to deal with. Local ownership is key to the identification of needs to a community, and will be key to the planning of broadcasts to provide public service. Multiple ownership and absentee ownership will detrimental. It will lower the value to the citizens of a community.
38. **NPRM ¶62-64:** Vobbe does not see any reason to distinguish the ownership and management of an LPFM, Microradio station, or a conventional broadcaster.
39. **NPRM ¶65-67:** Vobbe is not aware of any non-profit corporations or organizations utilizing the airwaves in an unlicensed fashion. The writer receives the transcript of

the Federal Communications Commission's *Daily Digest* by Email daily, and recalls that stations the C.I.B. has closed down have been private individuals. If an applicant has been guilty of abusing the Federal Communications Commission rules, they should not be allowed to apply for an LPFM or Microradio stations license, at least for several years after the opening of the initial filing window. The writer feels that it is reasonable to suspect that an applicant whom has abused the rules in the past will likely not follow the rules or conditions of license in the future.

40. **NPRM ¶68:** LPFM programs should be specifically produced for the neighborhood they serve. While the writer sees that some programs produced by educational institutions outside the stations service area, or programs produced by international short-wave broadcasters outside of the U.S. borders, would provide some benefit. The writer is concerned that some applicants may use programming like this in lieu of local programming. The writer therefore suggests "minimum limits" are placed on the total broadcast day, where LPFM stations broadcast 90% locally originated programming, and 10% foreign programming, subject to the conditions in Paragraph 36 of this text. Vobbe strongly supports the Commission's view that an LPFM station must not be operated as a translator station, and would urge the Commission to place locally programmed LPFM stations priority over translator stations operating with programming from facilities several states away, and controlled by satellite.
41. **NPRM ¶69:** Vobbe does not support any proposal for an LPFM station to exceed 100 watts ERP on an antenna height greater than 30 meters. While there is no reason why an LPFM station could not technically sell advertising, it is unclear why "profit" enters into any decision on LPFM. Any revenue derived in the same method, as a non-commercial broadcast station, would be sufficient to operate an LPFM station. Unlike a commercial or non-commercial broadcast station, it is expected that the LPFM station will enjoy a lot of support of the community in forms of labor and monetary contributions. Commercializing the LPFM and Microradio service will only lead to businesses turning these facilities into extensions of their public address system and loops of their commercials on end. It would be an absolute tragic waste to loose the potential of this service to be used for education, public service, and public safety!

42. **NPRM ¶70-74:** Vobbe strongly supports the Commissions proposal to apply a Public Service Requirement in the LPFM and Microradio service. The whole purpose of LPFM is to convey information to a group of local residents. LPFM stations should be environmentally safe.
43. **NPRM ¶75:** Vobbe feels that LPFM should be a major platform for the debate of public issues, and politics do play into this area. However, I would caution the Commission on allowing political ads to be used in whole or part on LPFM. The writer does not see anything wrong with two or more candidates debating their position for office, or a spirited debate by elected officials and citizens over the merits of a voting issue before the citizens. However, the writer sees a danger in using commercially constructed ads on an LPFM, either for a political race or issue on the ballot. I would much prefer an open debate, or questioning of the elected officials and candidates on topics.
44. **NPRM ¶76-77:** An LP1000 station is no different from a Class A station to the public at large, therefore it should be expected to be regulated by the same rules as defined in Part 73. However, and LP100 or Microradio station should be excused from certain rules, due in part to the reason for it's existence. A school may wish to use the station for transmission of English language lessons to children and adults whom have immigrated to the United States. A church may wish to broadcast its services and additional teachings to its congregation. A government body may wish to use a station for transmission of weekly town hall meetings, city council, or for notices of importance to citizens. While these broadcasts may not make up the entire broadcast day, it would be a shame to exclude a station from license because someone else has promised to use the channel more. Instead, the writer urges the Commission to take two approaches. First, do not mandate any minimum broadcast hours. Secondly, encourage the use of sharing of time and facilities. As a long time listener of radio, I can point out the situation in Chicago IL that existed for decades, where three AM broadcasters successfully shared 1240 kilohertz. It would also be realistic for several local groups to share a common point of transmission, with each group getting an even use of the broadcast day. In this situation the license holder may be the city or county government, with the mayor or board acting as a trustee of the

station. This would allow citizens to have a voice, yet conserve spectrum. It would be a shame to exclude someone from license on the grounds that they don't have enough to say.

45. **NPRM ¶78-83:** Vobbe feels that the present time structure for construction of new facilities should be given to LPFM stations, as defined in Part 73. Although the LPFM stations will be simpler and cheaper than conventional FM stations, there will be a "learning curve" for many applicants. The initial license term should be 1 year, with a review of the stations performance by both the Commission and the community, which would dictate a longer renewal period, or a probationary 1 year period, (or less), should the station not meet its responsibilities. Vobbe also feels that the license fee should be calculated so the Commission has the opportunity to visit a station once a year, audit records, and make sure that the station is in compliance. The writer recommends that the Commission and manufacturers develop a method where technical parameters could be filed with the Commission electronically. The transfer of any Construction Permit should be prohibited. Should an organization decide that they do not want to complete the station, the CP will be returned to the Commission for cancellation. This would prevent the trafficking of Construction Permits.
46. **NPRM ¶84-85:** The licenses of LP100 and Microradio stations should be renewable. The first license term would be 1 year. The writer feels that the Commission may find some organizations that loose interest, and some which may not be worthy of renewal due to rule violations. After the initial 1-year term, the renewal period should be 5 years. The Commission may elect a shorter term under "probation" should they find that a licensee has not represented the use of the station correctly, or has had multiple minor rule infractions. The writer also feels that the Commission should instill the meaning of "to serve in the public interest" in LPFM stations, and thus make a provision of public service as part of renewal of license.
47. **NPRM ¶86:** The sale of an LPFM station, license, or station with license, should be permitted only for the depreciated cost of equipment. The sale of the license shall not include costs of any legal expenses, or any preparation of construction permit. The selling of a facility shall not realize any profit or net gain from the sale or transfer.

48. **NPRM ¶87:** E.A.S. requirements for all broadcast facilities should be the same, because from the listener's standpoint there is no difference between listening to a Class C, B, or A station, or an LPFM or Microradio station. The LPFM broadcaster should make every effort to avail their station facility to local authorities in the event of a local emergency.
49. **NPRM ¶88:** Call signs are important for identifying a specific broadcaster. However, the present method of call sign, followed by city of license need not be used. Instead, the writer suggests two options. a). The FM channel number, followed by two or more letters of the alphabet. Or, b). The FM channel followed by the community, neighborhood name, or accepted subdivision name as specified by local government. The writer also requests that the Commission make a clear effort to define the rule so that licensees understand that the Call Sign must be said clearly, and be understood even by a person who is not familiar with the location of the station. It is important to stress that the ID is to be given at the top of the hour, plus or minus 5 minutes.
50. **NPRM ¶89:** At present, the Federal Communications Commission is woefully understaffed, and could not inspect each and every LPFM station. The writer's first thought is to request that the annual license fee be enough to allow inspections. However, lacking support for this plan, the Commission may want to employ the Amateur Radio Community, with a committee of members that will monitor stations. The writer encourages the Commission to have some form of monitoring and inspection in place, else the essence of LPFM could possibly turn into "Citizens Band".
51. **NPRM ¶90:** Any radio emission, from an LPFM or auxiliary station that causes harmful interference to a licensed station should be shut down by the Commission immediately.
52. **NPRM ¶91-95:** Any form of electronic filing, including Email or Web Pages, that will reduce the processing burden and time of the Commission should be encouraged. Follow-up hard copy original signature confirmation of approved applications should be required. Also, and assist the Commission can offer the public to produce more accurate applications, (i.e., coordinates, HAAT, descriptions of calculations on

antenna systems, etc) would be welcomed. The writer also encourages the FCC to make this information various forms so blind, and disabled citizens have an opportunity to file in fairness.

53. **NPRM ¶96-101:** Vobbe does not support a short window for filing LPFM applications since many applicants are simply not familiar with the Commission's practices. Many are unaware of the Federal Register. A short window could cause confusion, perpetuated by rumors and mis-information on the Internet, thus placing undo burden on the Commission, as well as poor public relations. Once a radio service is defined, rules are in place, and the application procedure is established, it would be in the public interest to permit filings to occur at any time. The writer expects that popularity of LPFM will develop. More non-profit groups, civic organizations, and neighborhood associations will learn of it's potential. It would not serve the public interest to effectively limit the application base to the folks who are following this proceeding closely.
54. **NPRM ¶102:** The "First Come, First Served" basic for selecting initial applicants is the only real fair way to start this process. The Commission is concerned about overloading the facilities of any system for handling applications, but there are many ways to avoid this. First is the use of an on-line form on the www.fcc.gov site. This would allow people to file via the Internet, and those who do not possess a computer or have access to the Internet could use the facilities at the nearest public library. The Commissions Internet server would date and time stamp each entry as soon as the "Submit" button is pressed. Another, and perhaps more attractive option, would be to develop an executable program which would allow someone to fill out the form, compile the acquired data, and then either Email the raw data, or place it on a disc for transmission to the Commission. Both methods would ensure that data is in proper form, conforming to the Commission's requirements. However, the writer does recognize the fact that there would still be some applicants with no ability to file electronically. For this reason a simple paper application form should be developed whereby someone may file by mail. The Commission may wish to explain the filing process by a series of Public Service Announcements to be aired on conventional radio and television stations to further the education process in this matter.

55. **NPRM ¶103:** Vobbe has no objection with the Commission's conclusions on how mutually exclusive applications would be handled, including the auctioning of channels at the absolute last resort. The writer would prefer a lottery above an auction. It's a shame that the most money paid is the qualification for a license. The writer hopes our legislators remove auctions from all Commission application processes in the future before someone decides to use this criteria to define whom is best suited for a Congressional or Senate seat! It would be a waste of valuable spectrum, on the other hand, if commercial interests are allowed to bid in an auction, therefore excluding non-profit organizations from fulfilling the needs of providing news, weather, information, education, and public service as described in these Comments.

Summary

The writer has spent over thirty years in the broadcasting business. In my career I have learned that it's OK to make a profit, but there is a moral responsibility when you own a broadcast station to provide public service. Public service. I wonder how many broadcasters in the business today remember the line in the license renewal announcement, "*to serve in the public interest, as a public trustee.*"

We have seen in the past the failure of Docket 80-90 to provide new localized service to communities. The majority of these stations have simply uprooted and gone to larger communities, or they are being operated as automated extensions of larger stations. We have seen with the elimination of the 7-7 rule that stations are now being treated more like repeaters than radio stations. In the vast number of cases, these stations are staffed with only a few operators. Computers run the station, often neglectful of EAS announcements, or any ability to program locally, even in an emergency. The days of covering local news is gone because of so called "profit margins". Some stations have even initiated moves from small towns where the station was the only local voice, because they have merged with a larger conglomerate. Because big companies desire to own everything to eliminate competition, the prices of stations have inflated as much as ten times the real price, making it impossible for the common man to have a chance to give his community a true voice.

The existence of an LPFM service would meet the needs of citizens. They would provide the voice to a community, allow the expression of debate, the education of neighborhoods, and the information needed in times of disaster. The writer recommends that LPFM be non-commercial. Any thought by commercial FM stations that an LPFM station is "competition" is simply moot. In fact, I feel that commercial FM stations should feel relieved that they are relieved from the burden of no-revenue public service announcements, having to cover town meetings, and needing to cater to people who want news in their neighborhood news broadcast.

The LP100 class of station, allowing various antenna heights between 1 and 100 watts, would satisfy the needs of many people in communities. It is a shame, in this writer's view, that any thought is being considered to powers in excess of 100 watts. The grant of a single LP1000 station in the community the size of Lima OH will exclude a multiple of LP100 and Microradio stations. Thus, many voices will be silenced.

Vobbe applauds the Commission on its proposal for a Low Power FM Broadcast Radio Service.



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ⁱ An LPFM station may broadcast a national newscast, without commercial content, provided that the station follows the newscast with a locally originated newscast of the same duration. At no time shall more than 10% of the broadcast day be used for non-local programming.

ⁱⁱ Such emergency information may be from the National Weather Service, National or Regional Emergency Alert System, County Sheriff or Fire Department, Local Emergency Management Officials, City Police or Fire, or the Mayor or governing board of the community. A link should be established to ensure fast, and factual, information is transmitted.