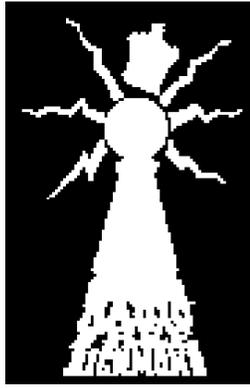


WRITTEN TESTIMONY OF
VIRGINIA CENTER FOR THE PUBLIC PRESS
BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
DURING
RICHMOND FIELD HEARINGS
ON FOUR MEDIA OWNERSHIP DOCKETS

(NOTE: This is the corrected version originally submitted 2/26/03)



From: Christopher Maxwell
Vice President
Virginia Center for
The Public Press
Radio Free
Richmond Project
1621 W Broad St.
Richmond Va. 23220
Wrfr@aol.com
804-649-WRFR
<http://www.RadioFreeRichmond.org>
<http://www.DigitalDisaster.Org>

RE: FCC Dockets 02-277, 01-317, and 00-244
(Pending Media Ownership Dockets)

Dear FCC Commissioners and Staff:

On February 26, 2003, VIRGINIA CENTER FOR THE PUBLIC PRESS (VCP) submitted its Written Testimony for the Richmond Field Hearings on the pending media ownership Dockets. During the course of filing this document electronically, the Written Testimony was inaccurately registered in the relevant Electronic Comment Filing System Document Files as "COMMENT" rather than "TESTIMONY".

VCP is now re-submitting this Written Testimony under the correct label. The re-submitted Written Testimony follows this cover letter.

VCP has also taken advantage of this re-submission to correct a few errors in the original document. Specifically, the re-submitted Written Comments reflects the following corrections:

1. Page 2, paragraph 4: "a Low Power FM" now reads "a Low Power FM license".
2. Page 2, paragraph 13: " 'outside of their protected contours' " now reads " 'outside of the protected contours' ".
3. Page 3, FULL paragraph 2: "now-Chairman Michael Powell stated that he voted against LPFM" now reads "now-Chairman Michael Powell stated that he expressed reservations about LPFM".
4. Page 3, FULL paragraph 3: "VCP, Amherst and others of IBOC" now reads "VCP, Amherst and other opponents of IBOC".

VCP thanks the Commission in advance for bearing with these corrections. We also thank the Commission again for initiating the Field Hearings in Richmond.

Sincerely,

Christopher Maxwell

Regarding: Docket 99-325 (In Band On Channel Digital Audio Broadcasting)

Reply to Opposition to Petition for Reconsideration



From: Christopher Maxwell
Vice President
Virginia Center for
The Public Press
Radio Free
Richmond Project
1621 W Broad St.
Richmond Va. 23220
Wrfr@aol.com
804-649-WRFR
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<http://www.DigitalDisaster.Org>

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

The VIRGINIA CENTER FOR THE PUBLIC PRESS (VCP) is a non-profit organization, located in the City of Richmond, Virginia. We are constantly engaged in public media education and advocacy to promote greater opportunities for everyday Americans to participate in radio and TV broadcasting -- and all other forms of mass media.

Although it no longer stands alone on this issue, Virginia Center For The Public Press was the first organization in our country to publicly challenge the planned adoption of In Band On Channel (IBOC) technology for Digital Radio. Since then, we have been joined in that challenge to IBOC by dozens of others, notably including THE AMHERST ALLIANCE, REC NETWORKS, JAMRAG MAGAZINE, GREENHOUSE NEWS, KOL AMI HAVURAH, CITIZENS MEDIA CORPS/ALLSTON-BRIGHTON FREE RADIO and -- most recently -- Leonard Kahn, Professional Engineer.

The VCP operates Radio Free Richmond, an Internet broadcaster and Part 15 AM radio station, VCP has also applied for a Low Power FM to serve parts of metropolitan Richmond.

In addition, the VCP hosts, manages and produces or arranges for the volunteer production of several periodic taped news and live call-in discussion programs such as "HomeSpun C-Span" (taped versions of local lectures and City Council or School Board hearings in a C-Span style.) on AT&T Cable Channel 6. VCP shows reach a potential audience of over 52,000 Cable TV subscribers in metropolitan Richmond. VCP has received letters of support for their LPFM from sources as varied as the Mayor of the City of Richmond, Sierra Club, Unions, Richmond Jazz Society, Richmond Peace Education Center, etc.

THUS we would like to first point out that the idea that there is NOT a consensus among broadcasters in support of IBOC-DAB. Additionally when I spoke in the past with broadcasters, many of them said that they did not believe that the FCC would in fact support such technology. Thus in many cases, simple inertia and a hope for the best as well as smaller broadcasters being very busy just surviving has kept many of them from taking the time to comment. You may note the vast majority of supporters of IBOC-DAB are large chains and high powered broadcasters.

This is especially interesting in light of the fact that Clear Channel Communications Inc. themselves have two engineers who have spoken out publicly about the potential damage by IBOC. As early as March 6, 2002, iBiquity has been aware of the interference problems with its AM broadcast standard, as referenced in a report to the National Radio Systems Committee by Jeff Littlejohn, Senior Vice President of Engineering for Clear Channel Communications (a major investor in iBiquity).

IBOC interference with other radio stations is now an increasingly documented reality, affecting even 50,000 watt stations such as WOWO of Indiana. "Hissing noises" from IBOC interference have been monitored as far away as 1,000 miles from their sources. With such a spectacular range for interference, IBOC signals are presumably overriding other stations both outside and inside their protected contours.

In addition to our first documentation of IBOC-DAB jamming of WWMX106.5 by the IBOC-DAB sidebands of test IBOC station WJFK106.7, there are numerous recent filings in FCC Docket 99-325 have also included reports, including firsthand reports, of IBOC interference with other radio stations. Consider additionally February 11 Reply Comments of Frederick Vobbe, a broadcast engineer in Ohio. In addition to his filings. His filing is important because he reports, (Page 2 of 2/11/03 filing),

"It was also noted during WLW and WOR tests that the "hissing" noise of IBOC was heard well over a 1,000 miles away, and affected the reception of other stations. These included broadcast facilities on 690, and 720 kilohertz. The digital noise from WLW's IBOC tests was heard as far away as Arizona, although it was hard to hear the analog broadcast!"

In addition to the documents from Clear Channel on WTOP, Mr Vobbe has also interviewed IBOC engineers for Clear Channel and reviewed the effects of Clear Channel on WOWO at his website:
<http://www.nrcdxas.org/ra/>

Thus we have more and more evidence from Clear Channel themselves that IBOC-DAB does indeed jam adjacent signals. This reduces the number of stations on the dial for citizens to select from.

The bottom line is that if citizens find that they are no longer able to find the content they once found reliably on one medium (AM and FM analog broadcast bands) they will take their attention to other media such as satellite, internet, CDs, tapes and MP3s.

And while some citizens may be rich enough and well placed enough to find replacement programming channels on the Internet, there will be millions of Americans who will not. Additionally, if there is ever a mass of people who become refugees due to a terrorist attack, it will fall upon plain old analog broadcasts to help those people stay informed. Skywave AM broadcasting may become vitally important, if for example, a airborne or low orbit nuclear charge were to fry all the exposed electronics with Electromagnetic Pulse (EMP) energy ... and only a few protected receivers still work to pick up AM stations from hundreds of miles away that are undamaged. It is unfortunate that technology and world tensions have placed us in a world where such speculation is no longer future science fiction but rather could become speculative historical fiction!

As a broadcaster, I would like to bring attention to the fact that National Public Radio (NPR) repeatedly requested that IBOC-DAB have multiple audio channel capability. We called for taking this opportunity to make IBOC-DAB the first broadcast Software Defined Radio (SDR) standard that would give broadcasters the opportunity to use any CODEC or signal distribution between audio channels and data that fit their audience and business model. NPR called for multiple audio channels because NPR pointed out that what drove citizens to buy FM receivers was the unique content required by the FCC for several years and NOT the FM technology! The fact that iBiquity refused to design flexibility into IBOC-DAB and hard-wired the design to force the majority of the full-digital signal to be dedicated to subscription data in the protected center core of the mask shows that IBOC-DAB is not intended to improve audio programming for citizens. Please note that ham radio operators are now experimenting with home-built 2 meter SDR transceivers indicating that SDR technology is very much within the affordable reach of broadcasters and listeners. SDR provides great opportunities to constantly upgrade facilities, broadcast parameters and transmission parameters to create an optimized signal that creates the least interference. This opportunity was rejected by iBiquity in a rush to get out a technology that is guaranteed by its hardwiring into a hardware designed system to make itself obsolete almost immediately. Hopefully with the just-completed docket on SDR, perhaps IBOC will be the LAST hardware-defined and inflexible use of spectrum the FCC approves.

The only benefit of IBOC-DAB will be the ability to legally jam a weaker adjacent signal from the dial under the mistaken assumption that people will then have no choice but to listen to the jamming station. NPR rightly pointed out that what citizens want is content which IBOC-DAB will deny them. Hopefully IBOC will make itself obsolete before too many broadcasters are bankrupted by IBOC. If that is not the case, and the worst concerns about IBOC damage are proven by time to be real; Then perhaps we can move on to a low powered SDR and perhaps spread spectrum bandwidth defined third "community broadcast service band" on 5.8GHz or on the L-Band at 1452MHz. Due to the advent of Spread Spectrum and SDR, it may in fact be time to rethink the whole idea of spectrum scarcity regulation that reduces the number of new competitive entrants to the marketplace of ideas based on ancient allocation methodologies. As an interim experiment, perhaps the FCC should consider allowing an expanded part 15 of less than 100 watts on the L-Band using SDR and Spread Spectrum starting with a software mime of a variation on the Eureka 147 pattern and allow new and local civic groups in congested areas that are willing to experiment and create a "community broadcast service band" to prove out the use of randomly distributed Eureka service.

Consider just one additional fact ... there are NO clustered IBOC-DAB transmitters. There has never been a cluster under test and there is no cluster I know of today of closely spaced hybrid IBOC-DAB stations now. Our studies suggest that IBOC-DAB under short spaced conditions on both sides will create "reception black holes" where neither the IBOC receiver nor the analog receivers will be able to receive the stations they once were able to receive reliably. Again, this coupled with the lack of multiple audio channels and the lack of flexibility that could have derived from a Software Defined Radio standard will bring listeners LESS CONTENT ON THE BROADCAST BANDS. That in turn will accelerate listener abandonment of the broadcast bands.

As a current Part 15 broadcaster and future Low Power FM broadcaster, it is not in my interest to support policies that will drive citizens off the existing AM and FM broadcast bands.

Furthermore, due to Canada joining the rest of the world in using Eureka 147 on the "L-Band" of 1452-1492MHz ... our own US military has begun relinquishing their use of the L-Band for test flight telemetry. This means that the original reason for attempting to sandwich twice as much broadcast energy as originally intended onto the existing AM and FM broadcast bands is now moot point. Thus an immediate reconsideration of US joining the rest of the World using Eureka 147 on the L-Band is called for. We could build our version of Eureka 147 as a Software Defined Radio standard and as Eureka ages, we flash the bios of receivers and transmitters and slowly migrate to newer CODECs and broadcast parameters. For example, if two broadcasters are short spaced on one side both broadcasters could under SDR volunteer to shut off the blocks of IBOC that are co-channelled to each other, and flash the bios of the receivers to know those blocks are intended to be missing.

Thus it is all the more important that you reject calls by iBiquity and the National Association of Broadcasters who in turn would have you ignore Petitions For Reconsideration by Amherst and others.

We agree with the October 2002 Petition For Reconsideration that authorization of IBOC broadcasting, whether "interim" or otherwise, should not have been even considered until after the Commission had: (1) initiated and completed comprehensive testing and evaluation of competing Digital Radio technologies ... (2) completed action on relevant Petitions and rulemakings, including pending proceedings on Electromagnetic Radiation, Electromagnetic Pulse shielding and "blanketing interference" ... and (3) completed action on a requested Environmental Impact Statement (EIS), or at the very least preparation of a formal but preliminary Environmental Assessment (EA).