Docket 99-325
Comments from Warren G. Smith

As a broadcaster for more than 40 years of my life and an avid listener to the free broadcasting spectrum of AM-FM-TV, I am writing as a matter of public record in opposition to the attempted overthrow of the FCC's authority of regulating the public airways with mandated digital signals now being forced on us by a consortium of investors and owners whose sole purpose is the lining of their pockets, while indirectly destroying the few remaining outlets for information and emergency communication available without subscription. I am referring to the implementation of digital on channel signals originally released as unproven except in the trial and experimental stage by their merged creators. Now as a result of the tests and marketplace exposure in recent months on both AM and FM, we can state unequivocally that the test results are in and what we feared the most has come upon us: digital AM and FM signals are an absolute failure for multiple reasons.

1. The interference produced on both AM and FM to average to good quality analog receivers clearly show that implementing digital on band with the proposed choice of the CEA-NAB dooms radio as we know it to an early death.
2. AM digital is limited to non-critical hours of safe operation and requires a full 50kilohertz of protection between digital partners on the AM dial.
3. FM digital destroys at minimum the first adjacent FM signal and reduces the protected contour of routinely marketed FM signals by 25 percent of their protected contours.

This new digital format has already damaged the marketable contour to one of my minority clients, who purchased a group of smaller FM stations in the trading areas of larger communities in expectation of competing in the marketplace for a share of the revenue dollars, while developing programming for the community of license. Prior to digital introduction this effort was reasonable and the results were predictable based on historic record of broadcast station transactions. The addition of digital carriers by their first adjacent neighbor (a consortium player) has eliminated reception of my client's station in the heaviest populated areas of their protected service and rendered the station useless and non-competitive outside of it's primary service area. This client is considering installation of digital in order to push back the first adjacent station currently damaging their channel with the addition of digital carriers. The primary reasons for not installing this jamming "in house" is cost of startup and the fact that we also have a first adjacent lower channel neighbor that would suffer needlessly.

Securing permission to list the names of minority clients for this submission has failed, but upon request I can cite specific examples in a hearing or legal proceeding in the future. As reported to me by one minority CEO, many minority groups must keep quiet on activity or problems introduced by and from larger group owners or risk losing future funding from supported portfolios "controlled" by the bigger players. This fear factor born from 22 broadcasters controlling this industry is another new term for business acumen in the modern new age. The Commission is the last vestige of hope for the

American Public, as it now appears that a consortium of bought up and bought out players are now poised just over the wall-less border waiting for the final hurdles to be toppled as an unknowing general public is about to face another round of breaches of its defenses and natural media resources for the sake of adding the term “digital” to an already confused and confounded spectrum of ‘pay to play” products that tout improvement with futuristic claims that must be paid for COD. Most heartfelt in this process are the comments from various organizations claiming to represent the blind citizens of our country on the grounds that adding digital channels will enhance the opportunity for our blind countrymen to enjoy more and better programming. How blind can those groups be? Surely they are aware of existing sub carrier programming and the nominal costs to implement that service without adding heavy digital compression or audio time delay. In fact, the best ears this nation has are our blind friends who have tuned their ears to compensate for a loss of sensory input from the eyes. I know of no blind person who would benefit from poor sounding digital conversion. Most of my friends with blindness will be angry with the product as it lands in the marketplace should the FCC not stand in the doorway and say absolutely no to way the CEA and NAB are going to steal the marketplace in this instance. Likewise there are no marketable components that will assure the physically challenged that this endorsement will assure more programming for their needs.

It is with good conscience and integrity that I can go on public record at huge risk of loss of business relationships from large broadcasting entities to state that the NAB has the interests of its own board of directors and revenue from booth space and funding from the manufacturer far more than any other interests of the public or the broadcasting community as a whole. The deregulation and increased demands placed on the FCC from new electronic gadgets and tools as well as the lack of support from the broadcasting community over the years in areas such as electromechanical noise from automotive ignition systems, cell phone car chargers, overloaded electrical power distribution systems and a long list of potential interferences to free broadcasting have narrowed the Commission’s staff focus and created the potential for homeruns by large holding companies aligned to take no prisoners and dominate this most important industry of freedom. It is of utmost national security and free enterprise that our FCC boldly examine the laws of physics and rely on other sources than the National Association of Broadcasters and its partnership with the Consumer Electronics Association, whose principle bloodlines are the selling of floor space to its represented suppliers of goods and services. There have been no good faith efforts from receiver manufacturers to improve AM or FM contours. In fact, the challenge facing broadcasting is the same as the past 40 years: Auto radios are subject to internal vehicular noises and the net result has been narrow band AM and now FM fade-to-mono circuits as well as reduction in audio quality. Permitting the NAB-CEA to set the standard only lowers the integrity of public airways and gives further open doors to poorer receiver standards and more allowable reduction in quality to the detriment of our citizens. The lack of minimum standards for reception for either AM or FM has laid waste to modern improvements in transmission quality with modern transmitter design schemes and new discoveries on the analog domain that work very well despite the lack of incentive from receiver makers other than

new modulation techniques that mandate the purchase of the new components while eliminating the nearly 1 billion sets in use nationwide.

It is the FCC and U.S, Government's job to protect the public from wholesale manipulation of the marketplace. The best evidence of quality protectionism has been the Communications Act of 1933 and the slipping of this watchdog protective system is best represented by the noise floor for free broadcast spectrum most supported by the NAB and its fostering sponsors. We must not only say no to more false science such as in-band digital, but we must readdress digital noise and its contribution to interference in the marketplace and home as well. Tighter controls on these work-saving devices must return while broadcasters need to be included in the watchdog efforts. There are some issues that can slip past our government and its citizenry with little known short or long term effect. But one issue that is clearly an impediment to the Preamble of the Constitution is the issue of unprotected electronic borders and digital culture out of control along with language that is so vague in its description of constituted "improvements" that it covers a multitude of sins for a season until the disease is in our mainstream food chain and wrecking public confidence in the communications industry. Its time for the members of the FCC to recognize that their responsibility in this matter, span the hands of time into the next generation as well to halt at any cost the thrusting of tainted information systems on the American Public.

This consortium not only created its own misinformation propagation, it hushed its staff technical personnel from commenting on the flaws and frailty of the creature. It's now up to the public and trade publications to snuff this project before more damage is done to the free airways so hell bent on fighting satellite radio for the mysteriously shrinking audience, the majority of which are not aware of satellite radio to date and certainly unaware of the violation of purpose when the FCC permitted only two companies to engage in this experimental service of sat-casting in the first place. National security does not permit sat radio to be the role model for free broadcasting as the digital sellers are so meticulously announcing as the sole purpose for these multimillion dollar investments in the process of jamming and modifying the service contours to AM and FM in such short notice. No member of the FCC staff will enjoy the retirement years in the near future knowing the last nod was the one that thrust this noise generating and spectrum spreading component on an ignorant American population for discovery down the road as another business plan that brought international money to the marketplace for the sake of a few dollars more. Even Clint Eastwood would find this plot just a bit too foreign for common sense.

Respectfully submitted,

Warren G. Smith, Jr.
Jacksonville, FL
jerry@jerrysmith.net