

As today, November 1, 2004, is the deadline for filing general original comments for proceeding 04-233, I have some more things that need consideration in this matter.

I

Additional Class A FM allotments needed on FCC's own motion.

The FCC should, and must at this time, move on its own as in Docket 80-90, to find and allot as many Class A FM channels to as many new communities that do not have one right now, in order to preserve broadcast localism.

What has happened with many Class A's and other 80-90 allotments is they have become 'rimshot' signals to much larger markets, thus diminishing their effectiveness in doing what they were supposed to do, serve the local communities. I believe that the Commission Staff in the Media Bureau can find maybe hundreds of Class A FM frequencies and allot them to frequencies that are available and allot them to communities that presently do not have an allotment specifically for them, many as a first local service.

Because of the limited range, about 20 miles max, of a Class A FM signal, they are uniquely advantaged to providing badly needed local service. The FCC is requested to reply to these comments on the feasibility of promulgating a new Docket in light of these comments, and using 80-90 as a precedent.

II

Low Power FM: What is needed now with LPFM is a new LP-10 service, and while this has been previously mentioned in that proceeding and related issues, this is also extremely important to broadcast localism.

This would be the matters of:

2nd Channel Adjacent/3rd Channel Adjacent.

Translator displacement of 'distant signal translators, especially for those not affiliated with a Division 1 or 2 school (usually intended to act as a flagship for a statewide network of translators to provide informational and educational opportunities, such as a statewide network of classical music stations as they provide educational opportunity to all citizens of the state.), or a locally run community radio organization that desires to have statewide coverage to provide unique programming not found on other outlets.

Some states are large. Utah, while a rather average state, has one major center. Some proposals here would limit KUER, KUSU, KBYU, and KRCL from gathering large translator networks to serve all the small communities in the State of Utah. Therefore, the FCC and other commentators are asked to reply as to how the decision of what translators are 'protected' from being displaced by an LPFM. Here's what that means.

LPFMs should be allowed to otherwise displace 'distant' translators, or non-local translators in urban areas and those more than 150 miles from the main signal if not run by a major educational institution or bona fide local community group. The 'satellators' from other states should not be allowed across state lines unless there is no other way to serve a particular community within a state, such as a preferred transmitter site just outside the state which ends up serving more outside the state than inside it. Also, communities

within a local DMA or 'market' area served by the main stations would be exempt from this if in rural areas or outside the Grade B contour. Utah is a prime example of a state that has to by and large be served by translators and even LPFM outlets.

I recommend some type of translator reform to permit more local content on stations utilizing translators to extend their reach and serve underserved communities. The above are just some ideas, so therefore, I recommend the Media Bureau consider a proceeding in this matter to clarify issues regarding translators, LPFMs, and LPFM displacement of translators. And also to clarify the needs of communities as to what should be allowed and not allowed as far as translators from adjoining market, such as educational institution-run stations and translators to 'fill in' for what might not otherwise be available in a market, such as classical music (Philadelphia, for example, when the nearest fulltime classical is in Trenton--WWFM).

III

Local programming requirement.

There is the growing problem of 'rimshot' or 'satellite' signals in many areas now.

Rimshot signals are stations that are close enough to a market via spacing requirements to fill in what were previously gaps in between stations. They often claim a 'first or second local service' to get where they are, but never program to the local communities, and sometimes these communities are 100 miles away from the target markets. We have several here in Utah now, particularly the Salt Lake market.

All stations should be required to air a certain number of advertisements and Public Service Announcements (PSAs) in their markets on a per-hour basis between 6am and 10pm local time, when most people are listening.

All stations should be required to air news and other programming from their City of License as well, between the same hours. This would include local weather forecasts and other news of importance to the local area that otherwise has been spurned by the 'rimshot' or 'satellite' signals. For example, there is a station in Randolph, Utah, which is the COLDEST place in the state on average. It's getting to winter now, and I for one would have liked to know how CoLD it got up there! But KDUT broadcasts Spanish programming to Salt Lake and does not run any local programming at all to Randolph itself, they did not do it under the previous owner as KWKD and KMDG either. In fact the studio was/is in Salt Lake and they could have built it up there.

One clarification. A 'satellite' signal is defined in these comments as a station that fully operates via satellite usually from a base office hundreds of miles, if not thousands of miles away from the main translator, or whose programming is entirely from a station that fits the above description. This does not include programming that allows the local station to insert 'sweepers' (station name, frequency, calls, etc) throughout its programming as well as other local announcements, weather, and news, as is usually the case with public radio stations that may be simulcasting MPR's 'Classical 24' programming, which allows for news inserts, and two 1 minute breaks for local announcements per hour. But there are some that do not allow any local program inserts, mainly some of the large networks probably discussed earlier in this proceedings. This applies to stations that do nothing but totally rebroadcast another signal

(excepting local Public Radio networks, and in-state networks of fine-arts and community radio stations, or other programming that allows for local inserts of announcements, news, and even other similar programming).

I ask the FCC Media Bureau to consider a proceeding to clarify and gather additional comment on this issue.

Conclusion.

In summary, some of the above may seem like rambling on my part, but please sort through it, and feel free to serve me with additional questions on the above and I will clarify these matters as stated above, there may be points that I may well have missed.

Also, one of the places where the FCC should consider holding hearings in the future is the Salt Lake market, especially in the matter of 'rimshot' signals and translators, and the role of urban and rural LPFM, as it will be germane to discuss these matters here in Utah where both are issues and translators have their legitimate use both in and outside Metro areas and where they have so far served the population very well over the nearly 25 years most have been on, and where we have a robust noncommercial station complement to the airwaves here, with KBYU, KUER, KRCL, KWCR, KUSU, KOHS, KPGR, and one down in Ephraim all providing excellent local community service to the state, and KCPW/PPCW which is building a new network of stations now providing additional local noncommercial voices.