

MM 00-10

KRHP Television

"Christian Television The Way It Ought To Be"

ORIGINAL

REC'D VIDEO SERVICES DIV.

RECEIVED



3350 Columbia View Drive
The Dalles, Oregon 97058

EX PARTE OR LATE FILED
FEB 10 2000

MAR 06 2000

BOB PETTITT
President

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

February 7, 2000 LOW POWER TELEVISION BRANCH

Comments on Class A TV Notice of Proposed Rulemaking
Magalie Roman Salas
Office of The Secretary
Federal Communications Commission
445 12th St. SW Room TW-A325
Washington, DC 20554

Dear Federal Commissions Commission:

As a Low Power Television Licensee, I wish to make some comments on the Class A Proposed Rulemaking.

First, let me thank the F.C.C. and congratulate the F.C.C. for moving ahead with Class A status. It is the wise and prudent direction to go to preserve community broadcasting. While I know that the relatively short time period which has been established is due to the statutory deadline imposed by Congress, I also know that the F.C.C. was headed in this direction anyway.

Secondly, let me say that there are three overarching issues here which need to be emphasized:

1. Community Broadcasting provides a very important service to smaller markets, and needs to be both preserved and expanded.
2. Because Community Broadcasting (Low Power) most often exists within a small market, the economic base is for the most part not there for the Low Power licensee to absorb additional equipment costs or fees.
3. As is recognized by the F.C.C. and the legislators, Low Power licenses need to be lifted from their present secondary status to a primary status which would go a long way toward achieving their permanence and expansion.

One of the main purposes for Community Broadcasting is to bring to small communities like The Dalles, OR which we serve (population 11,000) their own local Low Power television station. Because of the exceedingly small market, we can not sell a lot of advertising; and what we do sell is very low priced. Of our approximately \$23,000 budget in 1999, only about \$7,000 was brought in from advertising and programming revenues.

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List ABCDE

A: CONTINUE TO ACCEPT CLASS A APPLICATIONS

I would urge the F.C.C. to continue to accept applications from licence holders wishing to convert from Low Power to Class A status. It may well be that in some cases, local programming was not being produced at the required three hour per week level during the dates mandated. That three hour level might be met at a later time. Also, what about stations who might want to convert to Class A, but didn't know about the three hour minimums. Were these publicized? I certainly did not know about them, but fortunately we were already producing in excess of three hours per week of local programming.

Also, what about the licensee who can not meet one or more of the Class A requirements right now, but wants to work toward meeting that requirement at a later time. Are they to be frozen out of the process by a one time window? I would hope not.

B: WHAT PROVISIONS OF F.C.C. PART 73 RULES SHOULD GOVERN CLASS A?

I would urge the F.C.C. to be guided by the importance of local television in smaller communities, and not impose rules that would be economically prohibitive to Class A stations.

For instance, I would urge the continuance of rules that allow for unattended operation. I would also urge the continuance of a contracted relationship with a qualified engineer. Things like Children's programming requirements should not be hard for Class A stations to meet. Maybe they could report just once a year rather than quarterly. Programming dealing with local public issues should be required. This gets to the heart of what local Community Broadcasting should be about.

Do not impose Part 73 rules that would be economically burdensome to Class A stations.

C: HOW TO DEAL WITH APPLICATIONS BY CLASS A STATIONS FOR DTV?

Again, I would urge the F.C.C. to be guided by the importance of local television in smaller communities, and not impose requirements that would be economically prohibitive to Class A stations.

I would retain the May of 2006 date (if 80% of viewers have DTV receivers). I would strongly suggest that Class A stations not be required to simulcast both analog and DTV. This requirement of two separate transmitters would be most economically burdensome and in most cases prohibitive to most Class A stations.

D: WHAT FEE STRUCTURE SHOULD BE IMPOSED FOR CLASS A?

Again, for the importance of local Community Broadcasting in smaller markets; and for the economic viability of those stations providing this local television to these small markets, I would suggest the retention of the Low Power Fee Structure.

E: MAXIMIZATION OF RANGE BY FULL POWERS TO PROTECT EXPANSION.

Some Full Powers will want to expand their maximum range to protect themselves, and thus freeze out some Class A applicants. This may well be done even though the Full Power has no intention of ever using the expanded range capabilities. This is an issue that the F.C.C. needs to address.

Thank you so very much for allowing me to comment on the Class A Rulemaking. In closing, I would just restate the three overarching issues that need to be considered by The F.C.C. in the Class A Rulemaking:

1. Community Broadcasting provides a very important service to smaller markets, and needs to be both preserved and expanded.
2. Because Community Broadcasting (Low Power) most often exists within a small market, the economic base is for the most part not there for the Low Power licensee to absorb additional equipment costs or fees.
3. As is recognized by the F.C.C. and the legislators, Low Power licenses need to be lifted from their present secondary status to a primary status which would go a long way toward achieving their permanence and expansion.

Also, I would hope that the Class A Rules are adopted and published before applications are required. Licensees such as myself need time to see whether or not we can meet the requirements of Class A rules before we make application.

Thanks so much for the opportunity to be a part of the process. I remain,

Most Sincerely,



Robert H. Pettitt



ORIGINAL

MM 99-25

ADVERTISING & PRODUCTIONS

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January 4, 2000

EX PARTE OR LATE FILED

MAR 06 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable William E. Kennard
Chairman,
Federal Communications Commission
The Portals
455 Twelfth Street S.W.
Washington, DC 20554

Dear Chairman Kennard,

First of all let me introduce myself. My name is Gary Shriver , I am 46 years old and I live in the central valley region of California. I have spent all of my life in the broadcasting industry. First as a DJ, then into management, and finally settling into a production studio that I own.

After watching the major broadcasting corporations gobble up every station in the market and seeing the stations selling prices sky-rocket, all hopes and dreams of ever getting into an ownership position of a radio station just seemed to vanish. As I knew I would never be able to come up with the investment capitol needed to buy even a small "class A" facility. I had always had this dream of owning a little "mom & pop" station. A "Local Voice" type of radio station that I cut my teeth on in my early years of broadcasting. I knew I could make it work! So you can only imagine the excitement I felt when LPFM was introduced. "A chance at a 100 watt station in my home town!!" Wow, a chance at my dream!

Today I was rather shaken when I heard of a story in "Radio & Records" that reported the FCC was going to vote on LPFM at its January 20th meeting. It went on to say that it expects the FCC to approve only 100 watt stations and only NON-COMMERCIAL! Do you realize that this will kill LPFM! If it can't support itself by the sale of commercials, it will surly die! This will make LPFM stations into a Hobby, not a professionally run radio station.

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I personally don't know just how "set-in-stone" this is, but I beg of you, PLEASE RECONSIDER THE "NON-COMMERCIAL" STATUS OF LPFM. There is only one way this service can flourish, by the selling of commercials. It must be a profitable venture, or no one will seriously invest in it. Again, please reconsider the "non-commercial status. If you don't, this will truly be a dream lost.

Thank you for your consideration.

Sincerely,



Gary Shriver
MIP Productions
Turlock, California
(209) 632-8415

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MM 99-25

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MAR 06 2000

EX PARTE OR LATE FILED

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Chairman Kennard:

I am a supporter of creation of a Low Power FM (LPFM) radio service as outlined in the FCC's Notice of Proposed Rulemaking in docket MM 99-25, which called for creation of 1000 watt and 100 watt commercial and non-commercial LPFM stations nationwide.

It has come to my attention that the FCC intends to vote at its Jan 20th meeting to severely gut this proposal (NPRM) providing for only non-commercial stations with maximum power of 100 watts (coverage thus limited to only 3.5 miles as opposed to 9 miles for a 1000 watt station).

To place such severe limits on LPFM would doom the service before it begins, making it impossible to obtain enough financial support, without being able to sell commercial airtime, to exist.

What possible reason can the FCC give for not permitting commercially supported LPFM stations, other than to protect NAB member stations from competition? Commercial support has nothing to do with interference! There is no good reason to doom the LPFM service by taking away its ability to support itself by the sale of commercial advertising, a method of support that has served this nations stations well for over 75 years!

In fact to not allow commercial support would do a great dis-service to small businesses in America that cannot afford to advertise on full-power radio stations. Their needs would have been met by LPFM stations. A decision to not allow commercial support would have a vast negative impact on small business in America and may well violate some rules of the Small Business Administration.

I wish to remind you that there was an overwhelming number (thousands) of comments filed in this proceeding supporting the creation of 1000 watt and 100 watt stations, allowing for both commercial and non-commercial operation as set forth in the FCC's NPRM.

The public has spoken on this matter and to ignore this public mandate and cave in to political pressure from the National Association of Broadcasters (NAB) is a disgrace and use of such anti-competitive actions by the NAB should be investigated by the Justice Department.

The NAB tried to cause confusion on this issue by claiming that the new LPFM stations would cause interference to existing stations. A receiver study conducted by the FCC proved this to be incorrect. The NAB raised this smokescreen issue to attempt to conceal its real dislike for LPFM, the fact that it does not want competition for listeners or advertising revenues for its member stations. The FCC cannot prevent competition and is supposed to promote competition.

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I would hope that the FCC would vote for LPFM in its full form as proposed in the NPRM or delay the vote to clear the way for a workable LPFM service of 1000 watt and 100 watt commercial and non-commercial stations.

Respectfully,

Paul Billings

2312 Baker St.

Muskegon Heights, Michigan 49444



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MM 99-23

MAR 06 2000

EX PARTE OR LATE FILED
FCC Letter
ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Respectfully,

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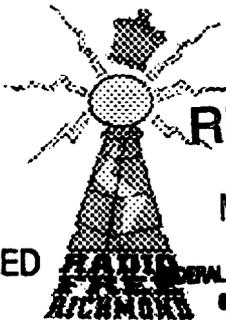
FCC Letter

Eric Hultgren A.R.S. N9MCS
2404 Wyoming Drive
Rockford, IL
61108-7625

MM 99-25

ORIGINAL

To: FCC Chairman
William Kennard



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MAR 06 2000

EX PARTE OR LATE FILED

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

From: Christopher Maxwell
Secretary/Treasurer
Virginia Center for
The Public Press
Radio Free
Richmond Project
1621 W Broad St.
Richmond Va 23220
Wrfr@aol.com
804-649-WRFR

1/18/00

Dear Chairman William Kennard,

I, and the over 1000 signatories to a Richmond, Virginia area petition in support of the Low Power Radio Service vigorously applaud your effort to address the loss of minority culture and viewpoints on the public's airwaves.

I urge you to please contact Congressmen "Bobby" Scott and Tom Bliley and Senators Charles Robb and John Warner for copies of these petitions from central Virginia.

I am, however concerned that if the rumors are correct, you may feel unjustly pressured to vote in a Low Power Radio Service that does not fulfill your goals of "... giv(ing) voice to those ideas not always heard, but which many yearn to hear."

The concern that may lead to an insufficient Low Power Radio Service: Interference. However, **there is no interference problem ... according to the National Association of Broadcasters own comments in the official record.**

What's good for the goose is good for the gander.

The NAB's own full power stations many times over 1000 watts are not causing a problem transmitting on each other's 2nd adjacent frequencies and neither will ours of less than 1000 watts!

In their comments regarding Docket 96-120 the NAB defended their own "short spaced grandfathered" stations. The NAB stated on 10/4/96 that, "The current rules, as they relate to these stations, are in certain instances overly-restrictive ... **the progress in radio receiver design that, in some cases, provides better rejection of second and third-adjacent channel interference.**"

Also, what then does the NAB intend to do with their own 300+ short spaced member stations for the IBOC transition?

Please see the attached sheet for more detail on the NAB's defense of full-power transmission on 2nd adjacent frequencies.

And I see that there are many others who also understand that there is more to having a diversity of viewpoints than the physical characteristics you are born with.

Larry Irving at the U.S. Department of Commerce noted,

"The loss of minority owners is particularly alarming because of its ramifications for programming. The decline in minority ownership means a decline in diverse voices and viewpoints. Such diversity is essential to a rich culture and a vibrant democracy. When I was in Memphis, for example, **I was told that the Black-owned radio station called upon listeners to go to the polls, which helped get an African-American mayor elected. That radio station is now majority-owned and no longer makes such appeals.**"

James Winston, Executive Director of the National Association of Black Owned Broadcasters addressed the NAB's complaint that they are serving people with more formats than ever,

"... **the issue here is who is going to determine what is news, what news gets covered, what viewpoints get aired,** white Americans and minority Americans have different experiences ... it is important that that diversity is reflected in who controls the news ... **A lot of people think that if Michael Jackson is on the airwaves, that community is being served.**"

Thank-you for staying the course to a revival of an inclusive Democracy with room for everyone!

No. of Copies rec'd 2
LBI/ABODE

Sincerely, Christopher Maxwell

Dear FCC Commissioners: **Regarding an effective Low Power Radio Service:**

Over 3000 comments (the largest ever in FCC history) from the public in favor of the LPRS shows this is a real opportunity to revive participatory democracy. But for this to be practical, it must be an *effective* service balanced with causing the least amount of interference and disruption to everyone.

With these in mind there are only two questions that are truly pertinent:

A) Will the LPRS stations cause interference?

B) How do we build an *effective* Low Power Radio Service that achieves the goal of "giv(ing) voice to those ideas not always heard, but which many yearn to hear."

The answer to question (A) is no, ***no interference***, according to the ***National Associations of Broadcasters own statements!*** In their comments regarding Docket 96-120 the NAB defended Full Power 2nd adjacent transmission on 10/4/96 stating that.

"**The current rules**, as they relate to (short-spaced Grandfathered stations), are in certain instances **overly-restrictive**, generally making it impossible for these stations to move their transmitter sites." The NAB had preceded that statement with a 7/22/96 statement to the effect that, these short spaced station will be able to make changes to transmitter parameters that formerly were not possible without interference because of "**the progress in radio receiver design** that, in some cases, **provides better rejection of second and third-adjacent channel interference.**"

The FCC conclusion to Docket 96-120 agreed that there was no significant interference caused by transmitting on 2nd adjacent frequencies. This was reiterated in further tests by the FCC additionally confirming no problems for IBOC DAB either. **Also, what then does the NAB intend to do with their own over 300 (short space) member stations for the IBOC transition?**

What is good for the goose is good for the gander. If the NAB's own Full Power 2nd adjacent stations are not an interference problem, then the LPRS 2nd adjacent of 1000 watts or less wouldn't be either!

Question (B) is made up of several answers. The way to provide the maximum diversity programming values and facilitate "**democratic efficiency** (maximum debate and exchange of culture)" the LPRS would work best if:

- 1) The LPRS stations retained PRIMARY status. (As was just extended to Low Power TV stations).
- 2) All owners and those with controlling interest must be registered to vote within 50 miles of the antenna.
- 3) Only one station may be owned per person or legal entity. No one qualifies who already owns or has controlling interest in broadcasting frequencies.
- 4) The LPRS stations follow the *same* frequency and distance spacing rules allowed to the (300+ existing grandfathered) short-spaced full power FM radio stations. These stations existed before the current spacing rules were instituted. These stations were already closer than what the new spacing rules would allow, **yet no complaints of interference from these stations were ever received; thus indicating that the FCC spacing rules were more restrictive than necessary to prevent interference.** Based on the FCC statements in their Docket 96-120, transmitting on each other's 2nd and 3rd adjacent frequency does not cause interference.
- 5) The LPRS stations must also be able to use the *same* flexible power level rules provided for translators.
- 6) The LPRS stations must have the *same* subcarrier rules as regular FM stations. That way these new stations can sell SCA services to be fiscally viable without government support.

Thank-you for your consideration,

Christopher Maxwell

Secretary/Treasurer of the Virginia Center for the Public Press

Radio Free Richmond Project

804-649-9737

or Wrfri@aol.com or

<http://members.aol.com/Wrfri>

MM 99-25

ORIGINAL

**GABRIEL A. MATOS
3207 West 86th Street
Cleveland, Ohio 44102**

RECEIVED

January 17, 2000

MAR 06 2000

EX PARTE OR LATE FILED

Federal Communications Commission
1919 M Street N.W.
Washington DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To : Mrr. Michael Power

I am writing this letter as a summary of my reason for pursuing to obtain a liscense for radio broadcasting. I was operating a unlisenced low powered radio station in Cleveland, Ohio.

My reasons for operating this radio station was as a way to provide information, public service and entertainment to the Hispanic community of Cleveland, Ohio. In the city of Cleveland there are approximately over 60,000 Hispanic/Spanish speaking citizens. Many of the Hispanic population does not communicate in English or has a preference for reading or hearing news and information in Spanish.

The radio station that I operated was trying to meet the needs of the Hispanic community. We provided entertainment and public service in the form of daily news, community education and urgent announcements. Many of our listeners were able to access our services in order to announce events, educate and discuss issues such as HIV, drug abuse, child abuse, sexual assault and domestic violence and to make them aware of the social and public services available in Cleveland and to we also provided urgent messages to families such as death notices and missing person's reports. We also assisted a family in recruiting potential donors for a member who was in need of bone marrow.

There is a great need for Spanish programming in the city of Cleveland to be available on a 24 hour basis, which has not been possible in the past. It is a way of keeping communities informed and aware of the happenings around the Cleveland area as well as their home countries. The Hispanic community of Cleveland is very diverse. There are people from Puerto Rico, Dominican Republic, Mexico and many of the countries in Central and South America. We have a diversity of language, culture, history and heritage that we would like to be given the opportunity in this city to keep alive.

There are many stations in the Cleveland area, but unfortunately they do not provide any public services or entertainment that meets the needs of our community. There are many reasons for the fact that these stations do not provide Spanish programming and I feel that someone needs to care about the many people, young and old who are unaware of events and knowledge that affect their lives because they experience a language barrier.

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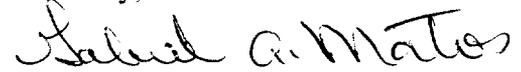
0+1

GABRIEL A. MATOS
3207 West 86th Street
Cleveland, Ohio 44102

(cont'd)

I would like to urge the FCC to consider the importance of providing lisencing to smaller or lower powered stations so that communities like the Hispanic one could benefit and have the same access to information as those who are English speaking. I appreciate your time and interest in this information. Please contact me at (216) 631-5880 or by email- cotorro@stratos.net with any comments or suggestions. Thank you.

Sincerely,



Gabriel A. Matos

MM 99-25

ORIGINAL

**William R. Gary
K8CSG
14834 Falling Creek Drive
Houston, Texas 77068**

January 18, 2000

RECEIVED

MAR 06 2000

Federal Communications Commission
Washington, DC 20554

FX PARTE OR LATE FILED FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ATTN: Commissioner Michael Powell

Dear Sir:

I write this letter in support of the Petition for Partial Reconsideration of FCC R&O 99-412 filed recently by Mr. Alan Wormser, N5LF.

In essence, the R&O was a terrible surprise in only a few small ways. However, I believe Mr. Wormser has fully addressed those ways, in addition to others. My major objection to the R&O is the vast "dumbing down" of the Extra Class license in particular, and the general dumbing down of amateur radio in its entirety. I believe the FCC feels it has done what is best for Amateur Radio, but knows not what some of the ill effects of its actions will most likely be.

The Amateur Radio Service is, indeed, a technical service -- always has been and always should be. However, I can see no merit in continually reducing the requirements for entry into and participation in the Service by those who have no technical interest in its fields of activity. It has been said, and rightly so, I believe, that people have little or no respect for that which is given to them, while that which is earned commands far greater appreciation and respect.

I continually hear that we must do more to attract more and more people into the Service. This is highly contrary to the way in which I entered it. When I was about twelve or thirteen years old, I was listening to my homemade crystal radio late one evening when suddenly I heard a strange voice come booming into my headset. No knowing what it might be, I asked a pal of mine who was a bit older and more knowledgeable. He told me it was probably a ham operator somewhere in my neighborhood. We rode around the neighborhood on our bicycles and found a house a little over a block away with an antenna structure in the yard. When we boldly knocked on the door and talked with the man inside, I was immediately bitten and have stayed that way for over half a century. I got into amateur radio *because I wanted to do so very, very badly!* Radio became my first love and led me into my long-time profession as a professional industrial telecommunications engineer.

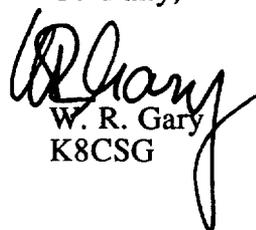
Over the years I have done many, many things within the Amateur Service. I have constructed equipment from scratch, converted military surplus gear, built numerous kits, and used commercially built equipment. I have operated AM, NBFM, FM, SSB, CW, RTTY, Packet and other modes. I have served as County Emergency Coordinator and State RACES Officer for Civil Defense. I have received numerous Public Service Awards for various emergency works ranging from forest fires to dangerously fatal flash floods. I have served as President and in other offices of various radio clubs where I have lived. I am presently a member of the Board of Directors of my local club and provide Volunteer Examiner Liaison services on behalf of the club.

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While serving in the U. S. Army (I was already licensed as a ham operator and a First Class Commercial Radiotelephone Operator) I became a high-speed intercept operator within the Army Security Agency, and in a later tour of active duty became a Regimental Communications Officer, Cryptosecurity Officer, and Cryptocustodian. For many, many years I was an active member of the Military Affiliate Radio System (MARS), and handled hundreds of messages within that service.

I firmly believe that the Amateur Radio Service must mean something important to people if they are to respect it. Continually dumbing it down will not contribute to that end. I encourage you to read carefully the Petition filed by Mr. Wormser. I encourage you to heed his recommendations and to give thoughtful consideration to a partial restatement of your Report and Order.

Cordially,



W. R. Gary
K8CSG

ORIGINAL



MM 99-25

JAN 3 1999

December 29, 1999



GENERAL OFFICES

EX PARTE OR LATE FILED

1150 Canton Center S.
Canton, MI 48188-1699
734/397-1000
734/397-5455 FAX

Thomas J. Yack
Supervisor
397-5380
397-5382 FAX

Terry G. Bennett
Clerk
397-5367
397-5455 FAX

Elaine J. Kirchgatter
Treasurer
397-5372
397-5440 FAX

John M. Burdziak
Philip J. LaJoy
Melissa McLaughlin
Robert J. Shefferly
Trustees

Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Plan for Re-authorization of Low-powered
FM Radio Service (Community Radio)

Dear Secretary:

Enclosed please find a certified copy of a resolution adopted
by the Charter Township of Canton, Michigan in support of community radio.
Thank you for your consideration.

Sincerely,

Terry G. Bennett
Canton Township Clerk

sk

encl.

RECEIVED

JAN 3 - 2000

FCC MAIL ROOM

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Minutes of a regular meeting of the Board of Trustees of the Charter Township of Canton, County of Wayne, State of Michigan, held on the 14th day of December, 1999 in the Township Administration Building and called to order at 7:00 P.M.

MEMBERS PRESENT: Bennett, Burdziak, Kirchgatter, LaJoy, McLaughlin, Yack
MEMBERS ABSENT: Shefferly

The following preamble and resolution was offered by Bennett, supported by Kirchgatter:

Motion by Bennett, supported by Kirchgatter, to adopt a resolution in support for community radio.

RESOLUTION
To Support FCC Restoration of Approval For Low
Power FM Radio Broadcasting

WHEREAS, the F.C.C. is receiving public comments concerning a proposal to re-establish low power broadcast services or community radio; and

WHEREAS, allowing low power FM radio to return to the airwaves will promote communications that better reflect the character and needs of local communities,

NOW THEREFORE BE IT RESOLVED, that the Charter Township of Canton Board of Trustees urges the Federal Communications Commission to restore approval for lower power FM radio broadcasting. The Charter Township of Canton Board of Trustees joins the Michigan Senate (SR 234), the Michigan House of Representatives (HR 379) and many grassroots organizations in seeking F.C.C. adoption of petition RM-9242 to restore low power FM radio broadcasting.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Federal Communications Commission.

AYES: Bennett, Burdziak, Kirchgatter, La Joy, McLaughlin, Yack
ABSENT: Shefferly

RESOLUTION DECLARED ADOPTED

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees of the Charter Township of Canton, County of Wayne, State of Michigan, at a regular meeting held on the 14th day of December, 1999, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: December 28, 1999


Terry G. Bennett, Clerk
Canton Township

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JAN 3 - 2000

FCC MAIL ROOM





ORIGINAL

MM 99-25

City of Ypsilanti

Office of the City Clerk

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MAR 06 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

EX PARTE OR LATE FILED

February 17, 2000

Federal Communications Commission
Mass Media Bureau
445 12th St., SW
Washington, DC 20554

Dear Sir/Madam:

Enclosed, please find 1 certified copy of Resolution No. 2000-41, that was passed by the Ypsilanti City Council at their meeting held on February 15, 2000, commending the FCC for their decision to restore low power FM Radio at the local level and encouraging them to consider granting licenses for the Ypsilanti area.

If I can be of any further assistance, please feel free to contact me.

Very truly yours,

CITY OF YPSILANTI


Robert A. Slone, Jr.
City Clerk

RAS/pm

Enclosure:

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City of Ypsilanti

City Council

Resolution No. 2000-41

February 15, 2000

RESOLVED BY THE YPSILANTI CITY COUNCIL:

Whereas, the Michigan Music Campaign (MMC) is a grass roots organization working to re-legalize low power FM radio; and

Whereas, the MMC provided information to the City Council through a presentation at the December 7, 1999 Council meeting; and

Whereas, the passage of the Telecommunications Act of 1996 has led to an unprecedented consolidation of broadcast industry ownership, and a marked decrease in both local and minority ownership of radio stations and less diversity in programming; and

Whereas, allowing low power FM radio to return to the airwaves will promote communication that better reflect the character and needs of local communities; and

Whereas, the Federal Communications Commission (FCC) after receiving public comments and other input has restored low power FM radio.

Now, therefore, be it resolved that, the Ypsilanti City Council wishes to commend the FCC for their decision to restore low power FM radio at the local level and encourages them to consider granting licenses for the Ypsilanti area.

Further, that a copy of this resolution be sent to the FCC and other appropriate parties as may be desired.

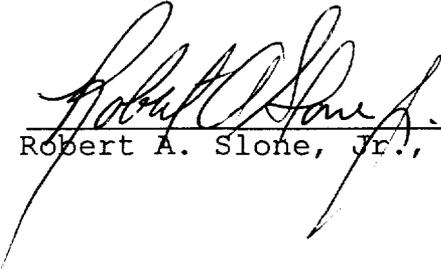
OFFERED BY: Council Member Nickels

SUPPORTED BY: Mayor Pro-Tem McDonald

YES: 7 NO: 0 ABSENT: 0 VOTE: Unanimous

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I do hereby certify that the above resolution is a true and correct copy of Resolution No. 2000-41, as passed by the Ypsilanti City Council, at their meeting held on February 15, 2000.


Robert A. Slone, Jr., City Clerk

1110

ORIGINAL

MM 99-25

Rafael L. Martinez
25 Woodfern st.
Edison, NJ 08820
(908) 753-9638

EX PARTE OR LATE FILED

RECEIVED

MAR 06 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Chairman Kennard,

I am a supporter of creation of a Low Power FM (LPFM) radio service as outlined in the FCC's Notice of Proposed Rulemaking in docket MM 99-25, which called for creation of 1000 watt and 100 watt commercial and non-commercial LPFM stations nationwide.

It has come to my attention that the FCC intends to vote at its Jan 20th meeting to severely gut this proposal (NPRM) providing for only non-commercial stations with maximum power of 100 watts (coverage thus limited to only 3.5 miles as opposed to 9 miles for a 1000 watt station).

To place such severe limits on LPFM would doom the service before it begins, making it impossible to obtain enough financial support, without being able to sell commercial airtime, to exist.

What possible reason can the FCC give for not permitting commercially supported LPFM stations, other than to protect NAB member stations from competition? Commercial support has nothing to do with interference! There is no good reason to doom the LPFM service by taking away its ability to support itself by the sale of commercial advertising, a method of support that has served this nations stations well for over 75 years!

In fact to not allow commercial support would do a great dis-service to small businesses in America that cannot afford to advertise on full-power radio stations. Their needs would have been met by LPFM stations. A decision to not allow commercial support would have a vast negative impact on small business in America and may well violate some rules of the Small Business Administration.

I wish to remind you that there was an overwhelming number (thousands) of comments filed in this proceeding supporting the creation of 1000 watt and 100 watt stations, allowing for both commercial and non-commercial operation as set forth in the FCC's NPRM.

The public has spoken on this matter and to ignore this public mandate and cave in to political pressure from the National Association of Broadcasters (NAB) is

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a disgrace and use of such anti-competitive actions by the NAB should be investigated by the Justice Department.

The NAB tried to cause confusion on this issue by claiming that the new LPFM stations would cause interference to existing stations. A receiver study conducted by the FCC proved this to be incorrect. The NAB raised this smokescreen issue to attempt to conceal its real dislike for LPFM, the fact that it does not want competition for listeners or advertising revenues for its member stations. The FCC cannot prevent competition and is supposed to promote competition.

I would hope that the FCC would vote for LPFM in its full form as proposed in the NPRM or delay the vote to clear the way for a workable LPFM service of 1000 watt and 100 watt commercial and non-commercial stations.

Respectfully,



Rafael L. Martinez



ORIGINAL

MM 99-25

MMB

ADVERTISING & PRODUCTIONS

RECEIVED

January 12, 2000

FX PARTE OR LATE FILED

MAR 06 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable William E. Kennard
Chairman,
Federal Communications Commission
The Portals
455 Twelfth Street S.W.
Washington, DC 20554

Dear Chairman Kennard:

I felt compelled to write you in regard to the creation of the Low Power FM (LPFM) radio service.

It has come to my attention that the FCC intends to vote at its Jan 20th meeting and that the intention is to provide for only non-commercial stations with a maximum power of 100 watts.

How could LPFM stations survive? At such a small power output, these stations would most certainly have to sell commercial airtime to financially support themselves. Non Commercial would kill LPFM before it ever got off the ground.

I keep asking myself, what possible reason can the FCC have for not permitting commercially supported LPFM stations? I keep hearing about the political pressure of the NAB, and their fear of competition. But give me a break here, what kind of real competition could come from a 100 watt station? By making it Non-Commercial, it would doom its very existence from the very start. That's why it's imperative that you reconsider your decision on this matter. There is no good reason to make LPFM non commercial and thus taking away its ability to support itself.

I'm also a real advocate for the small businesses that would benefit from LPFM commercial stations. I work in the advertising business, I know what kind of rates these "Mega Stations" command. An LPFM station, selling commercials for only a fraction of the cost would truly benefit these small businesses. They could afford to advertise on their "Local LPFM stations". This is truly a "Win-Win" scenario. And isn't that what American small business is all about?

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And what about all the thousands of people that filed comments supporting the creation of LPFM, allowing for both commercial and non-commercial operation as set forth in your original NPFM? The public has spoken on this matter and to ignore this would be a travesty.

They say you are caving in to the political pressures of the NAB. You have fought so hard to make this dream a reality. I just can't believe you want to see LPFM die before it even gets off the ground. You know as well as I do, making it non-commercial will kill it. The NAB really has nothing to worry about here. Small LPFM commercial stations will only take a small fraction out of their huge pie. I don't blame them for what they are trying to attempt. If I had all the marbles and the power to stop it, I wouldn't want anyone else to play either. But competition is what made this country great and I know you'll do the right thing for the little guy. (Think of the legacy you'll leave behind.)

Respectfully,



Gary Lee Shriver
MIP Productions
Turlock, Ca
(209) 632-8415

ORIGINAL

FX PARTE OR LATE FILED

MM 99-25

January 19, 2000

The Honorable William E. Kennard
 Chairman, Federal Communications Commission
 The Portals
 455 12th Street SW
 Washington, D.C. 20554

RECEIVED

MAR 06 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Chairman Kennard:

I urge your complete support of Low-Power FM (LPFM), but *not* a watered-down version providing for 100-watts, non-commercial stations. I'm concerned about the initial support that the Chairman voiced for LPFM and now appears to be waning.

Most importantly, the LPFM service *must* include provision for *COMMERCIAL* stations. I know the National Association of Broadcasters is scared to death of this, but frankly had they - and stations all across America - been a voice of middle America, we wouldn't be at this juncture. *Commercial radio* has worked for over 75 years. Personally I'd love to be able to own a small radio station someday, but if the commercial aspect of LPFM is voted down, it'll never happen because of the vast amounts of money currently needed. This will also effectively end the dreams for minorities and others who had hoped for a lower barrier to enter into radio station ownership. Grants and contributions from the public won't work over time.

*LPFM can support itself *IF* given the chance with *commercial* status.

*The NAB need not be concerned about competition; after all isn't that what a democracy is all about? The political pressure, especially from Rep Tauzin and others regarding LPFM is just plain un-American, in my opinion - bad for America and small business - and anti-competitive.

*LPFM must NOT be limited to 100 watts maximum power (ERP) and an antenna height limit of 30 meters. To do so would be like a baseball bat to the knees of would-be small LPFM station owners and their potential audience. Coverage in most cases would be less than four miles! This carte-blanche limitation will virtually *assure LPFM stations won't reach target audiences*. Initially the FCC NPRM would have allowed coverage to about nine miles (a 1,000-watt station). Think of the benefit to small businesses in these markets. Those small businesses aren't advertising on 50 kW stations. Why? Commercial costs are far too high for Larry's Landscaping Company or Pete's Pizza, but would NOT be out of reach for a commercial LPFM station with respectable power.

*Where the need for LPFM is greatest, it's destined for the cutting room floor. Why? The petitioner, Rodger Skinner showed how it would be necessary to *delete* the 2nd and 3rd adjacent channel restrictions to allow A GREAT NUMBER of LPFM stations to be created WITHOUT causing interference. Later, the Commission's own receiver study proved it was possible.

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Page 2 To Mr Kennard

HOWEVER, under the rules the FCC intends to vote on Thursday, January 20, 2000, the 3rd adjacent channel restrictions will be dropped and the 2nd adjacent channel restrictions will be kept. The result: In larger markets where the spectrum is tight and need for LPFM is greatest, EVEN WITH the reduced 100-watt power, very few LPFM stations will be available.

*Three-thousand comments were filed at the FCC - most supporting the LPFM service as proposed, and for TWO YEARS the Chairman has pushed hard for a workable LPFM service and released a NPRM that was very close to the petitioner's initial proposal. In MM 99-25, the LPFM proceeding, more comments were received on LPFM than any other proceeding in the FCC's history. But now the rules are so watered down making LPFM all but useless.

*Unbelievable Congressional Action: Congress even introduced a bill - H.R. 3439 - the purpose of which was to defeat the creation of LPFM by the FCC, and IF created to later *kill the service* is the bill passed. While this bill may never pass, the message it sent to the FCC - and the public - was that the NAB would do practically anything to kill LPFM. When the *interference issue didn't work* with the FCC, the NAB pushed Congress for H.R. 3439. (Remember that hundreds of 2nd and 3rd adjacent channel FULL-POWER FM stations have been operating for years without any reports of interference. Doesn't it make sense that LPFM stations would be the same? The FCC's findings are a matter of RECORD and cannot be refuted by the NAB!

*I sincerely hope that the FCC isn't thinking that passing something regarding LPFM is better than passing nothing. That's also just plain wrong.

Sincerely,



Harold A. Ort, N2RLL
Editor, Popular Communications