

Summit Media Broadcasting, LLC.

180 Main Street
Sutton, WV 26601

Phone 1-304-765-7373
Fax 1-304-765-7836

DOCKET FILE COPY ORIGINAL



Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-204B
Washington, DC 20554

April 2, 2002

RE: MM Docket No. 95-31

Dear Secretary,

Enclosed please find one original plus 9 copies for the Commissioners. The enclosed are comments by Summit Media Broadcasting, LLC for MM Docket No. 95-31. You can contact me at the above numbers or address with any questions.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Nunzio A. Sergi".

Nunzio A. Sergi - GM / Managing Member
Summit Media Broadcasting, LLC

cc

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Summit Media Broadcasting, LLC.

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WDBS 97.1 FM WSGB 1490 AM

Federal Communications Commission
Washington, D.C. 20554

March 26, 2002

RE: MM Docket No. 95-31

Comments on Second Further Notice of Proposed Rulemaking re: MM Docket No. 95-31

Summit Media Broadcasting, LLC is a West Virginia small company with commercial media interests of one AM & FM combo in the state of West Virginia. We are responding with comments to the Federal Communications Commission to advise you of our concerns in this matter and how it has affected the small radio operator.

First we would like to bring to the Commission's attention that a "Non-Profit" Company does in fact make money, lots of money. Yet most of these groups are exempt from paying FCC fees, only pay token fees on BMI, ASCAP and SESAC plus are treated as if they were in dire need of constant assistance to operate a radio facility.

Summit Media Broadcasting as well as many other small operators who make under \$300,000.00 yearly work hard to make ends meet, yet continue to provide service to our local communities, as we market our stations to a finite amount of advertisers in our small market places. While in comparison most NCE stations and religious non-coms are given great latitude to expand as they wish throughout a state, region or the nation without restraint with translators and full FM class facilities without regard to service of their licensed communities.

A commercial FM can not operate an FM translator outside it's 1mv contour, yet NCE stations and religious non-coms are permitted translators wherever they want throughout the country. One such operator is The ubiquitous Educational Media Foundation AKA. K-love. This company has over 300 translators and full powered FM stations throughout the country. When listening to their programming you quickly notice that it is a religious operator soliciting money from the communities it covers with the radio signal. This operator recently obtained a class A radio station WZKM in Montgomery, WV. Educational Media Foundation then closed up the local studio for the facility and installed a direct satellite connection to operate the facility by remote. Effectively setting up a money sucking machine in the WZKM coverage area which includes Charleston, WV a rated metro market. They have also done the same in Clarksburg, WV with W220BZ a translator on 91.9 FM. They have no expense of maintaining an office, local phone, service to the community, community public files, etc. Yet they solicit money, that's income for their educational /religious cause for a minimal cost of a monthly electric bill.

Another example is Temple University of Philadelphia, PA. They operate an FM channel WRTI in Philadelphia, yet also have a full powered 25,000 watt station WRTQ licensed to Ocean City, NJ broadcasting the same programming as the main station in Philadelphia. They provide no local community service to the Ocean City, NJ area, yet they ask for donations for self gain, whereas a local NCE operator should have been awarded the Ocean City, NJ channel. We contend that if Temple University wants to continue operating the station in Ocean City, NJ, they should have to operate a full time staffed office in Ocean City, NJ.

This scenario is duplicated all over the country by many other NCE and religious non-com operators who have found a great way to make money through "Share-a-thons", grow as big as they can and not pay taxes or fees to the Federal Government. These groups and their directors are making millions and millions of dollars yearly, yet are exempt from paying the FCC fees!

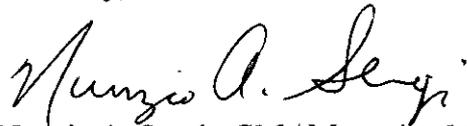
Our government contends that there is a "separation of church and state" in the US Constitution, however we do not see this separation when it comes to religious non-coms. They are given far more opportunities than the commercial operators all in the name of Non-profit! What defines what is educational or religious? Can we commercial operators worship Country music and educate our listeners with gossip on the performers while asking our listeners to donate money to keep the songs coming? If we were permitted these same non-com luxuries, we could save thousands yearly on music royalties, FCC fees, take in as much money as we can beg for, obtain the best equipment money can buy and then give ourselves huge salaries and of course show no profit and be tax exempt. Non-Com operators and their board of trustees are all making money at the expense of the US government and the extra burden placed on commercial operators. Now is the time to make all Non-Com operators disclose yearly contributions and base their fees on what they take in from donations.

Summit Media Broadcasting, LLC supports **Option #1 Hold NCE entities ineligible for licenses for non-reserved channels and frequencies.** We also suggest that the FCC immediately cease granting translators to these NCE and religious non-coms unless they are in the 1mv contours of the main full powered station signal, as is required of the commercial operators. We also request that the FCC seek a method to reclaim many of these national translators and make them available to local NCE groups that are located in the communities, namely local civic or educational entities of the coverage area. These channels can also be made available to LPFM operators, who are required to be located in the community of license. The FCC will quickly discover that there are plenty of available NCE channels in the reserved band without having to give NCE commercial frequencies.

Summit Media Broadcasting, LLC contends that the small commercial operator has been discriminated against just for being a commercial operator. We have regulations that consume our time and our resources. We must pay for everything we do and we are required to do more than the NCE and religious non-coms. Now the NCE and religious non-coms want first pick of the remaining FM channels, including commercial channels available for free and then turn them into money sucking machines all in the name of education and religion, but whose education or religion is it? Certainly the local community and civic groups are not benefiting from these absentee operators. All you need to do is look at the facilities of these poor NCE and religious non-coms and find the best equipment money can buy. Where do they get all this money, yet can not pay the government any fees? We also suggest that the FCC require a yearly income statement of donations from these NCE operators and require them to make similar payments as commercial operators for the use of radio channels. Presently these non-profit operators are profiting their board of trustees and others in their organizations with huge salaries and expense accounts so that they don't show a profit yearly. If they can make millions in donations, they should pay a fair share, as the commercial operators, for FCC fees and made to follow the same regulations of local community service.

Summit Media Broadcasting, LLC requests that the FCC once again open filing windows for commercial FM translators. Small operators such as Summit Media Broadcasting, LLC who are operating in mountainous areas are in dire need of translators to cover communities that have multipath reception problems. We request that the FCC take steps to assist the small operators immediately. We are being squeezed by large commercial operators who take complete budgets from statewide advertisers, leaving nothing for the small town operators. We are facing future affects from satellite radio and the future cost of upgrading our facilities to digital broadcasting when mandated to do so without regard for the small resources we have available. **Summit Media Broadcasting, LLC as well as many other small commercial radio operators are not asking for favors, we are asking for fairness.** Now is the time to remember our contributions and commitment to the radio broadcasting industry.

Sincerely,



Nunzio A. Sergi - GM / Managing Member
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