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Chairman Powell,  
Commissioners:

I am writing today with a very deep concern regarding the FM Translator Filing Window<sup>1</sup> from March. During this period, over 13,000 applications were filed. Of those 13,000+ applications, over half of the applications were placed by 15 entities. One entity placed over 2,454 applications. I find it ironic that the top 2 applicants representing almost 1/3<sup>rd</sup> of all of the applications are not even the licensee of an FM station nor do they hold any construction permits. I recognize that this is not a requirement to apply for a translator, but I still find it questionable. I also find it very ironic that the top two applicants are not only proposing to rebroadcast the same stations, but they are headquartered in the same community (Twin Falls, ID). I am aware of one confirmed case of where these applicants did not receive consent from the primary station shown on their application for retransmission and am following up more leads. If this is the case, it would be a direct violation of §74.1284(b) of the Commission's Rules. REC is willing to provide any information we obtain to the Enforcement and Media Bureaus.

I am also concerned that these applications were filed with no regard to LP-100 stations, both authorized as well as applicants, especially those who are mutually exclusive for the grant of their construction permits. We hope that the Commission will take those applicants into consideration prior to considering these translator applications.

Currently, the Commission will be considering regulations that will could either put in more ownership limits or relax them even more than they are now. Even though we support more tighter controls on broadcast station ownership in the commercial arena, as that would help achieve the goal of more localized radio and give the *public* airwaves back to the general public, we are also asking the Commission to consider the current ownership abuses that are taking place in the non-commercial arena. One organization is currently the licensee or holds permits for over 500 translators, most of them satellite-fed. This organization is now asking in RM-10609 to be allowed to operate satellite-fed translators in the non-reserved (commercial) portion of the FM band. Another organization is the licensee or holds permits for over 100 full power NCE-FM stations.

Satellite-fed translators were intended to bring non-commercial broadcast services into areas that are not served by local stations. We accept that reasoning, but when these

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<sup>1</sup> - See *FM Translator Auction Filing Window and Application Freeze*, public notice DA 03-359, released February 6, 2003.

organizations have translators on the main antenna farm that serves metropolitan Phoenix, we have a problem here. The organizations that run these "satellators" will tell you that in the metro areas, it's not the area but the *program content* that is supposedly underserved.

REC Networks has been providing advocacy as well as limited broadcast engineering services on a "shareware" basis to LPFM licensees and applicants from West Virginia to American Samoa. We are also involved in proceedings that could result in a possible opportunity to provide additional avenues of mass-communication to the average citizen and we are involved in defending the broadcast spectrum in the Southwestern United States from organizations and individuals who do not have the best interest of promoting localism, especially in rural areas. We do this through filing in broadcast allotment proceedings and through filing objections on broadcast applications. REC was heavily involved in the rulemaking process that established the LPFM service and we keep very close ties with individuals and organizations that support both the faith-based and secular local LPFM movements.

REC feels that the Commission needs to make some drastic changes to bring localism back to the airwaves. These include:

- **Impose a nationwide limit** of 40 full powered NCE-FM stations any one particular entity can own.
- The Media Bureau needs to **stop giving out Main Studio Waivers** like candy. Even non-commercial stations have a responsibility to their community of license. If they do not want to take that responsibility, let someone who does be able to broadcast.
- Require **full disclosure of all board members** involved in a particular NCE-FM station and not allow any one party to have an attributable interest in more than one entity if that directly or indirectly exceed a 40 station limit.
- Impose "**one frequency to a customer per site**"<sup>2</sup> restrictions during filing windows. In one California town, one organization filed for nine translators on nine different channels from the same site.
- **Reclassify all translators that receive their primary signal from a station out of state and more than 400km from the translator as sub-secondary and subject to displacement from LPFM stations** if the LPFM applicant can make a showing that no other channels are available. (*This is a change from our reply comments in RM-10609. However, based on the actions of NCE applicants during the March 2003 Translator Filing Window, we have seen their true colors.*)
- Consider requests by REC Networks, National Public Radio and others to **extend the non-commercial educational band to include TV Channel 6 spectrum** and to consider request by REC to limit licensees to LPFM and Class-A NCE stations who have no other attributable interests. This will add 13

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<sup>2</sup> - We do not feel that translators that are placed by organizations such as private individuals or municipal entities for the purpose of bring *more than one primary station* into rural areas underserved by full power FM stations is the issue. It's when the same organization files for multiple channels to repeat the same primary station is where we have an issue.

additional channels for community broadcasting in DTV Channel 5 markets and 30 channels in others.

- Extend existing Part 15 rules to allow for **very low power broadcasting on frequencies in Channel 6 spectrum** (82-88 MHz) where interference to Channel 6 is not an issue.

In addition, we are asking that the Commission direct the Enforcement Bureau to investigate the organizations and individuals that filed during the March 2003 Translator Filing Window to determine if those applicants have received permission from the primary stations indicated on their applications. Any willful false statements made on applications should be referred to the US Attorney's office as violations of 18 USC 1001.

Congress, as well as some who sat in those seats you currently sit in now felt that consolidation would bring more diversity and more quality radio programming to everyone across the United States. Tell that to the people of Minot, North Dakota<sup>3</sup>. Sitting in those seats, you have the power to drive the future of localism in radio. Your decision will determine if the next time a train de-rails, that someone at the local radio station will actually answer the phone.

The ball is in your court.

Sincerely,

Rich Eyre for  
REC Networks

cc: W. Kenneth Ferree - Bureau Chief, Media Bureau.  
Roy Stewart - Chief, Office of Broadcast License Policy.  
Peter Doyle - Division Chief, Audio Division.  
David Solomon - Bureau Chief, Enforcement Bureau.

*Ex Parte* filing for:  
RM-10609  
MB Docket 02-277  
ET Docket 02-380  
MM Dockets 01-235, 01-317, 00-244

*attachments*

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<sup>3</sup> - See <http://www.onlisareinsradar.com/archives/000954.php>

**INDIVIDUALS AND ORGANIZATIONS  
WHO FILED AT LEAST 100 APPLICATIONS  
DURING THE MARCH 2003 TRANSLATOR FILING WINDOW:**

|  |              |
|--|--------------|
| Radio Assist Ministry                          | 2454         |
| Edgewater Broadcasting Inc.                    | 1766         |
| Educational Media Foundation                   | 875          |
| Calvary Chapel of Twin Falls, Inc.             | 271          |
| Covenant Network                               | 257          |
| Educational Communications of Colorado Springs | 165          |
| Way FM Media Group                             | 158          |
| Robert J. Connelly Jr.                         | 124          |
| Turquoise Broadcasting Company LLC             | 118          |
| CSN International                              | 114          |
| Radio Training Network                         | 114          |
| Indiana Community Radio Corp.                  | 111          |
| Big Bend Broadcasting                          | 104          |
| Public Broadcasting of Eastern Indiana         | 104          |
| Edward A. Schober                              | 103          |
| <b>TOTAL FROM THE 100+ APPLICANTS</b>          | <b>6838</b>  |
| All other applications                         | 6507         |
| <b>TOTAL APPLICATIONS FILED</b>                | <b>13345</b> |