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

Notice Of Inquiry)
On Broadcast Localism) FCC Docket No. 04-233
Localism Task Force) FCC Docket No. RM-10803

WRITTEN COMMENTS OF
Frank Hansche, East Hill Radio, Part-15 broadcaster.

These Written Comments are being filed simultaneously, in FCC Dockets 04-233 and RM-10803, as a way of urging the Federal Communications Commission to establish a new, Low Power AM Radio Service. Bringing Low Power Radio to the AM Band will allow local ownership of radio stations to flourish in areas where Low Power FM cannot reach -- and to serve communities in ways that Low Power FM cannot duplicate.

I live in a community under served by local radio. Any station currently licensed to south King County, or to be licensed to the south county, neither serves nor intends to serve the needs of the area. Their focus is primarily the greater Seattle area and the advertising revue derived thereof. Of the 60 signals currently on the air in the tri-county area, only a handful of stations truly serve their city of license. A low power AM station would have the opportunity to really serve its community due to its restricted signal. By design, the station would need to be a real service to its local community.

I am interested in establishing a Low Power AM Radio because I operate a Part 15 AM radio station that I would like to upgrade to a Low Power AM radio station. I am concerned about the extent to which concentrations of mass media ownership may be inhibiting the free flow of ideas in America. This is borne out by the fact that a high power FM will be moved into the market, thus freezing a low power FM, plus several LPFM applications.

Two Key Reasons Why We Need A Low Power AM Radio Service

There are many ways in which a Low Power Radio Service on the AM Band would serve the public interest. The two most important reasons, however, are as follows:

1. Low Power AM is the only way that Low Power Radio will ever establish a meaningful presence in some cities. In FCC Docket RM-10803, please see the December 22, 2003 Written Comments of the MICHIGAN MUSIC IS WORLD CLASS! CAMPAIGN -- which include a subcontracted study, by Arizona's REC NETWORKS, of frequency availability in metropolitan Detroit. In the same Docket, please read as well the January 20, 2004 Written Comments filed by the COMMONWEALTH BROADBAND COALITION of metropolitan Boston.

These filings, and other evidence, make it clear that even the speedy authorization of second adjacent channel spacing for Low Power FM stations -- as proposed in S. 2505, sponsored by Senate Commerce Committee Chairman John McCain, R-AZ, and Senate Judiciary Committee Ranking Minority Member Patrick Leahy, D-VT --will not open up a single frequency for Low Power Radio stations in either metropolitan Detroit or metropolitan Boston. In other large urban areas, some frequencies may be opened, but only 1 to 3 at most. Thus, in some major urban areas, Low Power AM licenses will be needed in order to place any Low Power Radio stations on the airat all. In other major urban areas, LPAM licenses will be necessary in order to bringLow Power Radio beyond a purely "token" presence. A

meaningful presence for urban Low Power Radio is simply not possible, under currentconditions, unless a Low Power AM Radio Service is included in the mix.

2. Unless the Commission is prepared to re-open the existing Low Power FM Radio Service, on a major scale, Low Power AM may be the only opportunity for Low Power Radio to become an engine for entrepreneurship and economic growth. During the regulatory deliberations that led to establishment of the current Low Power FM Radio Service, THE AMHERST ALLIANCE and others argued in vain that some opportunities to gain licenses should be available to individuals, and also to newly formed non-profit groups -- instead of limiting all LPFM licenses to non-profit groups alone, with a strong preference for "established" non-profit groups over newcomers. Amherst and others argued as well for allowing at least some of the new Low Power FM radio stations to have the option of airing commercials (although it was recognized that doing so might first require the FCC to seek, from Congress, a statutory exemption from mandatory license auctions for Low Power Radio stations). Those battle were lost, by THE AMHERST ALLIANCE and its allies, when the FCC drafted its final rule to establish a Low Power FM Radio Service. Now Low Power AM offers the FCC a second chance to allow some Low Power Radio stations the opportunity to serve as engines of entrepreneurship and economic growth. Individuals can "cut their teeth" on LPAM stations before moving on to other venues. Small, local businesses can buy affordable air time again on small, local stations.

Experiments with inventing new forms of commercially viable programming can occur. In a nation which says it values upward mobility for individuals, prosperity for small businesses and economic growth that strengthens local communities, why should 100% of the nation's Low Power Radio licenses be reserved for "established" non-profit groupsthat will never sell airtime to struggling local businesses? If Low Power Radio on the FM Band will remain a terrain that is reserved exclusively for "established" non-profit organizations, why not make Low Power Radio on the AM Band a complementary home for small businesses and individual broadcasters?

Recommendation: Immediate Docketing Of THE BAUMGARTNER PETITION

I agree with THE AMHERST ALLIANCE, and 26 other parties, that the FCC does not need to wait for the completion of the Notice Of Inquiry on Broadcast Localism, in FCC Docket 04-233, before it proceeds to solicit public comments on a proposed rule to establish Low Power AM Radio. Nor does the FCC need to wait for conclusion of the Broadcast Localism Task Force proceedings, in FCC Docket RM-10803, before it presents for public comment a proposed rule on Low Power AM Radio. The proceedings in FCC Docket RM-10803 were supposed to have been concluded in June of 2004, following a series of 6 public hearings around the country. Instead, as of July of 2004, the Task Force was still working on the fourth of its 6 public Hearings -- with no date set yet for the final two. The Commission's first official step toward establishing a Low Power AM Radio Service need not, and indeed should not, have to wait for the Localism NOI Docket to receive its final Reply Comments in October of 2004 -- or for the Localism Task Force to conclude its final public Hearing on a date as yet unknown. Since June of 2003, a Petition For Rulemaking has been on file with the FCC. Further, since October of2003, that Petition has been the subject of intensive discussion in public comments filedwith the Localism Task Force in FCC Docket RM-10803.

The Petition was drafted and prepared by FRED BAUMGARTNER, C.P.B.E. of Colorado: a nationally recognized founder of the SOCIETY OF BROADCAST ENGINEERS and of the NATIONAL ANTENNA CONSORTIUM. He developed his Petition following consultation with several other broadcasting professionals, working in the "mainstream" radio industry -- plus consultation with several nationally prominent Low Power AM advocates, including William C. Walker of THE LOW POWER AM RADIO NETWORK (www.lpam.net) and Don Schellhardt of THE AMHERST ALLIANCE

(www.amherstalliance.org) and the NATIONAL ANTENNA CONSORTIUM (www.antenna-consortium.org).

On July 14, 2004, THE AMHERST ALLIANCE and 26 other parties filed in both of the FCC's Localism Dockets (04-233 and RM-10803) a Motion For Immediate Docketing of the Baumgartner Petition. I hereby express my own strong support for that Motion and urge immediate action on it by the Commission.

The text of the 27-party Motion For Immediate Docketing -- as presented to the Commission on July 14, 2004 -- is as follows:

"The 27 undersigned parties move that the Federal Communications Commission, while continuing toward completion of its deliberations in FCC Docket 04-223 and FCC Docket RM-10803:
(1) Simultaneously Docket as a proposed rulemaking the provisions of the Petition For Rulemaking by FRED BAUMGARTNER, C.P.B.E., to establish a Low Power AM Radio Service;
As modified by(2) The recommendations of THE LPAM TEAM, as set forth in its December 5, 2003 Written Comments in FCC Docket RM-10803."

Recommendation: Selective Modification Of THE BAUMGARTNER PETITION
The December 5, 2003 Written Comments of THE LOW POWER AM TEAM, chaired by Kyle Drake of Minnesota (vmalloc@usinternet.com), constitute the closest thing available to a "consensus" -- within the Low Power AM community -- on how the Baumgartner Petition For Rulemaking could be, and should be, improved.I support the proposal, in the 27-party Motion For Immediate Docketing, that The Baumgartner Petition should first be modified, by incorporating the recommendations of THE LOW POWER AM TEAM, before it is Docketed for public comments.

The December 5, 2003 recommendations of THE LOW POWER AM TEAM include, among others:

(1) establishing Primary Service Status for all Low Power AM stations, at least in areas where the broadcast spectrum is congested, to protect them from being rendered extinct through displacement …

(2) allowing individuals, and groups which are fairly new to a community, to compete for LPAM licenses (instead of following the LPFM pattern, where 100% of all licenses are reserved solely for "established" groups)

(3) allowing an LPAM station's Effective Radiated Power to exceed 100 watts in some cases, limited to service areas with relatively low population density …

(4) calculating the minimum distance between LPAM stations by assuming locally typical ground conductivity, rather than assuming the highest possible ground conductivity in all locations across the United States …

(5) allowing individual LPAM stations more flexibility in setting hours of airtime operations …

(6) establishing, in advance, procedures for the resolution of mutually exclusive applications, instead of relying exclusively upon voluntary negotiations between the applicants to resolve all differences … and

(7) allowing the airing of commercials by LPAM stations. I recognize that the last recommendation might require the FCC to first gain, from Congress, the statutory authority to allow Low Power AM stations to air commercials without becoming subject to mandatory license auctions in the process.

Conclusions

For the reasons set forth herein, I urge the Federal Communications Commission to grant the July 14, 2004 27-party Motion For Immediate Docketing of the Baumgartner Petition -- as modified by the recommendations of THE LOW POWER AM TEAM in its December 5, 2003 Written Comments -- and to take such other steps as may be needed to establish a new, Low Power AM Radio Service within the near future.

I also urge the FCC to move swiftly, in other Commission proceedings, toward prompt and sensible action to: (1) assign Primary Service Status to all Low Power Radio stations (FM and AM) …

(2) assign Primary Service Status to all Class D educational stations …

(3) assign a new and lower Service Status to satellite-fed translator stations (aka "satellators") and other long distance translators, which are crowding out frequencies needed by Low Power Radio stations and by truly local translators …

and

(4) initiate "damage mitigation measures" that will protect small stations, and particularly small AM stations, from interference caused by broadcasts with iBiquity Corporation's In Band On Channel (IBOC) Digital Radio technology.

Respectfully submitted,

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Dated:
July 23, 2004