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January 16, 2002

**VIA OVERNIGHT DELIVERY**

Ms. Magalie Roman Salas  
Secretary, Federal Communications Commission  
Office of the Secretary  
445-12th Street, SW  
TW-A325  
Washington, DC 20524

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: MM Docket No. 01-276 *In the Matter of Amendment of the Television Table of Allotments to Delete Noncommercial Reservation of Channel \*16, 482-488 MHz, Pittsburgh, Pennsylvania*

Dear Ms. Magalie Roman Salas:

Attached for filing please find an original and one copy of letters from members of the general public wishing to submit informal comments with respect to the above-referenced proceeding. For the Commission's convenience and in light of the Commission's recent notice regarding the understandable disruption of delivery and processing of mail, we wanted to file these letters by overnight delivery. Accordingly, we would appreciate your filing and distributing the letters as appropriate.

Please let me know if you need any further information. I can be reached at 412-563-4150.

Sincerely,

Jerold M. Starr

Enclosures

cc: Steven A. Lerman, Esq.  
Counsel for WQED Pittsburgh

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# LIGHTNING

**COMMUNITY BROADCASTING INC.**

**P.O. Box 847 • McKeesport, PA 15134-0847 • [www.lightningFM.org](http://www.lightningFM.org)**

A non-profit corporation chartered in the Commonwealth of Pennsylvania

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In re: MMB Docket No. 01-276

13 December 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**BOARD OF DIRECTORS**

Alycia Brashear  
Derrick Brashear, KB3EGH  
Chad Dougherty  
Jennifer Fritsch  
Daniel Malesky, N3PDH  
Thomas Schroll  
Jason Togyer, KB3CNM  
Timothy Weis

Ms Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12th Street N.W.  
Washington, D.C. 200554

Dear Commissioners:

We are writing in opposition to the proposal by licensee WQED Pittsburgh, d/b/a WQED-TV Pittsburgh, to change the license of WQEX-TV (Channel \*16) Pittsburgh from a non-commercial educational TV license to a commercial TV license. We support keeping WQEX-TV a non-commercial, educational television station (NCETV), as was the Commission's intent when the license was granted.

Pittsburgh has suffered greatly since WQED began simulcasting its WQED-TV (\*13) over WQEX-TV. The stations serve the same geographic region and are collocated, making this simulcast redundant. Lost since the simulcast began have been a number of news, public-affairs and consumer advocacy shows which have not reappeared on WQED-TV or any other outlet.

We regard this as a failure by WQED to serve the public interest. We therefore believe any reassignment of the WQEX broadcasting license should be opened to allow competing applications from non-commercial and/or educational groups prior to the NCE status of WQEX-TV being changed.

Licensee WQED claims financial hardship in its petition to commercialize and sell WQEX-TV. Yet a strong case can be made that WQED's financial difficulties are largely of its own making, and were created by reckless spending and lack of oversight by WQED's trustees. By asking the Commission to commercialize WQEX, a public asset, WQED is asking the taxpayers to relieve its self-created financial problems. This sets a dangerous precedent for NCE broadcasters.

**Dedicated to bringing public radio to the Mon-Yough community**

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Licensee WQED claims that WQEX-TV's service area cannot support two NCE television stations. However, the Pittsburgh metropolitan statistical area is among the top 25 media markets in the United States. It supports six major colleges or universities; three professional sports teams; a half-dozen daily newspapers; affiliates of all of the major commercial TV networks; and several Fortune 500 companies. In addition, it supports three non-commercial educational FM (NCEFM) radio stations and numerous college stations. We believe that even a cursory overview of the Pittsburgh MSA would indicate that it is of ample size to support two NCE television stations.

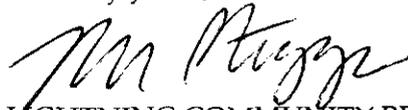
Licensee WQED has made no attempt to find a third-party educational group to operate WQEX-TV and relieve WQED of its supposed financial burden; though there have been groups which have offered to do so.

The increasing consolidation of television and radio stations into the hands of a few large multinational corporations is of concern to both the Commission and the American public. And as the Commission is well aware, and as history has shown, once a non-commercial TV license is deleted, it is unlikely to return. In this current media climate, it is essential that nearly 2 million residents of the Pittsburgh MSA continue to have access to more than one educational TV station.

For these reasons, we respectfully ask the Commission to reject any attempt by licensee WQED Pittsburgh to commercialize WQEX-TV (\*16). In addition, we join others in asking the Commission to solicit competing applications from NCE groups to operate WQEX-TV.

If the Commission has further questions, do not hesitate to contact us.

Sincerely yours,



LIGHTNING COMMUNITY BROADCASTING INC.  
For the board,  
Jason Togyer, Secretary

c.c.: Citizens for Independent Public Broadcasting, Pittsburgh Chapter

WILLIAM F. ASKIN  
1047 McKinney Lane  
Pittsburgh PA 15220  
December 16, 2001

Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington DC 20554

re: MM Docket No. 01-276

Dear FCC Commission members,

I am writing to oppose the dereservation as well as the proposal to allow sale of non-commercial Channel 16 (WQEX) assigned to Pittsburgh Pa.

CHANNEL 16 SHOULD NOT BE DE-RESERVED.

The Pittsburgh metro area has an abundance of commercial outlets on cable, satellite, and broadcast. The original intent of Congress was to allow significant commercialization of TV frequencies with the understanding that certain frequencies were to remain inviolate from commercialization.

The current licensee of WQED states no compelling reason (or any real reason, for that matter other than the licensee's own financial gain) to de-reserve and then be allowed to "sell" the rights to the frequency to a commercial operator.

The current licensee has never owned or held title to the frequency for Channel 16. Channel 16 is a publicly owned spectrum that the current licensee holds, subject to the condition that it operate in the public interest. Since terminating Channel 16's separate programming schedule and converting to a WQED/WQEX programming simulcast, the current licensee has demonstrated its lack of interest in operating Channel 16 at all, let alone operating Channel 16 in the public interest. This simulcasting, purported by the licensee to be a wasteful duplication, is one of the deliberately created shams that the licensee uses as an excuse for jettisoning Channel 16.

I can think of no reason why simulcasting WQED 13's programming on Channel 16 serves the public. Any viewer who can pick up 16 could also pick up 13, so simulcasting on 16 serves no purpose. The only reason can be that the current licensee does not want to operate Channel 16. If it does not want to operate, it should not be allowed to profit from its own squandering of the frequency.

p.2, William F. Askin, re MM Docket No. 01-276

THE CURRENT LICENSEE SHOULD NOT BE ALLOWED TO TRANSFER THE LICENSE OF CHANNEL 16 FOR CONSIDERATION.

A transfer for consideration would indicate that the licensee has title to the frequency and can alienate it as it wishes. The public owns Channel 16, not the current licensee. A transfer for anything above the value of the physical plant would indicate that the current licensee has title, which it cannot have.

Even if Channel 16 were dereserved, allowing a transfer for consideration would mean a financial reward to the current licensee for years of incompetence, mismanagement and disregard for the public interest. This would be a poor public policy precedent for the FCC to establish.

Allowing a transfer for consideration would mean other non-commercial duopoly licensees would have the incentive to groom their license(s) for sale and search for the highest bidder.

In addition, if the FCC sets a precedent and allows Channel 16 to be dereserved, how can it justify NOT allowing Channel 13 to be similarly dereserved? If the FCC believes two non-commercial broadcast frequencies per market are too much, will it then try to convince me that one non-commercial per market is more than enough? It would seem by this kind of reasoning that the FCC should stop renewing the abundant non-reserved commercial frequencies and begin converting them to non-commercial reserved. Pittsburgh has at least 6 full power commercial TV frequencies. Would that be considered too many? What is the policy here?

THE CURRENT LICENSEE HAS SHOWN AN ARROGANT DISDAIN FOR THE PUBLIC AND FOR CHANNEL 16.

The current chairman of the WQED Board of Directors is a lawyer who recently published an editorial column in the Pittsburgh Post-Gazette on December 9, 2001, asking readers to join its fight to dump Channel 16 and run with the money. In the article, Chairman Tom Gough reiterates the arrogant attitude of the station licensee and its dismissive tone towards community groups and the public who don't view the world his way, which WQED is famous for. He names specific community groups and pooh-poohs those-who-would-be-licensees as lesser beings. He criticizes current non-commercial licensees KBDI and WYBE for operating on only a few million a year, as a defense to the plump budget of \$19 million that WQED operates with. He fails to mention the many fat salaries of past and present personnel, which if trimmed to realistic levels would help pay off the debt.

p.3, William F. Askin, re MM Docket No. 01-276.  
THE FCC SHOULD NOT ALLOW THE CURRENT LICENSEE TO BE BAILED OUT FINANCIALLY BY SELLING A FREQUENCY.

The fact that the current licensee operates as a quasi-non-profit entity should not influence the FCC to bail out the licensee financially. It has been Commission practice to be lenient with licensees who are having financial trouble but who want to continue broadcasting. The current licensee of WQEX Channel 16 is not in that category. The current licensee wants to stop broadcasting and have the FCC reward it financially for doing so. There is no theory of current licensing practice which says the current licensee deserves to be rewarded financially for dumping a frequency.

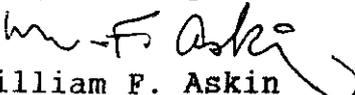
It seems that the current licensee wants to 1) erase its debt, 2) make a "profit" for future programming needs, 3) head off potential competition, and 4) be absolved of its own mistakes. None of these reasons warrant either de-reservation or permission to "sell" Channel 16.

The commercial broadcast, cable, and satellite is large and has a big appetite for programming. The limited non-commercial broadcast band has a tendency to strangle opportunities for small-time producers, particularly those who address local issues. Cable and satellite have dozens of niches, none of which address Pittsburgh issues. Local commercial broadcasters (none of them really owned locally) address local issues only on news programs and an occasional talk show. WQED has produced some notable programs over the years, but very few programs of local-only interest, and has allotted little or no space for small-budget productions whether locally produced or otherwise.

That is why Pittsburgh needs more than one non-commercial TV broadcast frequency. I would want that second frequency, Channel 16, to remain non-commercial and locally governed, but not by the licensee of Channel 13. If diversity of ownership has any remaining value as a public policy, it has even more importance among the non-commercial TV operators. More frequencies and diversified ownership is better.

My background includes work in radio and TV production and I currently am on the board of a foundation which distributes educational programming. I believe I am qualified to make the remarks above, and want them given serious consideration by the FCC. I would appreciate being notified of further proceedings which affect Channel 16, and I ask again that the FCC protect the clear public interest here rather than promote private financial gain through the sale of public frequencies.

Respectfully Submitted,

  
William F. Askin

*Harvey Ursenbach*  
*3345 Appel Road*  
*Bethel Park, PA 15102*  
*(412) 833-4637*

December 16, 2001

Magalie Roman Salas  
Office of the Secretary,  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**re: MM Docket No. 01-276**

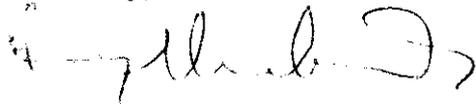
Dear Commission members,

Please do not approve the commercialization and sale of WQEX's educational license. I support keeping Channel 16 a public broadcasting station.

I have been a past supporter of Pittsburgh public television, then pleased with the quality of the programs produced and the variety of shows available. However, in the past few years the quality of programs shown on WQED and the loss of WQEX programming has greatly reduced the caliber of Pittsburgh public television.

I believe that keeping WQEX as a public television station operating entirely separate from WQED would provide the competition that would cause WQED to make changes to increase the quality of their operation, and would benefit the area served by the stations.

Yours truly,



Harvey Ursenbach

951 Oranmore St.  
Pittsburgh, PA 15201  
December 11, 2001

FCC  
445 12th St. SW  
Washington, DC 20554

Dear Commission Members:

Please do not approve the commercialization and sale of the WQEX education license. Channel 16 should be maintained as a public broadcasting station and reassignment of the WQEX license should be open to competing applications to insure the citizens of southwestern Pennsylvania receive the best possible broadcasting.

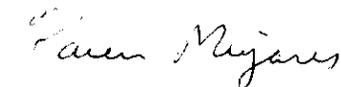
QEX is not QEDs to sell. It is a public trust, supported by private donations.

Contrary to WQED's assertions, the Pittsburgh regional economy has grown steadily and is culturally thriving and can easily support two public television stations. Over the last decade the region has surpassed its 1979 economic peak and is producing \$10 billion more in real personal income than it did in 1979.

Nor is WQED in a dire financial situation. By its own admission, WQED is economically healthy and its debt does not threaten its broadcast operation. It seems that the WQED debt is, in fact, due to station mismanagement and high executive salaries which should be resolved internally.

We miss this asset which we lost four years ago, and look forward to the day when WQEX is available to the public with a wide range of programming.

Sincerely,



Karen Miyares

Marc Yergin

5534 Darlington Rd, Pittsburgh, Pennsylvania 15217  
Home Telephone: 412 - 422 - 9826  
Cell Phone: 412 - 559 - 0054  
Internet: yergin@telerama.com  
Fax: 412 - 422 - 4374

December 18, 2001

Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Reference: MM Docket No. 01-276

I am asking you to preserve diversity in public television in Pittsburgh by approving the transfer of the license for WQEX from WQED to Pittsburgh Educational Television.

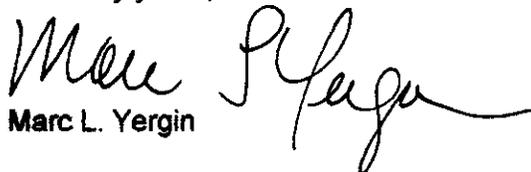
WQEX is supposed to be a trust for the people of Pittsburgh but the Board of Directors and Mr. George Miles, Jr., want to get rid of it even though it would violate the spirit and the letter of FCC public television regulations. Simulcasting for more than three years is not in accordance with FCC regulations. QED wants to toss QEX away to cover its own operational and fiscal misconduct. QEX never operated at a loss but QED has and continues to do so.

QEX provided an entertaining and educational alternative to other television stations, including QED. It was a station that was responsive to the community and reflected the diversity of the community it served. QED claims it is responsive but just try to find any of the television shows that were on QEX. Most are gone; a few show up well after midnight. Without QEX, Pittsburgh will be one of the few major metropolitan areas in the United States that will not have two or more publicly supported television stations.

The management of QED is attempting to pull a shell game on you and the citizens of Pittsburgh—it is claiming it is poor yet has millions to spend on non-essentials. It is claiming it speaks for the community. In reality, it is speaking only for the WQED Board of Directors who are out of touch with the wants, needs, and desires of the community. WQED has been lobbying you in an attempt to silence its critics, in an attempt to ignore what the community wants, and in an attempt to cover up its own misconduct and ineptitude in management and fiscal control.

I am asking you to save a valuable resource for the Pittsburgh community before it is cavalierly tossed away, and once lost, it cannot be brought back.

Sincerely yours,

  
Marc L. Yergin