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

Office of the Secretary

Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

In the Matter of
Proposal for Creation of the Low Power FM
(LPFM) Broadcast Service
Docket No. MM 95-25
RM-9208
RM-9242

To: Federal Communications Commission

Comments of the Denver Radio Coalition, FMFX, Inc.:
Submitted by David B. Hollander

I. INTRODUCTION

We support the proposed rule making (NPRM 99-25) set forth by the Federal Communications Commission (FCC) to create a new Low-Power FM (LPFM) service. We believe that this new FM radio service will open doors for minorities, communities, and individuals to access the public arena. LPFM will empower local broadcasters to serve their communities with a variety of new voices and services. The creation of a new Low-Power FM service will:

- * Create easy access for community participation and the proliferation of local voices
- * Provide a forum for diverse voices and opinions, including minority groups, the religious community, and linguistic minorities
- * Broaden Arena of political, social and entertainment programming
- * Target specific neighborhood events and activities
- * Address unmet needs for community-oriented radio broadcasting
- * Provide low cost advertising opportunities for local small businesses
- * Create new broadcast ownership opportunities
- * Address issues and views significant to the cultural and traditional well-being of each community

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II. BACKGROUND

As a result of the Telecommunications Reform Act of 1996, ownership of existing classes of AM and FM broadcast stations has nearly reached a monopoly in large urban areas. With a decrease in radio ownership, comes a decrease in diversity. Local ownership, and locally driven broadcasting has been delegated to off-peak time slots on major stations. There is a great need for Community type broadcasting, that stresses minority voices, neighborhood events and information, political commentary, as well as inexpensive advertising for small local businesses.

LPFM is a potentially powerful vehicle by which diverse voices can be heard in the public arena. Ownership of LPFM stations must be preserved at the local level to ensure true community broadcasting, and to maintain a sense of localism and community.

III. TECHNICAL COMMENTS FOR LPFM SERVICE

1. Primary Status for LP-1000, LP-100 stations. It is essential that LP-100 and LP-1000 stations be granted Primary Service status in order to have a viable Low-Power Radio Service. In addition, the FCC should consider LPFM service at various power levels between 100 and 1000 watts, or any equivalent combination of ERP and antenna HAAT.
2. Interference Protection Criteria. 3rd adjacent channel restrictions must be dropped, and 2nd adjacent restrictions should be eased for LPFM stations. Improvements in receiver design and transmission technology has limited the chance of interference between existing stations or planned digital I.B.O.C. signals. NPRM 99-25 has already stated that "grand fathered" short-spaced FM stations did not receive any interference complaints as a result of 2nd and 3rd adjacent channel spacing. Furthermore, large urban areas will be denied access to community type broadcasting with current 3rd adjacent restrictions in place (e.g. Nashville, San Francisco, Denver, Los Angeles, Pittsburg).

According to a study conducted by Broadcast Signal Lab, LLP, and commissioned by the National Lawyers Guild Committee on Democratic Communications, the Media Access Project, the Microradio Empowerment Coalition, the Prometheus Radio Project, the Minority Media and Telecommunications Council, and others, the study shows that opening the airwaves to the public with LPFM will cause far less interference than that caused by existing full power stations. These results confirm that the only interference the NAB is really concerned with is interference with their monopoly over the radio dial.

3. Service Characteristics. LPFM must allow for "commercial" (commercially supported) as well as "non-commercial" stations for all LPFM service. Even low power stations operating at the 100 watt ERP level must be allowed to create revenue to support FCC certified equipment, engineers, and the cost of equipment and overhead. Note that 100 watt transmitters from Crown and TTC range from \$6,000 to \$7,500. (Source: Broadcasters General Store.)

4. **Ownership and Eligibility.** Ownership of LPFM stations must be prohibited from any person or entity with an attributable interest in a full power broadcast station, and to prohibit joint sales agreements, time brokerage agreements, local marketing or management agreements, and similar arrangements between full power broadcasters and low power radio entities. Owners of television stations, cable television operations or their parent companies should also be ineligible.

In order to preserve localism and assure responsiveness to the community, any owner of a LPFM station should be required to maintain primary residence within 50 miles of the proposed transmitter site.

NPRM 99-25 proposes limiting multiple ownership by prohibiting any individual or entity from owning more than one LPFM station in the same community. We agree, and propose defining "market" or "community" for LPFM as "the major urban or rural area designated by the city/state zoning board as a district, within the broadcast area".

5. **Financing, fees, and construction permits.** Financial requirements for obtaining a Low Power Radio license should be kept to a minimum. Any fees imposed by the FCC should be minimal or eliminated to allow for maximum public access. As with non-commercial Full Power Stations, non-commercial Low Power Stations should be exempt from any fees.
6. **Distribution of Licenses.** We oppose any sort of financially-based auction system for micro radio. Licenses should be awarded based on a non-monetary weighted system to be determined by the FCC.

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