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June 1, 1999  
SECRETARY

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

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Dear Mr. Kennard:

COMMUNICATIONS COMMISSION  
FEDERAL BUREAU OF INVESTIGATION

Several months ago, we sent a communiqué to the FCC, with copies to several members of Congress, regarding low-power unlicensed FM operations.

In that communiqué, we pointed out that, without responsible regulation, this medium could quickly create chaos on the regular (87- 107.9 MHz.) FM radio band. These low-power transmitters seem to be proliferating all over the country. They are being marketed as "legal as far as the FCC is concerned." This would seem contrary to a letter, signed by you, and published some time ago in *USA Today*.

Our firm, Advertel, Incorporated, has been interested in the 'responsible use' of low-power commercial FM. We believe it holds an opportunity for considerable community and public service. We have delayed entry into low-power commercial FM pending a *definitive ruling* by the FCC, or enforcement actions against those who may be using this medium unlawfully; we have seen neither.

By delaying our entry into low-power commercial FM, we have potentially lost considerable revenues, as well as market share.

I now hear, at our offices, "Southland 88.7 FM," broadcasting from a strip mall more than a mile away. This type of commercial material, and area coverage, obviously was not the intent of FCC part 15 rules that were designed to apply to "Mr. Microphone." "Southland 88.7 FM" asks listeners to call the following number to get their own transmitter, or to advertise: 888-813-7021. We called the number, and were put in touch with a company calling itself "InfoNet, Inc." While we wait to do the 'right thing,' and to abide by FCC rules, InfoNet and others in apparent violation of FCC regulations, generate revenue.

Inaction, on the part of the FCC regarding this matter, may be interpreted as 'defacto approval' of commercial use of such low-power FM transmissions. After all, 'inaction' sets it's own precedent!

We would welcome a timely response regarding this matter.

Best regards,

G.K. Breakwell  
Executive Vice-President,  
Advertel, Inc.

- cc. Hon. Bill Tauzin, Chairman US House of Representatives, Telecommunications Sub-committee
- Hon. Edward Markey, US House of Representatives, Telecommunications Sub-committee
- Hon. Ronald Klink, US House of Representatives, Telecommunications Sub-committee.
- Hon. Michael Doyle, US House of Representatives
- Sen. Conrad Burns, Chairman, US Senate Communications Sub-committee
- Sen. Ernest Hollings, US Senate Communications Sub-committee
- Sen. Rick Santorum, Sen. Arlen Specter, United States Senate

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