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MM 99-25  
STATE OF MICHIGAN



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JOHN ENGLER, GOVERNOR

SEP 21 4 37 PM '99

DEPARTMENT OF TRANSPORTATION

RECEIVED  
TRANSPORTATION BUILDING, 425 WEST OTTAWA POST OFFICE BOX 30050, LANSING, MICHIGAN 48909  
PHONE: 517-373-2090 FAX: 517-373-0167 WEB SITE: http://www.mdot.state.mi.us  
CHAIRMAN  
JAMES R. DeSANA, DIRECTOR

OCT 04 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

September 17, 1999

EX PARTE OR LATE FILED

Honorable William E. Kennard  
Chairman, Federal Communications Commission (FCC)  
445 12<sup>th</sup> Street, SW  
Room 8 - B2014  
Washington, D.C. 20554

Dear Sir:

As an operator of an extensive Traveler Information Highway Advisory Radio System (HAR), the Michigan Department of Transportation (MDOT) enthusiastically supports a proposal by the FCC (M M Docket No. 99-25, RM-9208, RM-9242) to approve the use of low power FM Stations for a variety of purposes, possibly including HAR and other public safety issues.

Currently our HAR Systems operate in the AM spectrum under current FCC rules. We have found the AM Spectrum susceptible to interference from atmospheric conditions and other AM stations. The frequent result is poor broadcast quality. Of course, this represents a critical flow in a Traveler Information System, the purpose of which is to alert drivers to congestion, diversion routes and public safety concerns.

Based on these concerns, we have attached our reply comments for your consideration. You will note, that we are in complete agreement with comments previously forwarded by the New York State Freeway Authority. Which supports the use of low power FM stations in HAR Applications.

Sincerely,

Jim Schultz  
Administrator  
Michigan Intelligent Transportation System(MITS)  
Michigan Department of Transportation (MDOT)  
313.256.9800 / Fax 313.256.9036  
E-mail / Schultzj3@mdot.state.mi.us

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**Before The  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In the Matter of	)	
	)	
Creation of a Low Power	)	<b>MM Docket No. 99-25</b>
Radio Service	)	
	)	<b>RM-9208</b>
	)	<b>RM-9242</b>
	)	

To: The Commission

**REPLY COMMENTS**

**THE MICHIGAN DEPARTMENT OF TRANSPORTATION** hereby submits Comments in response to the Commission's Notice of Proposed Rulemaking in the above-captioned matter. *See: In the Matter of Creation of a Low Power Radio Service*, Notice of Proposed Rulemaking (hereinafter "*Low power Radio NPRM*"), MM Docket No. 99-25, RM-9208, RM-9242 (released February 3, 1999).

**Statement of Interest**

The Michigan Department of Transportation ("MDOT") is a department of the State government which operates and maintains state trunkline highways and Interstate Freeways and expressways throughout the State's eighty-three (83) counties. In the eight County area of Southeastern Michigan, including metropolitan Detroit, MDOT operates an Advanced Traffic Management System ("ATMS") and an Advanced Traveler Information System ("ATIS") which covers 180 statute miles of Interstate freeways and State trunkline highways. MDOT has, *inter alia*, twelve (12) Highway Advisory

Radio ("HAR") stations within the ATMS/ATIS tuned to 1630KHz AM which are designed to provide the public with real time emergency information concerning incidents, accidents, hazardous material spills, construction, and other congestion generating events. MDOT's experience with the AM HARs is identical to that of the New York State Thruway Authority. Consequently, MDOT urges the Commission to create a low power FM radio service.

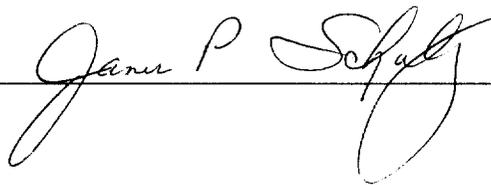
### **Argument**

MDOT supports in their entirety, and hereby incorporates by reference herein, each of the comments made by the New York State Thruway Authority in their August 2, 1999 Response. Finally, MDOT expresses an intent to file for such facilities if made available.

Respectfully submitted,

**MICHIGAN DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_

A handwritten signature in cursive script, appearing to read "James P. Schults", is written over a horizontal line.

Dated: September 17, 1999

EX PARTE OR LATE FILED

ORIGINAL

99-25

**From:** Nathan Wray <nwray@mail.mich.com>  
**To:** K5DOM.K5PO2(WKENNARD,HFURCHTG),K4DOM.K4PO2(SNESS,M...  
**Date:** Thu, Sep 30, 1999 9:25 AM  
**Subject:** LPFM licenses

Hello;

I was given this list of addresses as people to contact regarding FM Micro broadcasting legislation. I would like to voice my support for the availability of low power FM licenses for non business community groups, rather than "highest bidder" auctions. It seems that auctioning these licenses will only further the penetration of moneyed interests rather than allowing communities a channel for open communication.

Thank you for you attention in this matter, I look forward to hearing your thoughts.

Nathan Wray  
 Royal Oak, Michigan

--  
 Nathan Wray  
 nwray@mich.com  
 --

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OCT - 4 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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LUCIEN B. GOSSELIN, LEWISTON, MEMBER  
JOHN G. MELROSE, VASSALBORO, MEMBER EX-OFFICIO

MM 99-25  
ORIGINAL

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PAUL E. VIOLETTE  
EXECUTIVE DIRECTOR

MARGARET A. TRUEWORTHY  
SECRETARY-TREASURER

SEP 16 4:31 PM '99  
Maine Turnpike Authority

430 RIVERSIDE STREET  
PORTLAND, MAINE 04103

OFFICE OF THE

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OCT 04 1999

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September 15, 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

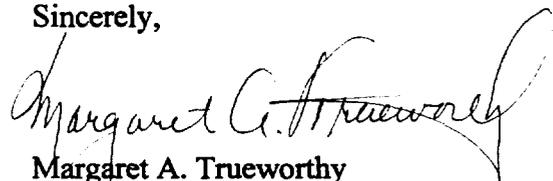
Honorable William E. Kennard  
Chairman, Federal Communications Commission  
445 12th Street, S.W.  
Room 8-B 201 H  
Washington, D.C. 20554

Re: **MM Docket No. 99-25**  
**RM-9208**  
**RM-9242**  
**Creation of a Low Power Radio Service**

The Maine Turnpike Authority has monitored enthusiastically your proposal to approve the use of low power FM stations. Enclosed are the comments of the MTA for the proposed Rulemaking in this matter.

Thank you for your kind consideration in this matter.

Sincerely,



Margaret A. Trueworthy  
Secretary-Treasurer

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TELEPHONE (207) 871-7771

FACSIMILE (207) 871-7739

TURNPIKE TRAVEL CONDITIONS 1-800-675-7453



Before The  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

In the Matter of	)	
	)	
Creation of a Low Power	)	MM Docket No. 99-25
Radio Service	)	
	)	RM-9208
	)	RM-9242
	)	

To: The Commission

REPLY COMMENTS OF THE MAINE TURNPIKE AUTHORITY

Maine Turnpike Authority hereby submits comments in response to the Commission's Notice of Proposal Rulemaking in the above-captioned matter. *See In the Matter of Creation of a Low Power Radio Service*, Notice of Proposed Rulemaking (hereinafter "*Low Power Radio NPRM*"), MM Docket No. 99-25, RM-9208, RM-9242 (released February 3, 1999).

**Statement of Interest**

The Maine Turnpike Authority is a not-for-profit public corporation that operates and maintains the Maine Turnpike. The Maine Turnpike, which is part of the Interstate System, is a 110 mile limited access highway which extends from the Town of Kittery, at the New Hampshire - Maine border, to the City of Augusta, Maine. The Maine Turnpike provides the major link with Maine Department of Transportation between the rest of the United States and Eastern Canada.

As part of its operation, the Maine Turnpike Authority utilizes a Traveler's Information Service ("TIS") station. This station is a low-power station authorized under part 90 of the Commission's Rules to broadcast public safety and travel advisory information to the motoring public. The Maine Turnpike Authority experiences interference with this TIS system. The Maine Turnpike is also considering the additional of TIS stations throughout the system, as it is embarking

on a major widening and rehabilitation project. The possibility of migrating to the FM band via a low power F.M. service such as the one proposed in the NPRM could provide a more permanent solution to the TIS reception problems and greatly facilitate one of the missions of the Maine Turnpike Authority of furthering public safety.

#### **Argument**

The Maine Turnpike Authority supports, adopts and incorporates by reference the comments and arguments of the New York State Thruway filed in this matter. For the convenience of the Commission a copy of the comments of the New York State Thruway without Exhibits is attached.

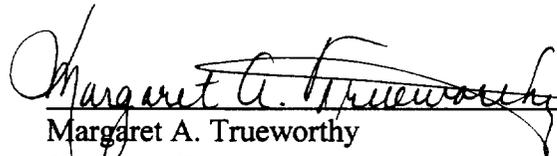
The Maine Turnpike Authority has a great interest and intends to file for such low-power FM radio service if made available.

Respectfully submitted,

Maine Turnpike Authority



Paul E. Violette  
Executive Director



Margaret A. Trueworthy  
Secretary-Treasurer

Dated: September 15, 1999

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MM 99-25 MB  
2808 Bradley Blvd  
Bethesda MD 20814

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Chairman Kennard,

SEP 23 2 12 PM '99

Thank you very much for your efforts to give voice to those ideas not always heard, but which many yearn to hear " by allocating new low-wattage FM radio licenses to small local groups, at least half of which will be non-commercial

A few years ago my two teenage sons were involved with a community group which prepared and served meals to the homeless, sent requested books to people in prison, and worked to end capital punishment. A few members of the group also operated an illegal radio station (from someone's garage I think) to broadcast news about the good work they were doing, and to further community involvement. It was illegal, as I understood it, because it was opposed by larger area broadcasters, and because the group could not afford to purchase a legal license.

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Now my sons are involved with their College radio stations, but I very much appreciate your actions to insure that such an important national resource be made widely available, not just to the wealthy and powerful. Your work to broaden access to the airwaves, to give a voice to the voiceless, is critically important to keeping our democracy alive and meaningful.

Sincerely,

Lois Fischbeck

September 15, 1999

\* Los Angeles Times editorial 9/13/99,  
reprinted in the Baltimore Sun 9/14/99

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SEP 23 2 20 PM '99



WAITT RADIO

September 17, 1999

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MM 99-25

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable William Kennard  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Mr. Chairman:

Thank you for your efforts and the efforts of the Commission in shutting down illegally operating low-power "pirate" radio stations. These stations create illegal and at times even hazardous interference problems with legal radio transmitters and I commend you for recognizing a problem and making sure that it is being addressed.

I understand however that the commission is considering new rules that would relax regulations to enable broadcasters to operate low-power FM stations. As Chairman of a company that owns six radio stations and growing I urge you to re-consider this effort.

Research recently conducted by the National Association of Broadcasters shows that adding low-power stations to an already congested radio band would cause serious interference problems to existing radio stations. It is my understanding that the study by the NAB has been filed with your office. I encourage you and members of the Commission to review these findings.

Thank you for your time and attention.

Sincerely,

A handwritten signature in cursive script that reads "Norman W. Waitt Jr.".

Norman W. Waitt Jr.  
Chairman & CEO  
Waitt Radio, Inc.

Cc: The Honorable Harold Furchtgott-Roth  
The Honorable Susan Ness  
The Honorable Gloria Tristani  
The Honorable Michael Powell

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WES McALLISTER  
CITY MANAGER

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MM 99-25  
CITY of EASTPOINTE

hwe

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MUNICIPAL OFFICES  
23200 GRATIOT AVENUE  
EASTPOINTE, MI 48021  
(810) 445-5016  
Fax (810) 445-5191

September 14, 1999

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OCT 04 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

William E. Kennard, Chairman  
Federal Communications Commission  
1919 M. Street, NW  
Washington, DC 20554

Dear Chairman Kennard:

Enclosed please find City of Eastpointe Resolution No. 1425, in support of Community Radio. The Eastpointe City Council voted unanimously to approve this resolution and encourages the Federal Communications Commission to restore low power FM radio service to the airways.

Sincerely,

WES McALLISTER  
CITY MANAGER

kg

Enclosure

cc: Representative David Bonior  
Tom Ness, Jam Rag Press

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**CITY OF EASTPOINTE  
RESOLUTION NO. 1425**

**IN SUPPORT OF COMMUNITY RADIO**

**WHEREAS, community radio allows for a small geographic area, such as Eastpointe, to have its own voices on the air, including community-related discussions and locally produced music; and**

**WHEREAS, community radio has been illegal since the 1970's; and**

**WHEREAS, the Federal Communications Commission is currently in the process of accepting public input on the re-legalization of community radio - Mass Media Bureau's Docket No. MM99-25; and**

**WHEREAS, MM99-25 will not interfere with existing broadcasters, nor even reserve a portion of the broadcast spectrum for community service, but will simply allow community groups and business owners to apply for broadcast licenses; and**

**WHEREAS, the Eastpointe City Council believes that the re-institution of low power FM radio service will be a worthwhile public service, providing diversity of ownership, public choice, business promotion and communications reflecting the needs and character of the community.**

**NOW, THEREFORE, BE IT RESOLVED that the Eastpointe City Council does hereby support the community radio concept and encourages the Federal Communications Commission to restore low power FM radio service and adopt MM99-25.**

**CERTIFICATION**

**I, S. Wesley McAllister, Jr., City Clerk for the City of Eastpointe, Macomb County, Michigan, do hereby certify that the foregoing Resolution No. 1425 was offered by Councilperson Abke and supported by Councilperson Young and that same was duly passed at a regular meeting of said Council held in the Municipal Building on September 7, 1999 and that the vote was as follows:**

**Yeas: Abke, Young, Accavitti, Redmond and Curley**

**Nays: None**

**Absent: None**

  
**S. WESLEY McALLISTER, JR.  
CITY CLERK**



ORIGINAL

mm 99-25

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OFFICE OF THE SECRETARY

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The Honorable William Kennard  
Chairman  
Federal Communications Commission  
445 12th St., SW  
Washington, DC 20554

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OCT 04 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Mr. Chairman:

I am very concerned about your Notice of Proposed Rule-making on low-power FM (LPFM), I want to call to your attention the documents filed by the National Association of Broadcasters.

I understand the results of their research are compelling. Based on the testing conducted on current radios, such a pow-power FM service would cause significant pockets of interference in large and medium markets. Over the years with new stations being added from the 80/90 ruling, I have constantly battled inference problems. My listeners complain to me that at times they can't pick me up as well as they used to. It is also my understanding that the research conducted by the Consumer Electronics Manufacturers Association supports the findings of the NAB. I cannot see how the Commission, given these findings, could proceed with this new service absent it's own data that dispute that finding unequivocally.

As you await reply comments, I urge you to give close and careful consideration to the NAB comments filed earlier this month. My station is in a community of 3700 people and a county of 17,000. LPFM service that would come into this area could severely hamper our operation. I ask that before the FCC takes any action on the low-power radio issue, it report back to Congress on your analyses of these filings and explain specifically how the FCC could implement an LPFM service without interference to existing radio stations.

Thank you for your time and attention.

Sincerely,

John W. Hoscheidt  
WRMJ Radio Station  
Aledo, IL 61231

kw

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Federal Communications Commission  
Office of the Secretary  
1919 M Street, room 222, NW  
Washington DC 20554 (202) 418-0260  
Attn.: NPRM # FCC 99-6

Email: wkennard@fcc.gov sness@fcc.gov hfurchtg@fcc.gov mpowell@fcc.gov  
gtristan@fcc.gov fccinfo@fcc.gov

To the FCC (Regarding NPRM # FCC 99-6, MM Docket # 99-25 & # 95-25):

I urge you to adopt rules for licensing low power FM radio that prioritize the needs of under-served and under-financed communities. Your office has the power and the mandate to ensure that ordinary people can claim a piece of the pie that big corporations dominate and control. I am confident you agree that broad citizen access to information and culture is at the heart of a democratic society.

To support this vision, new low power FM regulations must include the following features:

1. Completely non-commercial service.
2. Locally owned, "one-per-customer" licensing.
3. Primarily local programming.
4. A quick, easy, and affordable application process.
5. A single class of low power stations broadcasting at less than or equal to 100 watts in urban areas and 250 watts in rural areas.
6. No secondary status for low power stations (ensuring that LPFM stations won't get bumped from their assigned frequency by high-powered, better-financed stations).
7. Amnesty and return of property for microbroadcasters who suffered government seizure of property and fines. These pioneers put this issue on the table and should be prioritized for new licenses.
8. Low power FM must be included in the future of digital radio.
9. Problems of any nature should be referred to the local, voluntary microradio organization for assistance or mediation (e.g., the Ham radio model). The FCC should be the forum of last resort.
10. If the FCC intends to license commercial low power FM stations, they should be given secondary status. Non-commercial stations should be prioritized and given a 2 year "headstart."

Sincerely,

Melissa Wahnbaeck  
(MELISSA WAHNBAECK)  
May 3, 1999

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January 20, 1999

Chairman William Kennard  
Federal Communications Commission  
1919 M Street N.W.  
Washington, D.C.  
20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Dear Chairman Kennard,

I am writing to you as a concerned citizen and supporter of micro-powered radio. It is my understanding that your agency is considering making rule changes that could re-legalize FM micro-radio broadcasting in some form. I believe that these rule changes are an important step that the Commission can take towards addressing the serious inequities in ownership and access that have long been the norm in American broadcast media.

I wish to express my support for the creation of a legal low-powered FM service that incorporates the following elements:

- 1) Non-commercial format
- 2) Local ownership
- 3) Fast, fair and efficient licensing
- 4) Self-regulation by the micro-radio community in terms of frequency allotment and content

Furthermore, I would like to encourage your Commission to drop its legal proceedings against the civil disobedience movement that has put this issue on the table. I believe that amnesty for the activists in the existing micro-radio community and the creation of a new LPFM service that meets the above criteria will be effective and appropriate gestures towards the creation of a diverse, accessible radio medium--an issue which I understand you are personally concerned with.

Sincerely,



102 NW 15th St. #4  
Gainesville, FL 32603

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ORIGINAL May 3, 1999

Mr. Bill Kennard, Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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OCT 04 1999

Dear Mr. Kennard:

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

For many years I have been considering starting a low power station on the educational band.

There has been a strong desire by many people in Lincoln, Nebraska for Big Band music. None of the 16 commercial stations desire to program Big Band music anymore, saying it is commercially unprofitable. Therefore, after more than 43 years in commercial and public broadcasting as General Manager to Engineer to Music Director, News Director, Program Director, etc., I have decided to take on and fund a low power translator station on my own as a non-profit venture, with no underwriters.

I would like to apply for an E.R.P. of 100 watts. Because of frequency clutter and possible Channel 6 interference, I may have to apply for reduced E.R.P.

The real purpose of this letter to you is to waive program originating restrictions regarding origination source of Big Band music. It would be easier on my pocketbook and retirement years to program this operation locally. I understand Form-349 does not permit this at this time. I plan to operate this translator station on a small automated system to include the authorized K-frequency I.D. number on the hour and half-hour. This would be the only talk on this station.

I feel a satellite service, retransmitting someone else's signal, would not be as great a music service with their localized announcements and talk, etc. Lincoln's 16 commercial stations provide formats of all sports, all news-talk, all rock and roll, oldies rock, and several country formats. In addition, there are two religious FM stations and another on the way, one university station and one state wide Nebraska Public Radio, originating classical and news-talk format.

I have been asked by many from the university community, located here, about all-jazz and light classical music also. The majority, however, have no place to go for Big Band music in a city of around 240,000.

I need a ruling or waiver from the FCC before contacting my consultant engineering firm and filing application-349. Please consider this in earnest. There is no monetary gain whatsoever for me. It is my great love for radio and the valuable service it can provide to a niche population of at least 40 percent in Lincoln. Thank you for this consideration.

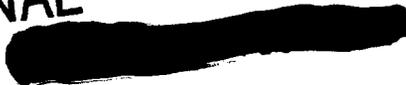
Sincerely,

*Jim S. Ballas*

Jim S. Ballas (Ret.)  
1810 W. Jean Ave.  
Lincoln, NE 68522-1925  
(402) 477-6445

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MM 99-25

**BSI, INC.**

POST OFFICE BOX 3885

PHILADELPHIA, PA 19146

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**DIANE A. SEARS**  
(215) 244-7936

10 February 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable William Kennard  
Commissioner  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

**Re: In the Matter of Creation of a Low Power  
Radio Service, MM Docket No. 99-25 --  
Notice of Proposed Rule Making**

Dear Commissioner Kennard:

It is my understanding that the Federal Communications Commission is proposing to make available for purchase "low power radio service". BSI, Inc. is interested in learning more about this development and respectfully requests that it be placed on the Federal Communications Commission's mailing list regarding the proposed rule making.

With many thanks, I am

Respectfully,

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**RECEIVED**  
KATHLEEN BOYD AGRIO  
999 CARMEL STREET  
MORRO BAY CA 93442  
OFFICE OF THE CHAIRMAN

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OCT 04 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

June 12, 1999

William Kennard, Chairman  
Federal Communications Commission  
1919 M Street N.W.  
Washington D.C, 20554

RE: Low Power FM Radio (100 watts or less)

Dear Chairman Kennard:

I want to thank you for taking comment in this very important matter. There is a great need for the legal establishment of FCC-regulated low power FM radio. The giant corporations of America have entirely too much control over publicly owned airwaves. As a result, the nation's mass media is to an extraordinary degree controlled by for-profit, commercial interests. The public does not get a balanced view of alternative opinions.

I believe that the FCC must return to its mission of the "regulation of the public airwaves in the broadest public interest." This would allow low power stations such as "Excellent Radio" in Grover Beach, California that has provided its community first rate programming. Many local views and ideas would not be broadcast if this station were not operating.

I urge you to make part of our airwaves available to nonprofit, non-commercial low power FM stations.

Thank you once again for taking the lead on this crucial issue and for your interest in my comments on this matter.

Sincerely,

*Kathleen B Agrio*

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Chairman William Kennard  
Federal Communications Commission  
The Portals  
445 Twelfth Street  
Washington, DC 20024

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OCT 04 1999

OFFICE

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Chairman Kennard,

Thank you for permitting micro-radio stations of under ten watts to continue or start to broadcast. I have listened to commercial, public, and alternative radio stations and have found that commercial stations goal of earning money which always takes precedence over informing and edifying their audience. For that reason, I have not listened to commercial radio stations since at least the early '80's. Public radio is much better, but is not enough, with stations often falling short in the areas of local and non-conventional programming. Alternative radio does that best. A combination of alternative and public radio is what I rely upon for entertainment and news. Micro-stations can bring alternative radio to people who might otherwise not even be aware of what good programming is, let alone that it is available to them. In this way it may well increase public radio listenership. Please continue to support micro-radio stations and, by so doing, providing Americans with the voices we need to make our communities better.

Respectfully,



Neil Abrahams  
1023 NE 68 Ave.  
Portland, OR 97213  
(503) 257-8031

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ORIGINAL  
**ACCION SOCIAL COMUNITARIA**

**Hispanic/Latino Community Social Action**  
3646 Fairview Ave., St. Louis, MO 63116, Ph:314.664.5565, Fax:314.772.8007

MM 99-25

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APR 9 10 17 AM '99

March 30, 1999

C. William Chignoli, M. Div. M.D.

Executive Director

The Honorable William E. Kennard, Chairman FCC  
The Portals, 455 Twelfth Street, SW  
Washington, DC 20554

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OCT 04 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Chairman Kennard:

We are writing to commend the Commission for taking action on an issue of great importance to us – improving access to our airwaves for our local communities. We have become increasingly concerned about the growing concentration of the media in our country and are pleased that the Commission is taking action to increase opportunities for local communities to use our radio airwaves.

One of the fundamental tenets of our democracy is to ensure that diverse interests have opportunities to express themselves at different levels, and that they are not locked out in a monopolistic, globalized fashion. It is as fundamental as free speech. Radio is perhaps the most qualified of any media outlet to provide community access. It is a relatively inexpensive medium to produce and is well-suited to cover community issues and local music. Unfortunately, today's radio is the most concentrated and formulaic medium in the country. Providing licenses to low power FM radio stations would create new opportunities for local voices to be heard in their communities.

Allowing low power FM radio stations on the air would empower local broadcasters to serve their communities with a variety of new voices and services. Low power radio stations would be able to address specific groups—including minority groups, the religious community, and linguistic minorities—and provide a forum for debate about important local issues. These kinds of stations would strengthen community identity in urban neighborhoods, rural towns, and other communities which are currently too small to win attention from “mainstream”, ratings-driven media.

Further, they would provide an outlet for the diverse, local voices and musicians that are presently priced out of the market. These stations would also provide advertising options for local businesses and increased employment opportunities in these communities.

The strong interest in independent radio stations shows that the creation of low power radio service would have wide support. The tremendous public demand for micro-radio is demonstrated by the proliferation of illegal radio stations, whose operators broadcast at the risk of financial losses, and in some cases, imprisonment.

Again, we applaud the Commission's willingness to address this issue. We are hopeful that the creation of a new class of low power FM radio service will soon become a reality. We look forward to working on making the airwaves more accessible to our local communities.

Sincerely,

Rev. C. William Chignoli, MD  
Executive Director  
Acción Social Comunitaria

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CWC:imb

cc: Representatives: Bonior, Diaz-Balart, DeLauro, A. Hastings, Ros-Lehtinen, Roybal-Allard, Clyburn, Kaptur, G. Brown, Romero-Barcelo, Faleomavaega, DeFazio, Conyers, Underwood, Mink, Eshoo, Wexler, Sandlin, Jackson-Lee, Wynn, Fattah, Cummings, Schakowsky, Rivers, Shows, Napolitano, Reyes, Gutierrez, Gephard, Talent, Bond, Dougherty

DLK

MM 99-25



**RECEIVED ORIGINAL**  
**City of Arlington**  
Fire Department  
May 23 2 28 PM '99  
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OFFICE OF THE CHAIRMAN

**RECEIVED**

OCT 04 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. William Kennard  
Federal Communications Commission  
445 Twelfth St SW  
Washington DC 20554

Dear Chairman Kennard:

I have learned that the Federal Communications Commission is considering changing its rules to allow economical low-powered FM broadcasting.

I'm the Deputy Chief of the City of Arlington Fire Department. I'm interested low-powered FM broadcasting as a means of communicating with our community both during and about local disasters and disaster preparedness. I see a huge advantage to having available a pre-assigned FM frequency on which we could have some degree of regular programming and especially as a communication tool during disaster situations. Sort of a miniature civil defense system.

I am also philosophically in agreement with the idea that local communities should have the ability to transmit local information that is particularly pertinent to their unique local community. There is no question that commercial broadcast activities are controlled by economics and significantly filter the information available to the community.

We support the Microradio Empowerment Coalition and the comments submitted by the National Lawyers Guild committee on Democratic Communications. I'm looking for permission and a process by which we can implement a low-powered FM station in the City of Arlington. Is that going to be possible, who would we talk to and how would we go about it?

Respectfully,

*Michael Koontz*  
Michael Koontz  
Deputy Chief

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**ACTION ADVOCACY, P.C.**

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David F. Falvey\*  
Attorney at Law  
258 Route 12  
Groton, Connecticut 06340

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MAR 12 5 23 PM '99  
Tel. 860-449-1510  
Fax 860-449-8046  
e-mail [action.advocacy@snet.net](mailto:action.advocacy@snet.net)  
<http://www.actionadvocacy.com>

\*Board Certified-Consumer Bankruptcy

EX PARTE OR LATE FILED

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OCT 04 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman, Federal Communications Commission  
1919 M. Street NW  
Washington, DC 20554

RE: Public Access Radio

March 8, 1999

Dear Chairman Kennard:

MM Docket 99-25  
Office of the Secretary  
Federal Communications Commission  
1919 M Street NW, Room 222  
Washington, DC 20554

To the Secretary:

I want the Commission to take action on an important issue, namely, the improving of access to our airwaves for our local communities. I am very concerned about the growing concentration of the media in the hands of a few and I am glad to hear that the Commission is taking action to increase opportunities for local communities to use the radio airwaves.

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2

One of the fundamental tenets of our democracy is to ensure that diverse interests have the opportunity for expression. It is fundamental in order for the First Amendment to be viable. Indeed, radio is inexpensive medium and is well-suited to cover community issues and local music. Unfortunately, today's radio is the most concentrated medium in the country. Providing licenses to low power FM radio stations would create new opportunities for local voices to be heard in their communities.

Allowing low power FM radio stations on the air would empower local broadcasters to serve their communities with a variety of new voices and services. Low power radio stations would be able to address specific groups— including minority groups, the religious community and linguistic minorities--and provide a forum for debate about important local issues. These kinds of stations would strengthen community identity in urban neighborhoods, rural towns and other communities which are currently too small to win much attention from “mainstream,” ratings-driven media.

Further, they would provide an outlet for the diverse, local voices and musicians that are presently priced out of the market. These stations would also provide advertising options for local businesses and increased employment opportunities in these communities.

The strong interest in independent radio stations shows that the creation of low power radio service would have wide support. The tremendous public demand for micro radio is demonstrated by the proliferation of illegal radio stations, whose operators broadcast at the risk of financial losses and, in some cases, imprisonment.

Again, I applaud the Commissions' willingness to address this issue. I am hopeful that the creation of a new class of low power FM radio service will soon become a reality. I look forward to working with you to make the airwaves more accessible to our local communities.

Sincerely,

A handwritten signature in black ink, appearing to read 'D Falvey', with a horizontal line extending to the right.

Dave Falvey,  
Chairman Groton Green Party  
258 Route 12  
Groton, CT 06340

MM

MM 99-25

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CITY OF ANN ARBOR, MICHIGAN

100 North Fifth Avenue, P.O. Box 6647, Ann Arbor, Michigan 48107

Phone (734) 994-2725 • Fax (734) 994-8296

<http://www.ci.ann-arbor.mi.us>

City Clerk

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

March 4, 1999

EX PARTE OR LATE FILED

Chairman William Kennard  
Federal Communications Commission  
1919 M Street NW  
Washington, D.C. 20554

Dear Chairman Kennard:

Enclosed is a certified copy of the "Resolution In Support of New Licenses for Low Power FM Community Radio," adopted by the Ann Arbor City Council at its regular session of March 1, 1999.

Sincerely,

W. Northcross  
Ann Arbor City Clerk

WN/jc

Enclosure

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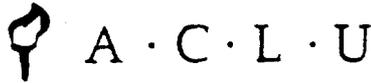
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American Civil Liberties Union of San Luis Obispo County

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OCT 04 1999



FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

April, 28, 1999

William Kennard, Chairman  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

EX PARTE OR LATE FILED

Dear Commissioner Kennard:

The Executive Board of the ACLU Chapter of San Luis Obispo County applauds your efforts to provide citizens with opportunities to exercise their First Amendment rights through the issuing of low-power radio licenses.

A right, which we assumed citizens already had, because the airways belong to the people. The dominance of the airwaves by commercial interests does not further democracy, which makes them the real "pirates

Locally, two low-power radio stations, which had been providing citizen with a valuable voice, were forced to shut down because of the threats from the FCC. This is intolerable in a democratic government.

Please allow citizens to serve their communities with alternative voices, which can only promote democracy and will help to restore faith in government---a government which, according to the Preamble to the Constitution, and the Constitution itself, belongs to the people.

Sincerely,

Hank Alberts  
President

2 enclosures

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TUESDAY, APRIL 20, 1999

TRIBUNE



ASSOCIATED PRESS

Former pirate radio operator Stephen Dunifer, who was forced off the air by a court order, sits among his equipment on April 7 in Berkeley, where he broadcasted for five years.

## Bringing pirate radio into patrolled waters

### FEDS HOPE TO LURE BROADCASTERS TO LEGITIMACY

By JEANNINE AVERSA  
ASSOCIATED PRESS

LAS VEGAS — For five years Stephen Dunifer was a radio pirate, pounding the airwaves in Berkeley, Calif., with garage rock music, political documentaries and programs by homeless people. Then the government's airwaves police nabbed him, and Dunifer's 50-watt FM station went silent.

Dunifer, 47, was operating "Free Radio Berkeley" without a license from the Federal Communications Commission. He knew it was illegal but felt the community needed an alternative voice. "It was a form of electronic civil disobedience," he said.

At a time when hundreds of radio stations nationwide try to operate without licenses — and as technology makes it easier to set up a station — the government is looking at ways to open the airwaves to more new voices. The FCC proposed in January issuing very low-power licenses to help churches, schools and other community groups get legally on the air.

Many Republicans and the National Association of Broadcasters, meeting this week in Las Vegas, actively oppose the idea.

"We're very concerned that the FCC proposal may have the effect of legitimizing pirates," the NAB's president, Edward Fritts, said Monday. The FCC has not decided whether pirates who have refused to shut down would be eligible for the new licenses.

In addition, the NAB believes the stations' signals could interfere with FM stations. Others fear that white-supremacists or other controversial groups could get low-power licenses.

Since 1997, the FCC has tracked down 430 pirate radio sta-

tions, ranging in power from 1 watt to 800 watts.

"Many of them are just the average citizen wanting to serve their community," said the FCC's top point man on the issue, Richard Lee. "I was totally surprised. I expected — I won't say militants."

More than 75 percent of those 430 stations shut down voluntarily. But for the remaining 25 percent, the FCC had to obtain court orders that either prohibited the stations from broadcasting or allowed officials to confiscate equipment and force them off air.

Of the 25 percent, the FCC found about six stations operating with equipment interfering with air traffic control communications at nearby airports. Those stations were shut down within hours of detection.

"If you are trying to land a plane at an airport and the radio tower has interference from the pirated station, you are not going to be real happy about it," said FCC Commissioner Susan Ness.

Dunifer wouldn't voluntarily shut down after the FCC found his illegal station in 1993, which touched off a five-year legal battle that became a rallying point for the movement. Last June, the FCC obtained a federal court order that forced off the air his commercial-free, 24-hour station at 104.1 FM. Dunifer's appealing.

Meanwhile, the station — without his involvement, Dunifer says — has been on and off the air, with help from sympathizers.

A 50-watt station like Dunifer's typically can reach listeners within a radius of about 2½ miles, depending on the antenna's height and the terrain. Dunifer's station sometimes operated from different locations. On a good day its signal could reach a five-mile radius, he said.

But Dunifer shuns the word "pirate," preferring the term micropower broadcasters. "The whole point is that the corporations that dominate the airwaves are the real pirates," he says.

NEW TIMES  
4/1/99

BY LEA ASCHKENAS

# Microradio's Big Chance

After Decades of Federal Prosecution, Low-Wattage Stations May Get FCC Approval

**M**orro Bay Fire Chief Jerry Parker has been building radios since he was a child. His wife is almost entirely disabled and, although she'd like to be more involved in their children's education, she is rarely able to make it to school board meetings.

For years now, Parker has dreamed of starting his own local station that would broadcast school board meetings and other community news to his hometown of Paso Robles.

But there's been one major impediment for Parker and his fellow 13,000 radio aficionados who last year petitioned the Federal Communications Commission to start their own low-powered stations.

It's illegal.

You can't broadcast an FM station under 6,000 watts in the United States, which essentially closes off the possibility of low-wattage community radio, often called microradio and sometimes referred to as "pirate."

In contrast with commercial stations, some of which broadcast up to 100,000 watts, microradio mavens, who use volunteers to staff their nonprofit stations, can rarely afford more than a 10-watt station, which itself, according to FCC estimates, costs a minimum of \$2,500.

"I just think we have a ready-made

market for free speech to occur," says Parker. "And if I wanted, I could buy a cheap copy machine and start my own paper and pass it out to my neighbors, but I can't do that with radio because the licensure isn't there.... The little guy just flat-out can't do it."

Taking the analogy a step further, Greg Junell, the owner of the now-defunct (save for sporadic full-moon broadcasts) 15-watt Moon Radio (90.7) in SLO, says, "It's like someone saying, 'If you want a dog, you need a license. But we're not going to issue you a license.'"

That could change. Following the 1997 appointment of FCC Chairman William Kennard, whom many in the micro radio community see as an ally, the FCC has taken steps to at least consider micro needs.

The FCC is accepting comments on the issue until June 1, after which it will decide whether or not to permit the existence of microradio stations.

"If we get positive feedback, we could be taking applications [for microradio stations] by the end of the year," says FCC spokeswoman Rosemary Kimball.

For the several hundred low-power stations that are operating illegally, for those (like Moon Radio and Excellent Radio in Grover Beach) that closed

down last summer to await the results of Free Radio Berkeley's pending court case with the FCC, and for those that, like Parker's fantasized community station, exist only in the fuzzy landscape of a dream, the comment period signifies that the road to victory, if not fully traversed, has finally been paved.

"It's really amazing that the FCC stood up for us," says Junell. "It's amazing that they're even paying attention."

"This represents a quantum reversal in direction," says Charley Goodman, who founded Excellent Radio.

In 1978, the FCC stopped licensing microradio stations, claiming that they were wreaking havoc on the airwaves and interfering with both larger radio stations and airplane signals.

For years, microradio proponents have been arguing that this just isn't so.

"There is room," says SLO resident Harold Hallikainen, a writer with Radio World, a trade newspaper for the radio industry. "A good way to think of it is if you're cramming circles together and there's always that little space in-between. That's where low-power radio fits in."

The FCC says it is now willing to reconsider microradio licensing because technology has improved since its 1978 decision and the arguments concerning

interference may no longer be valid.

"Micropower radio separates capitalism from democracy. It's a forum for alternative viewpoints and underrepresented concerns," says Wally Stahle, who hosted spoken word and political commentary shows for Moon Radio, which was run out of a SLO living room.

As the comment deadline approaches (it was recently extended to June 1 at the behest of the anti-micro National Association of Broadcasters), the anonymity of microradio proponents is slowly receding.

Would-be radio broadcasters run the gamut from such underground types as Stahle to more mainstream advocates like Parker and even, in stark contrast to the pirate image, politicians.

County Supervisor Shirley Bianchi first became interested in microradio when she spoke on Excellent Radio about the transportation of spent nuclear fuel rods. There she met Goodman, who has been SLO County's major organizer in the push for microradio licensing.

Bianchi says that she would like to start a microstation in Cambria.

"[Commercial] KVEC radio does a really good job of getting out the local news, but they're countywide," she says. "In an isolated area like Cambria, there's a lot that goes on that's wildly exciting for the people who live here but that's not exciting for those in Shandon and Creston. And this is where microradio fits in." ▴

Lea Aschkenas is a New Times staff writer.

**f i**

To comment on low-power radio licensing, write to William Kennard at the Federal Communications Commission, 445 12th St. S.W., Washington, D.C. 20554 or e-mail him at [wkennard@fcc.gov](mailto:wkennard@fcc.gov).