

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Authorization Of)
In Band On Channel) FCC Docket No. 99-325
(IBOC) Digital Radio)

**REPLY COMMENTS OF
THE AMHERST ALLIANCE**

THE AMHERST ALLIANCE is a Net-based, nationwide citizens' advocacy group, founded in Amherst, Massachusetts on September 17, 1998. We actively support Low Power Radio in particular and more openly accessible airwaves in general.

According to VIRGINIA CENTER FOR THE PUBLIC PRESS, In Band On Channel (IBOC) Digital Radio expands the bandwidth of participating radio stations by 50 percent -- effectively contracting the amount of spectrum available. Thus, for several years now, Amherst has urged the FCC to consider less disruptive alternative technologies, including Digital Radio Mondiale, Eureka-147 and KAHN COMMUNICATIONS' new CAM-D technology for the AM Band. We remain surprised, and puzzled, to see the FCC busily looking for ways to pack more broadband and wireless uses into the radio spectrum -- at the same time that it is *shrinking* the amount of available spectrum by authorizing IBOC.

Today, we supplement our June 2, 2004 Written Comments by addressing the Written Comments filed on May 24, 2004 by Nickolaus E. Leggett of Virginia.

We hereby endorse, and associate ourselves with, the recommendations which Nickolaus Leggett has made in his May 24 Comments.

Specifically, we agree with Nickolaus Leggett that the Commission, *if it continues to authorize IBOC broadcasts on the FM and/or AM Bands, should consider requiring the widespread use of Digital Radio receivers only when and if:*

- (a) At least 3 manufacturers are offering them;
And
- (b) At least one model is available at a cost of no more than \$10.00 (in 2004 dollars).

The rationale for this recommendation is, hopefully, self-evident. Currently prevailing prices for Digital Radio receivers are a serious “stretch” even for most members of the American middle class -- and a functional impossibility for poor Americans.

For reasons of fundamental fairness, as Nickolaus Leggett states, the FCC should not be ripping radios out of the hands of poor people. In addition, as Nickolaus Leggett also notes, the practical consequences would likely be inconsistent with the maintenance of “domestic tranquility”.

We also endorse Nickolaus Leggett’s proposed policy of retaining, under any reasonably foreseeable circumstances, some Analog Radio channels for use by Low Power Radio stations (and, by implication, some receivers that can hear them).

We note that the same policy has also been proposed by REC NETWORKS of Arizona in its May 24, 2004 Written Comments.

Like Nickolaus Leggett and REC NETWORKS, we base our recommendation on the practical reality that few Low Power Radio stations, if any, can afford to pay even a small fraction of the \$75,000 now being charged for Digital broadcasting equipment. In our experience, a typical Low Power Radio station would take years or more to generate \$75,000 in revenues (by which we mean *gross* revenues).

One alternative, mentioned in our June 2 Written Comments, would be imposing a surcharge on all Digital Radio equipment and services in order to provide very generous subsidies to Low Power Radio for capital investment in Digital Radio transmitters. As we also discuss in our June 2 Written Comments, the same surcharge, or an alternative funding mechanism, could also finance special grants for Research, Development & Demonstration (RD&D) projects on “spectrum expansion” (through, for example, infrared broadcasting and/or longwave AM broadcasting).

In any event, for the reasons we have set forth herein, we urge the Commission, *if* it retains IBOC Digital Radio (and/or substitutes any other form of Digital Radio) on the AM and/or FM Bands, to proceed in accordance with the recommendations we have endorsed.

Respectfully submitted,

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Dated: _____
June 2, 2004

I certify that a copy of these Reply Comments has been sent to Nickolaus E. Leggett
N3NL of Reston, Virginia and REC NETWORKS of Tempe, Arizona.

Donald Joseph Schellhardt, Esquire