

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC. 20554**

In the Matter of)	
)	
2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996)	MB Docket No. 02-277
)	
Cross – Ownership of Broadcast Stations and Newspapers)	MM Docket No. 01-235
)	
Rules & Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets)	MM Docket No. 01-317
)	
Definition of Radio Markets)	MM Docket No. 00-244
)	

To: The Commission

Continuing Comments from Nickolaus E. Leggett

The following are additional comments from Nickolaus E. Leggett, an amateur radio operator (call sign N3NL), inventor, and a certified electronics technician. Mr. Leggett is one of the petitioners in RM-9208 which led to the establishment of low power FM (LPFM) broadcasting.

Synergistic Impacts of Removing Ownership Caps

These comments address the synergistic impacts on American politics and society resulting from the removal or reduction of ownership caps on broadcast media.

Synergistic Effects

Synergistic effects are common in social systems. Synergy is a situation where various causes work together to generate a result that is often surprisingly strong. In the case of ownership caps, changes in the FCC rules will combine with newly emerging social and political issues to generate strong impacts on the legitimacy of governmental, business, and social institutions.

Emerging Social and Political Issues

The United States is entering a period where there will be a lot of political and social controversy. Many of the new issues that are appearing are due to homeland defense efforts and related issues of peace and war. In addition, some of the traditional divisive issues will probably increase in strength as well. The following list presents the issues that are already visible:

- Privacy vs. homeland security (surveillance cameras, background checks, data mining, airport screening, search and seizures, monitoring of credit card activity and Internet activity, wiretapping)
- National citizens identity cards (storage and access to personal information including identification, criminal records, credit history, genetic profile)
- Rights of the accused (enemy combatants, open trials, private access to defense council, scope and applicability of military tribunals, preventive detention, public identification of “individuals of interest”, employment “black lists”)
- Profiling and minority groups
- Firearms ownership and the Second Amendment

- Freedom of movement (private aviation flight rules, inspections of boaters, police dragnet searches, travel to foreign nations, transponder tracking of automobiles)
- Access to government information and data bases (freedom of information issues)
- Freedom of speech (anti-war protests, globalization protests, pirate radio stations)
- Freedom of religion (practice of religions and law enforcement investigations and surveillance)
- Impact of irradiating U.S. mail (future of the Postal Service, identification of mailers)
- Abortion and birth control
- Open government (physical access for the citizens)
- Economic problems and unemployment
- Opportunities and lack of opportunities (small businesses, government regulations, business climate, deregulation impacts, corporate ethics, patents, independent inventors, alternative energy sources, alternative transportation options)
- Preemptive military strikes and targets (Iraq, North Korea, Iran, Syria, China)
- Ethics of biotechnology and medicine (genetic screening, assisted suicides, mandatory medical treatments, quarantine regulations)

This is not an exhaustive list, but clearly there are numerous intense social and political issues that are emerging at the present time and in the near future. The FCC

does not have jurisdiction to settle these numerous issues. However, many citizens have strong interest in these and related issues. These citizens expect to talk about these issues in detail where they can provide their own inputs into these important national discussions. This expectation will influence the actual result of FCC media ownership policy.

Synergy of these Issues with Media Ownership

To the extent that the media is consolidated expectations of political and social participation will be largely frustrated. Citizens will be restricted to listening to “talking head” experts and occasional two-minute periods of input on a phone-in talk show. Many citizens will view this limited access as severely inadequate in view of the major importance of the issues being discussed.

The combination of the lack of access and the intensity of the issues will lead to the synergistic result of a significant reduction of the legitimacy of FCC regulation and the Federal government. In effect, the citizens will feel shut out with many views on these major issues being kept out of the national debate by the highly consolidated media. They will ask the basic question: “Why can’t I talk. These items are important to the future of America and I have the right and the duty to directly participate.”

This situation will lead to an “us versus them” view where increasing numbers of citizens will believe that an elite establishment is excluding them from the important discourse on American values and policy. An underground media will expand with a loss of audience from the highly concentrated commercial and NPR media. This underground media will include digital pirate radio and video service to local communities and neighborhoods. Digital technology, especially software-defined radio (SDR) is well

suited for pirate broadcasting and there are many people knowledgeable in digital technology who could implement such illegal broadcasting.

In addition, this us-versus-them viewpoint will lead to other numerous and serious questions about the legitimacy of American government and how things are done here in America. Historically, America is based on active citizen participation and it is a serious mistake to abandon this tradition for an elite-oriented one-way flow of “information”.

Suggested Actions

The Commission should attempt to protect and maintain the ownership caps as much as possible. This would allow at least some diversity of broadcasting and citizen access to continue.

If the Commission finds that it cannot protect ownership caps due to court decisions or political pressures, it should require that the highly concentrated broadcasters offer and support neighborhood and community **open-microphone broadcasting**. In this service, low-power broadcast stations would be located in community centers and operated by community volunteers. These stations would provide neighborhood information, school information, police and public service alerts, and most-importantly an open microphone to anyone who wishes to broadcast. This open-microphone broadcasting would help a wide variety of viewpoints to participate in the Nation’s political life. The open-microphone service could be accommodated as a digital subchannel within an existing broadcast band or it could be operated on a new allocation.

Also, the highly concentrated broadcasters could be required to assist in the establishment of a **Citizens Broadcasting Band (CBB)** where individuals could establish and operate their own low power broadcasting stations on a set of established channels.

Frequency coordination would be on an informal basis between the CBB station owners.

The technical standards for the CBB would require that each station be manually operated with no automation allowed. This feature of the rules would block the consolidation of the CBB into just another form of centrally owned broadcasting.

Removing computerized operation removes the primary means for consolidating the little CBB stations.

The open-microphone broadcasting and the CBB would replace any tendency towards pirate radio and it would allow minority viewpoints to be expressed on a regular basis. These two new radio services could preserve some diversity on the air if the broadcasting ownership caps must be removed.

Respectfully submitted,

Nickolaus E. Leggett, N3NL
1432 Northgate Square, Apt. 2A
Reston, VA 20190-3748
(703) 709-0752
nleggett@earthlink.net

October 28, 2002