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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas, Esq.  
Secretary  
Federal Communications Commission  
445-12th Street, S.W., Room TWB-204  
Washington, D.C. 20554

Re: **Comments of The Freedom Network, L.L.C.**  
**MM Docket No. 99-25**

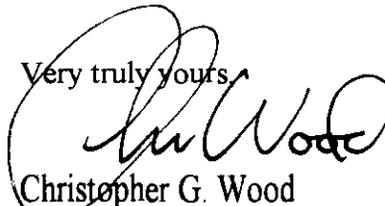
Dear Ms. Salas:

Transmitted herewith, on behalf of The Freedom Network, L.L.C., are an original and four copies of a letter to the Commission regarding its Low Power FM proposals. Please note that this letter contains a facsimile copy of the signature of Freedom's President. His original signature page will be filed as a supplement, upon its receipt by counsel.

A copy of this letter is also being submitted on diskette.

Should there be any questions in connection with this filing, please contact the undersigned directly.

Very truly yours,



Christopher G. Wood  
Counsel for The Freedom Network, L.L.C.

cc: Service List On Attachment

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**THE FREEDOM NETWORK**  
**127 Mamasco Road**  
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July 30, 1999

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
The Portals II  
445 12<sup>th</sup> Street, S.W., Room TW-B204-F  
Washington, D.C. 20554

Re: Low Power FM Proceeding  
MM Docket No. 99-25  
RM-9208 and 9242

Dear Ms. Salas:

I am writing to you as the President of The Freedom Network, L.L.C. ("Freedom"), the parent company of the licensees of KDFT(AM), Ferris, TX; WATB(AM), Decatur, GA; WUNA(AM), Ocoee, FL; KRCX(AM), Sacramento, CA; and KFNI(AM), Pleasanton, TX. Each of these AM stations provides important service to ethnic communities within their markets, often in foreign languages, through time brokerage arrangements with minority programmers. Freedom opposes the creation of a new low power FM ("LPFM") service, which will jeopardize the minority program services provided by our stations and by similar broadcasters.

LPFM supporters have argued that these new stations will serve the needs of local ethnic groups and "linguistic minorities," whom they say are "often ignored" by full power stations.<sup>1</sup> Similarly, the NPRM in this proceeding predicts that LPFMs will address unmet needs for community-oriented radio broadcasting and promote additional diversity of radio voices and program services.<sup>2</sup> In assessing the need for these proposed new broadcast outlets, however, the Commission must *fully* recognize the service already rendered to ethnic minorities and to radio listeners who do not speak English by *existing* broadcasters.

As Commissioner Furchtgott-Roth has recognized, one of the many ways in which ethnic or foreign language programmers *already* can reach their communities is through the purchase of blocks of time on local stations. This is also an important way in which minority voices can gain experience in program production, broadcasting, and sales. Freedom's stations, for example, broadcast the

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<sup>1</sup>In *The Matter of Creation of Low Power Radio Service*, Notice of Proposed Rulemaking in MM Docket No. 99-25, FCC 96-6, released February 3, 1999 ("NPRM") at ¶ 8 and n. 19.

<sup>2</sup>*Id.* at ¶ 1.

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programming of a number of independent producers who contract with Freedom to produce regular programs. Freedom's stations broadcast Spanish, Vietnamese, Russian, Indian, Asian, African and Caribbean programming, including cultural, health, financial and religious shows. Several of Freedom's stations are important outlets for Gospel music as well. I understand that the Commission has long recognized the important service provided by such block programming stations.<sup>3</sup>

There are a host of vital community services that the block programming format provides to new Americans in particular. For example, certain shows instruct Spanish, Russian and other foreign language speakers in the English language, the most basic tool for life in America. Immigration lawyers utilize airtime to instruct new immigrants on the specific methods to become a United States citizen. In addition to assisting immigrants in beginning a new life in America, multicultural programs provide listeners with an important connection to their homeland through music, cultural, religious and news shows. These programs provide a sense of identity for these newcomers, while they learn the language and culture of America, forging the future unity and harmony of the new multicultural America.

I have worked with the producers of such ethnic programming for a number of years. In 1992, I shifted my career from mainstream commercial radio to stations serving the rapidly growing, multicultural segments in the New York marketplace as General Manager of WKDM-FM and, two years later, of WKDM-AM. These were two of the most successful leased-time radio stations in the country, with over 120 ethnic and foreign language brokers. In late January of 1998, with the backing of Activated Communications Limited Partnership, I decided to launch The Freedom Network. Freedom's mission is to provide ethnic minorities throughout this vast country with a platform and a voice to educate, inform and cultivate members of their community. Freedom has targeted some of the most densely populated and multi-cultural marketplaces in America for its service. Given the escalating prices for FM radio outlets, however, Freedom sought out underutilized AM facilities to serve these markets.

Freedom's first three facilities, located in the Dallas (Ferris), Atlanta (Decatur), and Orlando (Ocoee) markets, are each licensed to operate with just 1,000 watts daytime and either no nighttime authority or a nighttime signal so small as to barely cover the city of license. Freedom's last two acquisitions, in the Sacramento (Roseville) and San Antonio (Pleasanton) markets, are licensed to operate with 5,000 and 4,000 watts of daytime power, respectively, but with limited, directional daytime patterns and very diminished nighttime coverage. The Commission itself has long recognized the special problems

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<sup>3</sup>See, e.g., *Broadcast Communications, Inc.*, 53 RR 2d 805, 810 (¶ 13) (Rev. Bd 1983), *decision modified in part on review*, 55 RR 2d 997 (1984) ("the Commission encourages time brokerage since such a source of programming has the potential to notably increase available program alternatives for audience segments whose demands would otherwise be left unmet.... This is particularly true for foreign language audiences whose preferred programming is unlikely to attract a sizeable cross-over audience...").

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facing AM broadcasters in the United States.<sup>4</sup> Despite the technical limitations of Freedom's stations, however, they are providing critical and vital services to multicultural America.

Freedom Network had originally planned to expand this multicultural program service to 50 stations over the next three years. It cannot possibly hope to do so, however, if the local radio markets are saturated with thousands of new low power FM outlets. How can our small AM stations, acquired at premium market rates, compete against these new outlets situated in the prime broadcast spectrum? There is simply no viable way for a stand alone broadcast station -- let alone a stand alone AM broadcaster -- to compete against *thirteen* new 1,000 watt FM outlets in a market the size of San Antonio, *eleven* new 1,000 watt FM stations in a market the size of Atlanta, or *five* new 1,000 watt FM outlets in Orlando!<sup>5</sup> The Commission should be seeking to enhance the viability of *existing* broadcasters who *already* serve the minority community, particularly those in the AM band. LPFM is no solution to the problems created for small operators and minority broadcast voices by consolidation in the radio industry. It can only create greater harm to them, contrary to the very goals underlying this new service.

I urge the Commissioners to use their good judgment and, upon reconsideration, withdraw this proposal that will create so much harm to the small and independent broadcasters who have dedicated their facilities and efforts to making a difference in a changing America.

In One Service,



Otto Miller  
President  
The Freedom Network, L.L.C.

cc: Hon. William Kennard  
Hon. Susan Ness  
Hon. Michael K. Powell  
Hon. Harold Furchtgott-Roth  
Hon. Gloria Tristani  
Paul Gordon  
Bruce Romano  
Lori Holy, Esq. (NAB)

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<sup>4</sup>See, e.g., *Review of Technical Assignment Criteria for the AM Broadcast Service*, Report and Order, 6 FCC Rcd 6273 (1991).

<sup>5</sup>NPRM at Appendix D.