

PETITION FOR NOTICE OF PROPOSED RULEMAKING
OMNIBUS PROPOSAL FOR SPECTRUM RE-ALLOCATION
TO CORRECT THE CURRENT OVER-REPRESENTATION
OF CERTAIN INSTITUTIONS ON THE FM BAND

BY:
THE AMHERST ALLIANCE, *Colorado*
VIRGINIA CENTER FOR THE PUBLIC PRESS, *Virginia*
REC NETWORKS, *Arizona*
CITIZENS' MEDIA CORPS/ALLSTON-BRIGHTON FREE RADIO,
Massachusetts
WILW RADIO, *Connecticut*
JAMRAG MAGAZINE AND GREEN HOUSE MAGAZINE, *Michigan*
WESLE ANNEMARIE DYMOKE, *Rhode Island*
NICKOLAUS E. LEGGETT, *Virginia*
JOHN ANDERSON, *Wisconsin*
AND
MATTHEW HAYES, *Oregon*

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	1
PROCEDURAL REQUESTS	3
IDENTIFICATION OF THE UNDERSIGNED PARTIES	4
<i>THE OMNIBUS PROPOSAL</i>	
PHASED-IN REFORM -- THROUGH ATTRITION	6
AUTOMATIC PERFORMANCE EVALUATION AFTER 10 YEARS	6
DEFINING "SMALL COMMERCIAL RADIO" AND "SMALL NON-COMMERCIAL RADIO"	7
DEFINING "LONG DISTANCE TRANSLATORS"	8
ESTABLISHING A "POINTS SYSTEM" TO DECIDE CERTAIN LICENSING COMPETITIONS FOR UNRESERVED FREQUENCIES	9
EXPANSION OF THAT PORTION OF THE RADIO SPECTRUM WHICH IS RESERVED FOR NON-COMMERCIAL BROADCASTING	11
RESERVATION OF 2 MHz FOR <i>SMALL</i> COMMERCIAL RADIO	12
PROPOSED PROCEDURAL CHANGES FOR AWARDING LOW POWER FM LICENSES	13
PROPOSALS FOR "ACCELERATED ATTRITION"	19
<i>CHART: PROPOSED SCHEMATIC FOR A RE-STRUCTURED FM BAND</i>	20
CONCLUSIONS	21

UNITED STATES OF AMERICA

Before The

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

Omnibus Proposal For)
Spectrum Re-Allocation)
To Correct The Current)
Over-Representation Of)
Certain Institutions On)
The FM Band)

FCC Docket No. _____

PETITION FOR NOTICE OF PROPOSED RULEMAKING

BY THE AMHERST ALLIANCE, VIRGINIA CENTER FOR THE PUBLIC PRESS, REC NETWORKS, CITIZENS' MEDIA CORPS/ALLSTON-BRIGHTON FREE RADIO, WILW RADIO, JAMRAG MAGAZINE AND GREEN HOUSE MAGAZINE, WESLE ANNEMARIE DYMOKE, NICKOLAUS E. LEGGETT, JOHN ANDERSON AND MATTHEW HAYES

THE AMHERST ALLIANCE, and the 9 other undersigned parties, hereby file this Petition for Notice Of Proposed Rulemaking (NOPR).

The Petition proposes comprehensive spectrum re-allocation, in order to correct the current over-representation of certain institutions on the FM Band.

The *over*-represented institutions, whose share of the spectrum should be reduced, are: (1) national and international megacorporations; *and* (2) non-commercial stations that are affiliated with, managed by and/or programmed by National Public Radio (NPR). Since 1994, both groups have gained enormous market share, at the expense of others.

The under-represented institutions, which have *lost* enormous market share since 1994, are: (1) small, local, independently owned and operated commercial radio stations; *and* (2) small, local non-commercial stations that are either unaffiliated with NPR *or* have an NPR affiliation but are free to make independent decisions on station management and programming.

Also under-represented are newcomers to the FM Band: Low Power Radio stations, which are still struggling to *establish* a market share in the first place.

In addition, with growing interest in Part 15 broadcasting and “freenetworking”, *individuals* are beginning to stake a greater claim on use of the radio spectrum, sometimes colliding with institutional agendas in the process.

It is the intent of our omnibus proposal -- over a 10-year, phased-in period, with primary reliance on attrition through license renewals -- to expand the presence on the airwaves of small and independent commercial stations, small and independent non-commercial stations *and* Low Power FM stations.

In addition, we hope to lay some groundwork for *future* proceedings to establish Low Power *AM* stations and increase broadcasting opportunities for individual citizens.

To this end, this Petition includes the following proposals:

- Use of a “points system” where non-commercial stations compete with commercial stations for unreserved portions of the spectrum -- coupled with a bonus point for those commercial *or* non-commercial applicants which are small, local and independent

- Expansion of the reserved non-commercial spectrum by 2 MHz, with the additional 2 MHz of reserved frequencies to be split evenly between Low Power FM stations and other small non-commercial stations
- Creation of 2 new MHz of reserved frequencies, *outside of* the non-commercial portion of the FM Band, for *commercial* stations which are small, local and independent
- Establishment of a new *Tertiary* Status for “satellators”, as well as other long distance translators that transmit signals more than 60 miles from the studio

PROCEDURAL REQUESTS

As required by a recent order of the D.C. Circuit Court, the Commission is presently considering questions of spectrum availability and re-allocation in Docket MM 95-31.

It is our hope that this Petition, along with a companion Petition For Rulemaking to establish a testing and evaluation program for Eureka-147 Digitalization technology, will be consolidated with Docket MM 95-31.

The result would be a *comprehensive* public discussion of important issues: that is, the spectrum re-allocation measures required for compliance with the D.C. Circuit Court’s order, plus *other* spectrum re-allocation measures that would protect or advance the public interest, plus the impact on spectrum availability of the two competing Digitalization technologies. It makes sense to address these various issues in a *single* rulemaking -- since the issues are, in truth, functionally and philosophically related.

Also, given the widespread discontent with the radio *status quo*, both among the listening public and within the radio broadcasting industry itself, it is likely that the

Commission will be compelled to deal with all of these interconnected issues sooner or later. If the Commission does so *sooner*, rather than later, in a *single* proceeding, administrative resources will be conserved.

In addition, the Commission's decisions themselves may be more knowledgeable if they are not made on a "piecemeal" basis.

Consequently, the undersigned parties hereby submit the following procedural motions to the Commission:

(1) We ask the Commission to consolidate this Petition for Notice Of Proposed Rulemaking with the ongoing deliberations in Docket MM 95-31;

And

(2) We ask the Commission to insure robust public input on the new, *consolidated* Docket 95-31 by extending for 120 days the otherwise applicable Written Comments and Reply Comments deadlines in Docket MM 95-31.

IDENTIFICATION OF THE UNDERSIGNED PARTIES

THE AMHERST ALLIANCE of Denver, VIRGINIA CENTER FOR THE PUBLIC PRESS of Richmond and REC NETWORKS of metropolitan Phoenix are nationally active organizations which promote Low Power Radio in particular, and a more open mass media in general, through advocacy and the dissemination of information.

CITIZENS' MEDIA CORPS/ALLSTON-BRIGHTON FREE RADIO and WILW RADIO are Part 15 broadcasters, based respectively in metropolitan Boston and Hartford, which aspire to acquire Low Power Radio licenses.

JAMRAG MAGAZINE covers the music scene in metropolitan Detroit, while GREEN HOUSE MAGAZINE is the official publication of the Green Party of Michigan.

JOHN ANDERSON is a journalist in Madison, Wisconsin, with ties to both Internet and radio broadcasting. He is widely known in the Low Power Radio community for managing an about.com Web Site on "free radio".

NICKOLAUS E. LEGGETT of Northern Virginia is a concerned citizen. He was a Co-Petitioner in FCC Dockets RM-9208 and RM-10330. In addition, his recent Petition For Rulemaking, on mandating field repairability for certain equipment, has just been "noticed" for public comment as FCC Docket RM-10412.

WESLE ANNEMARIE DYMOKE of Providence is a former National Coordinator Of THE AMHERST ALLIANCE, as well as a former Board Member of PROVIDENCE COMMUNITY RADIO. The latter group was the first non-profit organization in American history to incorporate itself exclusively for the purpose of applying to gain a Low Power FM license.

MATTHEW HAYES of Portland, Oregon is a computer expert who may found a Low Power Radio station in the foreseeable future.

THE OMNIBUS PROPOSAL

PHASED-IN REFORM -- THROUGH ATTRITION

The purpose of the Omnibus Rulemaking we are proposing is this:

To correct the current over-representation of certain institutions -- that is, megacorporations and National Public Radio -- on the FM Radio Band

Where the shifting of station frequencies is required by the proposed new rules, it is our *general recommendation* that station relocation or displacement should occur through attrition -- as licenses expire and come up for renewal -- over a period of 10 years.

We do have some special recommendations for *Accelerated Attrition*, which are discussed later in this Petition, but we believe the general rule should be phased-in reform through attrition. This should make the correction of over-representation less disruptive than it might otherwise be.

AUTOMATIC PERFORMANCE EVALUATION AFTER 10 YEARS

In addition to the regular evaluation of these and other regulations during the FCC's Biennial Regulatory Review process, we also recommend a Special Review, 10 years after the effective date of the new rules, to determine how well the new rules have achieved these *performance goals*:

- (A) Small Commercial Broadcasters (as defined below) have, at a minimum, regained the share of the radio market they held in 1994
- (B) Small Non-Commercial Broadcasters (as defined below) have, at a minimum, regained the share of the radio market they held in 1994
- (C) Commercial and non-commercial radio stations which are *independently* owned and operated, by members of racial minorities and other historically excluded groups, have, at a minimum, attained 150% of the share of the radio market they held in 1994
- (D) Low Power FM stations now utilize, at a minimum, 10% of the total frequencies which are available on the FM Band
- (E) Radio stations which do not fall within 1 or more of these 4 categories have experienced corresponding reductions in market share, *if indeed* many, most or all of them have not migrated to a Digitalized L Band

**DEFINING “SMALL COMMERCIAL RADIO”
AND “SMALL NON-COMMERCIAL RADIO”**

In order to help small, local and independent full power stations, it is first necessary to define them.

In this regard, two new classes of radio stations should be created by the FCC.

- (A) *Small Commercial Broadcasters* are commercial broadcasters:
 - (I) All of whose facilities are independently owned and operated, with no ties to loans and/or investments from parties who are involved in any other media activities;
And
 - (II) All of whose mass media holdings are limited to radio and/or Internet broadcasting;
And
 - (III) All of whose radio holdings, combined: (a) include no more than 3 radio stations, none of which are larger than Class B1

[25,000 watts/150 meters HAAT]; *and* (b) include no more than 5 translators, none of which are long distance translators (as defined below)

- (B) *Small Non-Commercial Broadcasters* are non-commercial broadcasters:
- (I) All of whose facilities are either: (a) unaffiliated with National Public Radio; *and/or* (b) affiliated with National Public Radio, but independently managed and programmed
And
 - (II) All of whose radio holdings, combined: (a) include no more than 3 radio stations, none of which are larger than Class B1 [25,000 watts/150 meters HAAT]; *and* (b) include no more than 5 translators, none of which are long distance translators (as defined below)

DEFINING “LONG DISTANCE TRANSLATORS”

All translators are not created equal. Some are essentially local, encouraging the preservation of local news coverage, the development of diverse programming and the multiplication of small broadcasters that are independently owned and operated. Other translators facilitate economic consolidation -- and, with it, cultural consolidation.

If the preservation of local news, diverse programming and decentralized corporate power still mean *anything* to the Commission, then the two types of translators should *not* have equal protection against possible displacement -- *especially when*, as will often be the case, the alternative to a long distance translator is a *local* broadcaster who lacks Primary Status.

We propose, therefore, that the category of “translator” should be sub-divided into 2 separate and distinct classes, with differing levels of protection against displacement by other broadcasting facilities.

- (A) A *long distance translator* is a translator which:
 - (I) relies primarily or exclusively on satellite transmissions for the programming it relays;
and/or
 - (II) relays signals, by any other means, more than 60 miles from the studio in which the programming originates

- (B) A *translator* is any translator which is not a long distance translator (as defined above)

Long distance translators should be assigned a new *Tertiary Status*, rendering them “universally bumpable” -- by any *local* broadcaster. They should be protected only against displacement by *another* long distance translator.

Other, *local* translators should remain protected against displacement by broadcasters with Secondary Status, even if they are also local.

**ESTABLISHING A “POINTS SYSTEM”
TO DECIDE CERTAIN LICENSING COMPETITIONS
FOR UNRESERVED FREQUENCIES**

Thanks to the previously referenced court decision, competing applications for *unreserved* frequencies, between commercial broadcasters and Non-Commercial Educational (NCE) broadcasters, may no longer be resolved by mandatory auctions.

Thank God!!

The undersigned parties believe that *any* use of mandatory auctions, even if limited (as the D.C. Circuit Court has now ordered) to licensing competitions *between* rival commercial stations, are unlawful under both the Fourteenth Amendment to the Constitution (“equal protection of the laws”) and the First Amendment to the Constitution (“freedom of speech”). Nevertheless, we welcome the D.C. Circuit Court’s recent decision as a major step in the right direction.

In the meantime, of course, the Commission is left with the question of how competing license applications for unreserved frequencies, between commercial stations and NCEs, should be decided, now that mandatory auctions may no longer be used.

This is why the Commission has re-opened Docket MM 95-31.

We urge the Commission to take the following steps:

(1) Establish that such competing license applications should be resolved by recourse to a (relatively streamlined) “Points System”. The Commission itself suggested this as a possibility, when Docket MM 95-31 was re-opened.

(2) Under such a “Points System”, there should be two different approaches.

(a) When mutually exclusive license applications have been filed for facilities which both have *Primary* Status, a Bonus Point should be awarded to:

(I) NCE applicants which are Small Non-Commercial Broadcasters (as defined above);

and

(II) commercial applicants which are Small Commercial Broadcasters (as defined above)

(b) When mutually exclusive license applications have been filed for facilities which both have *Secondary* Status, a Bonus Point should be awarded to license applicants which are Low Power FM (LP-100 or LP-10) broadcasters

**EXPANSION OF THAT PORTION OF THE RADIO SPECTRUM
WHICH IS RESERVED FOR NON-COMMERCIAL BROADCASTING**

As the FCC itself has contemplated, in Docket MM 95-31, we favor expanding -- by 2 MHz -- the range of frequencies which are now *reserved* for NCEs. Our minds are open as to *which* new MHz should be added, but we tentatively favor shifting the present range of 88 to 92 MHz to a broader, but still contiguous, range of 88 MHz to 94 MHz.

However:

(1) The expansion of the reserved NCE frequencies should *not* proceed if the price is exclusion from competition by NCEs for *unreserved* frequencies. In the long run, such a “tradeoff” would probably result in *fewer* total frequencies being available for NCEs -- including those NCEs which are *also* Low Power FM stations.

(2) The expansion of reserved NCE frequencies should be designed to help those *types* of NCEs which are under-represented on the FM Band today: that is, Small Non-Commercial Broadcasters (as defined above) and Low Power FM stations. The extra spectrum should *not* be made available for NPR-managed stations -- since these stations have *already* thrown NCE representation on the FM Band out-of-balance, by replacing too many *independently operated and programmed* NCE stations with mere satellites of NPR Headquarters. Once-independent college stations have been particularly hard hit.

Subject to the conditions set forth above, the currently reserved NCE frequencies should be increased by 2 MHz:

(A) 1 MHz should be reserved for Low Power FM Broadcasters;

And

(B) 1 MHz should be reserved for Small Non-Commercial Broadcasters (as defined above).

We tentatively recommend reserving 92 MHz for Small Non-Commercial Broadcasters and 93 MHz for Low Power FM Broadcasters. However, as we noted above, we are open to persuasion regarding which *specific* MHz should be reserved for which *specific* group of small, local and independent NCEs.

**RESERVATION OF 2 MHz
FOR *SMALL* COMMERCIAL RADIO**

Small Non-Commercial Radio stations and Low Power FM stations each require and deserve a “home base” of reserved frequencies -- in addition to a “fighting chance” for more of the unreserved frequencies -- because both groups are truly “endangered species” in today’s broadcasting marketplace. They need some degree of special protection if they are to survive, let alone “be fruitful and multiply”.

For the same reason, Small *Commercial* Radio stations also require and deserve a “home base” of reserved frequencies, in addition to a “fighting chance” elsewhere.

We advocate the same amount of “wildlife preserve” that we have advocated, cumulatively, for Small Non-Commercial Radio stations and Low Power FM stations.

That is: 2 MHz of the FM Band should be reserved exclusively for Small Commercial Radio Broadcasters (as defined above).

Tentatively, we recommend assigning 95 and 96 MHz for this purpose.

We add this *IMPORTANT NOTE*:

In competing for any of these *reserved* frequencies, Small Commercial Broadcasters would *still* be subject to the *Congressional* requirement for the use of mandatory auctions in deciding who should be awarded commercial licenses.

However, when remaining within their *reserved* frequencies, Small Commercial Broadcasters would *only* have to bid against *each other* -- not against the likes of Clear Channel Communications. When applying for *unreserved* frequencies, they would still have to “bid against the field”, except when competing against *non-commercial* rivals under the proposed “Points System”.

**PROPOSED PROCEDURAL CHANGES
FOR AWARDING LOW POWER FM RADIO LICENSES**

All of the undersigned parties have been involved in pursuing the broad goal of a more open mass media. At the same time, all of us have *also* been involved with pursuing the narrower goal of a viable, meaningful Low Power Radio Service.

We commend the Commission, heartily, for taking action to establish a Low Power Radio Service in January of 2000, through the issuance of final regulations in Docket MM 99-25. We further commend the Commission for its subsequent actions to implement the final rule, with the result that some LP-100 Low Power FM licenses have been awarded and more are in process.

We are aware, of course, that Congress has since added certain unfortunate restrictions on the Commission's ability to implement a Low Power Radio Service on the FM Band. All of the undersigned parties strongly opposed enactment of this new statute, by a "lame duck Congress", in December of 2000 -- and succeeded, in concert with others, in amending the original, harsher version of this legislation in the House of Representatives. We also note with some satisfaction that the primary Senate sponsor of this legislation, *former* Senator Rod Grams of Minnesota, was defeated for re-election in November of 2000 -- by a narrow margin, in an election where the Senator's opposition to Low Power FM became one of the publicly visible issues.

We hope and believe that Congress will reconsider these statutory restrictions once the additional testing of potential interference from Low Power FM stations, which was also mandated by the new statute, has been completed. We are confident that these tests, if they are *fair and objective*, will justify relaxing the current channel spacing requirements to accommodate additional Low Power FM stations.

In the meantime:

Certain changes in the Commission's present procedures would enhance the prospects for Low Power FM. All of the procedures in question can be changed *without* violating any of the current Congressional restrictions on LPFM licensing.

We urge the Commission to direct its staff to make these procedural changes *before* "filing windows" are opened for the LP-10 cycle of LPFM applications.

Specifically, the following procedural changes should be made:

(1) The "maturity" criterion, for awarding "points" to competing LPFM applicants, should be changed to a criterion of "clear community service potential". This would eliminate the competitive advantage that is currently conferred upon established non-profit organizations, at the expense of promising newcomers.

One key purpose of Low Power FM is to bring former "outsiders" into the regulated broadcasting community. *Another* key purpose of Low Power FM is to increase the range of choices which are available for radio listeners.

In light of either or both of these fundamental policy objectives, the procedural change that we advocate is eminently sensible.

(2) The current "guess-a-frequency" procedure, which was initiated by the Commission's staff rather than the full Commission, should be replaced by a procedure which allows *all* of the LPFM stations in a given service area to compete for *all* of the locally available frequencies.

A shift to “at large” LPFM applications would allow the Commission to select *the best LPFM applicants* in an entire geographical area, rather than limiting the pool of choices to applicants for each specific frequency.

Under the current procedures, the single best LPFM applicant in an entire area may never gain a license because the applicant “guessed wrong” about which frequency would in fact become available for an LPFM station. At the same time, a much weaker applicant might gain a license because that applicant managed to “guess right” about which frequency would become available for an LPFM station.

Logically, the current procedure makes no sense. The full Commission chose a “points system”, not a lottery or a “first filed, first licensed” system, for awarding LPFM licenses. This decision, which all of the undersigned parties endorse and support, implies that the full Commission wants the awarding of LPFM licenses to be *merit-based*.

Why, then, should the Commission continue to allow its staff to inject random elements -- capable of converting the licensing process into a game of roulette?

(3) The Commission should license up to *10 experimental urban Low Power FM stations*, and up to *10 experimental urban LPAM stations*, for a period of at least 1 year (preferably 2 years) .

Otherwise applicable regulatory barriers should be waived, temporarily, in order to test and evaluate potential interference “in the real world” from the current Low Power FM Service, as well as a possible Low Power AM Service.

Nothing in the recently enacted statute on LPFM prevents the Commission from licensing *experimental* Low Power FM stations for *temporary* periods. Indeed, such *experimental* LPFM stations might actually advance the intent of Congress -- by supplementing information from the LPFM interference testing that Congress has *required* in its new statute.

Clearly, Congress wants to know more about whether or not LPFM stations will actually cause interference problems if current channel spacing requirements are relaxed. *Experimental* LPFM stations, placed in urban areas where spectrum is scarce, would provide tangible, measurable, “real world” evidence about this question.

Further, since these experimental stations would test the potential for interference from LPFM under “worst case” conditions, in crowded areas such as metropolitan Boston, neutral or favorable results would constitute a clear “bill of health” for LPFM stations in *less* crowded areas.

As for the experimental Low Power *AM* stations, we note that nothing in the referenced new statute address LPAM. The statute refers *only* to the proceedings in FCC Docket MM 99-25, which were limited *exclusively* to Low Power *FM* stations.

From a legal standpoint, therefore, the Commission has a totally free hand on present or future policymaking regarding Low Power *AM*.

In further support of these proposed procedural changes, we incorporate by reference the Motion For Reconsideration, in Docket MM 99-25, which was filed by THE AMHERST ALLIANCE on February 25, 2000.

We also incorporate by reference the Motion For A Decision On The Motion For Reconsideration in Docket 99-25. This Motion was filed on June 5, 2000, by THE AMHERST ALLIANCE and several other parties.

We note that all three of the procedural changes proposed in this Petition are based upon proposals contained in the referenced Motions in Docket 99-25.

In addition to the procedural changes we are proposing in this Petition For Notice of Proposed Rulemaking, the undersigned parties reserve the right to propose *further* procedural and/or substantive changes, regarding the Low Power FM Service, in the future. Such additional changes may be proposed by any or all of the undersigned parties, acting separately or collectively.

These additional proposed changes may include upgrading Low Power FM stations to Primary Status and/or altering the present status of Channel 6.

**PROPOSALS FOR
“ACCELERATED ATTRITION”**

Notwithstanding our call for a general policy of shifting assigned radio frequencies through attrition, over a 10-year phase-in period, some radio frequencies should be made available earlier, through measures for *Accelerated Attrition*.

(1) As we stressed above, translators should be subdivided into *long distance translators* (notably including “satellators”) and other, local translators. The long distance translators should be assigned a new *Tertiary Status*, allowing them to be “bumped” by local translators and other broadcasters with a *Secondary Status* (notably including Low Power FM stations).

(2) Re-opening, under the proposed new “Points System”, of licenses which were previously awarded through the use of mandatory auctions, during a competition between a commercial station and an NCE station for an *unreserved* frequency.

(3) Re-opening of “inventoried” frequencies which have been licensed, but unused, for more than 2 years.

The Commission should establish a *rebuttable* presumption, which can be waived in light of appropriate evidence, that a frequency will be re-opened for licensing *if*:

- (a) A Construction Permit for a broadcasting facility was issued on or before April 12, 2000;
And
- (b) No construction had been initiated as of April 12, 2002.

**CHART:
PROPOSED SCHEMATIC FOR
A RE-STRUCTURED FM BAND**

	<u>BEFORE</u>	<u>AFTER</u>
108 MHz	<i>UNRESERVED:</i>	<i>UNRESERVED:</i>
107 Mhz	Large Commercials **	Large Commercials **
106 MHz	NPR-Controlled **	NPR-Controlled **
105 MHz	Small Commercials * *	Small Commercials **
104 MHz	<i>NO "Bonus Point"</i>	<i>GET "Bonus Point"</i>
103 MHz	Small NCEs **	Small NCEs **
102 MHz	<i>NO "Bonus Point"</i>	<i>GET "Bonus Point"</i>
101 MHz	LPFMs	LPFMs *
100 MHz		
99 MHz	Mandatory Auctions:	Mandatory Auctions:
98 MHz	<i>Apply To ALL</i>	<i>Apply ONLY To Commercial</i>
97 MHz	<i>Mutually Exclusive</i>	<u><i>Vs. Commercial Competition</i></u>
96 MHz	<i>License Applications</i>	<u><i>RESERVED:</i></u>
95 MHz		<u>Small Commercials **</u>
94 MHz		<u><i>RESERVED: LPFMs **</i></u>
93 MHz		<u><i>RESERVED: Small NCEs **</i></u>
92 MHz		
91 MHz	<i>RESERVED:</i>	<i>RESERVED:</i>
90 MHz	NPR-Controlled **	NPR-Controlled **
89 MHz	Small NCEs **	Small NCEs **
88 MHz	LPFMs	LPFMs *

**** Allowed to "bump" any kind of translator.**

* Allowed to "bump" satellators and other long distance translators. Gains "Bonus Point" over shorter distance translators when competing against them for *unreserved* frequencies.

CONCLUSIONS

For the reasons which are set forth herein, we urge the Commission to take the following actions:

(1) Initiate a rulemaking for adoption of all of the proposals which are embodied in this Petition for Notice Of Proposed Rulemaking;

And

(2) Consolidate this Petition For Rulemaking with the ongoing deliberations on spectrum re-allocation in FCC Docket MM 95-31;

And

(3) Extend the otherwise applicable Written Comments and Reply Comments deadlines in FCC Docket MM 95-31 by an additional 120 days, in order to insure robust public input on the new, *consolidated* Docket.

Respectfully submitted,

Don Schellhardt
Attorney for THE AMHERST ALLIANCE
National Coordinator Emeritus, THE AMHERST ALLIANCE
Co-Petitioner, FCC Dockets RM-9208 and RM-10330
7050 Montview Boulevard
#175
Denver, Colorado 80220
dschellhardt@student.law.du.edu
(303) 871-6758

Christopher Maxwell
Secretary
For VIRGINIA CENTER FOR THE PUBLIC PRESS
1621 West Broad Street
Richmond, Virginia 23220
WRFR@aol.com
(804) 649-9737

Michelle Eyre
For REC NETWORKS
P.O. Box 2408
Tempe, Arizona 85280
michelleeyre@qwest.net

Steven Provizer
For CITIZENS' MEDIA CORPS/ALLSTON-BRIGHTON FREE RADIO
451 Cambridge Street
Allston, Massachusetts 02134
improv@speakeasy.net

William C. Walker
Proprietor and General Manager
For WILW RADIO
124 Tunxis Road
West Hartford, Connecticut 06107
kwaq@peoplepc.com

Tom Ness, Editor and Publisher, and Susan Ness
For JAMRAG MAGAZINE and GREEN HOUSE MAGAZINE
22757 Woodward Avenue
Box 20076
Ferndale, Michigan 48220
jamrag@glis.net

Wesle AnneMarie Dymoke
National Coordinator Emeritus, THE AMHERST ALLIANCE
Founding Board Member, PROVIDENCE COMMUNITY RADIO
P.O. Box 2346, East Side
Providence, Rhode Island 02906
ao780@osfn.org

Nickolaus E. Leggett
N3NL
Co-Petitioner, FCC Dockets RM-9208 and RM-10330
Petitioner, RM-10412
1432 Northgate Square
#2A
Reston, Virginia 20190
nleggett@earthlink.net
(703) 709-0752

John Anderson
Radio and Internet Journalist
5227 Spaanem Avenue
Madison, Wisconsin 53716-2074
phlegm@tds.net

Matthew Hayes
7756 Southeast 17th Avenue
Portland, Oregon 02906
matthewhades@hotmail.com

Dated: _____

April 12, 2002