UNITED STATES OF AMERICA

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In The Matter Of:	)	
	)	
Creation Of A	)	Docket No. RM-11287
Low Power AM Radio Service	)	

JOINT WRITTEN COMMENTS OF
WILW RADIO,
THE LPAM NETWORK
AND
6 OTHER PARTIES

TABLE OF CONTENTS

Page

Introduction
1

Why LPAM Stations Must Be 100% Commercial
3

Why LPAM Stations Must Share Spectrum With Part 15 AM Stations
6

Why Maximum Wattage Ceilings For LPAM Stations Must Be More Than Nominal
7

Proposed Requirements For Antennas and Ground Systems
9

Conclusion
10

UNITED STATES OF AMERICA

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In The Matter Of:	)	
	)	
Creation Of A	)	FCC Docket No. RM-11287
Low Power AM Radio Service	)	

WRITTEN COMMENTS OF
WILW RADIO,
THE LPAM NETWORK
AND
6 OTHER PARTIES

WILW RADIO (www.wilw.com) is an Internet broadcaster. It maintains a web site which promotes, and reports news and information regarding, community radio in general and the possibility of Low Power AM Radio in particular. WILW has also been a Part 15 broadcaster in the past.

THE LPAM NETWORK (www.lpam.net) is a loose knit, Net-based, nationwide group of individuals with the common aspiration of acquiring licenses for commercial-airing Low Power Radio stations on the AM Band. These aspiring Low Power AM (LPAM) broadcasters -- many of whom are already Part 15 AM broadcasters and/or Internet broadcasters -- have formed and joined this common

organization for the purposes of information exchange, mutual support (both moral and practical) and public policy advocacy.

Both WILW and THE LPAM NETWORK (www.lpam.net) are presently headquartered in Buffalo, New York, with William C. Walker as Proprietor and General Manager. Over a number of years, William has operated Part 15 AM stations in Connecticut, Kansas, Missouri, Maine and New York State.

As one crucial step toward its primary public policy goal, THE LPAM NETWORK became one of 5 signatories of the August 19, 2005 Petition For Rulemaking to establish a Low Power AM (LPAM) Radio Service.

In these Written Comments, WILW and THE LPAM NETWORK join the other undersigned parties in applauding the Commission's October 23 decision to open Docket
RM-11287 and solicit public comments on the August 19 LPAM Petition. We urge the Commission to move to the proposed rule stage of these proceedings, and then to the final rule stage of these proceedings, as expeditiously as it reasonably can.

WILW and THE LPAM NETWORK, as well as 6 other parties, have drafted and submitted these Joint Written Comments in order to stress *4 crucial points:*

(1) ONLY commercial licenses should be granted to Low Power AM stations.

(2) *Channel spacing requirements for LPAM stations must be designed to leave room on the spectrum for existing Part 15 AM stations.*

(3) *If commercial-airing LPAM stations are approved, they must be allowed to operate at wattage levels that are high enough to permit financial viability.*

(4) *LPAM stations should be subject to strict but reasonable requirements for their antennas and ground systems.*

We will discuss each of these crucial points in turn.

Why LPAM Stations Must Be 100% Commercial

The new LPAM Radio Service should be 100% commercial, just as the established LPFM Radio Service is 100% non-commercial. In this vital area, the two forms of Low Power Radio should complement each other -- symmetrically -- rather than duplicate each other.

This is a basic argument of equity and common sense. Why should non-commercial entities in particular, and organizations in general, be allowed *a 100% monopoly of all Low Power Radio stations* -- when they account for far less than 100*%* of the aspiring Low Power Radio stations? Why are commercials, and individuals, *absolutely excluded?*

Why was the current version of Low Power Radio consciously designed by the Federal Communications Commission to be, in its own way, almost as closed to diversity as the satellite stations of the media mega corporations and NPR? And why should this absolute monopoly by non-profit organizations be extended into the AM Band -- when the AM Band provides a rare opportunity to attain *balance* within the community of Low Power Radio stations?

In any event:

If 100% commercial status is not provided for LPAM stations, then the FCC should re-*open for examination the 100% non-commercial status of LPFM stations.*

Hopefully, matters will not reach a point at which re-opening of the existing LPFM Radio Service will be necessary.

Apart from the basic question of equity, there are also *practical reasons why the need to air commercials is greater for LPAM stations than for LPFM stations:*

(A) At any given time, according to most Arbitron Surveys in metro markets, about 20% or less of the radios within a particular market are tuned in to the AM Band.

This means that the other 80% of the audience is listening to FM. Thus, the

initial potential market for a typical Low Power AM station is likely to be

only a quarter of the initial potential market for a typical Low Power FM station. From this simple "fact of life", it is clear that LPAM stations need to receive

"more revenues per watt" than LPFM stations. Donations alone are not likely

to be enough.

(B) For the same reason -- that is, a much smaller starting audience -- it will be

much more difficult for LPAM stations to attract sponsorship dollars for On Air

"donor acknowledgements". LPAM stations will need the ability to gain "more

bang for the buck" from air time used by (or on behalf of) station supporters.

(C) In addition, various broadcast engineers have apprised THE LPAM NETWORK that AM stations generally cost more to build, and also to operate, than FM stations. Compared to a typical LPFM station, a typical LPAM station is likely to need higher revenues just to cover the same costs.

(D) The broadcast radius of a given licensed LPAM station will be shorter

than that of its LPFM cousins. Fewer people and businesses will be able to tune into the station, but it will cost more to operate the station.

(E) Small independent business owners need a chance to be able to buy affordable advertising on the radio. Large companies can easily afford to purchase large numbers of advertisements on the radio, making it possible for them to better compete in the market place than the small corner store, restaurant or office that has a very limited budget. Growing small businesses will in turn help our neighborhoods, by creating more jobs in areas that need to see job growth.

In short:

LPAM stations will have higher capital *and* operating costs than LPFM stations,
while they simultaneous have much smaller audiences from which to recover those higher costs.

So … *There's a reason* why we find more room on the AM Band for Low Power Radio stations than we find on the FM Band.

At the same time, the situation is far from hopeless for LPAM stations *if* they are allowed to air commercials and broker time. Thousands of Part 15 AM stations are now On Air, surviving with far smaller service areas than the new LPAM stations are likely to have. While many -- if not most -- of these existing Part 15 AM stations are subsidized by their owners, it is a miracle that they are viable even with the owner subsidies. The secret is their ability to air commercials, which can at least reduce owner subsidies to a manageable level.

Experience and observation also suggest that LPAM stations, *if* they are allowed to air commercials, are likely to be able to attract commercial sponsors more easily than a hypothetical commercial-airing LPFM station.

Given "the market niche" that full power AM stations have pioneered for themselves, there is strong reason to believe that commercial sponsors *and* local listeners might both be attracted to *locally focused versions* of such full power AM fare as:

Local weather
Live local sports
"Live remotes" from events in the area
Local News-Talk
Local call-in discussions
Community Calendar
Programming for locally concentrated ethnic groups (Hispanic, Italian, etc.)

In addition, these stations will become training grounds for those individuals that may aspire, in the future, to work at full power radio stations. LPAM stations can also be used to provide help to the local authorities during times of emergency -- by spreading news and information immediately and directly to the community in need of such service. This means of airing information will likely reach listeners more quickly than regional or national EAS service.

WILW and THE LPAM NETWORK, and the other undersigned parties, also incorporate by reference the arguments for commercial Low Power AM stations that are contained in the August 19, 2005 LPAM Petition For Rulemaking. These arguments include providing more affordable air time for local advertisers, allowing small and local retailers to compete more effectively with national retail chains, and

opening the possibility of linked LPAM stations which could become mid-sized competitors to the dominant media mega corporations.

Overall, as we have stressed above:

The case for commercials on the AM Band is clearly stronger than the case for non- commercial service in the FM Band.

However:

Without the ability to air commercials on the AM Band, those who seek to own and operate commercial-airing Low Power Radio stations will have no other option to pursue *except* action to re-open the currently established Low Power FM Radio Service.

So far, WILW, THE LPAM NETWORK and others who favor commercial Low Power Radio stations have made no attempt whatsoever to overturn the 100% non-commercial status of the LPFM Radio Service. We have responded to the *absolutely total exclusion of commercial radio from the LPFM Radio Service* by developing proposals for the constructive alternative of a commercial LPAM Radio Service. We have maintained a positive attitude and have consciously chosen to leave our non-commercial friends in the LPFM Radio Service alone.

Why LPAM Stations Must Share Spectrum With Part 15 AM Stations

Channel spacing requirements for LPAM stations must be designed to leave room on the spectrum for existing Part 15 AM stations.

"Broadcast localism" will not be advanced if a new form of locally oriented broadcasting -- that is, a Low Power AM Radio Service -- is achieved at the cost of drowning out some existing, locally oriented Part 15 AM stations.

Indeed, to the extent the FCC decides that it must choose between licensing a new Low Power AM station and preserving Part 15 AM stations that are already On Air, the Commission should prioritize preservation of the Part 15 AM stations.

There are at least 2 good reasons for setting priorities in this fashion:

(A) The same amount of spectrum can accommodate more Part 15 AM stations than LPAM stations, which means that Part 15 AM stations offer more opportunities for more people to get On Air;

And

(B) The Part 15 AM stations were there first.

Further:

(C) A third compelling reason will arise if LPAM stations are approved by the FCC but are not required to be 100% commercial. In that case, the new, non-commercial LPAM stations could destroy *the last refuge on the spectrum* for radio stations which are able to air commercials without being subject to mandatory auctions.

Why Maximum Wattage Levels For LPAM Stations

Must Be More Than Nominal

The *actual* wattage ceilings for LPAM stations must be distinguished from the much higher *assumed* wattage levels that are proposed, in the August 19 LPAM Petition, as a built-in "safety margin" against any possible interference with other radio stations.

The former, *actual* wattage ceilings must be more than nominal. This means, in practice, that the actual wattage ceilings must be *at least 10 watts,* even in urban areas.

WILW and THE LPAM NETWORK favor a ceiling of 100 watts, across-the-board.

We note that other parties to the LPAM Petition have expressed support for lower wattage ceilings in certain urban areas, and higher wattage ceilings in certain rural areas.

However, all of these other Petitioners agree with WILW and THE LPAM NETWORK that an actual wattage ceiling of *100 watts should be the national norm.* They view their proposed departures from this national norm as exceptions to the general rule.

WILW and THE LPAM NETWORK, and the 6 other undersigned parties, offer 3 arguments for setting the actual wattage ceilings at 100 watts -- or, failing that, a level which is still well above 10 watts:

(A) Higher *actual* wattage, coupled with much higher *assumed* wattage, will

leave an "umbrella", under which Part 15 AM stations can survive. Such
an "umbrella" will do more than simply protect any existing Part 15 AM stations in the area. It will also provide shelter for *new* Part 15 AM stations
to emerge. Therefore, those aspiring broadcasters who choose *not* to apply
for a Low Power AM license will still have an opportunity to find an available frequency for an unlicensed Part 15 AM station.

(B) The In Band On Channel (IBOC) version of Digital Radio has, unfortunately, been approved by the Commission -- over the objections of all 5 parties to the August 19 LPAM Petition, among others. Now IBOC is spreading through the airwaves, drawing far more complaints about interference on the AM Band than on the FM Band. If the FCC does not consider a better alternative for the AM Band, such as Kahn Communications' CAM-D technology, the levels of IBOC interference on the AM Band will intensify as more full power AM stations shift to IBOC. Should the FCC lift its current moratorium on night-time AM broadcasts with IBOC, the levels of IBOC interference could become catastrophic. Even an LPAM signal of 100 watts would encounter difficulty in "cutting through the fog". A signal of 1 to 10 watts would be a lost cause.

(C) As we have stressed above, LPAM stations of 10 watts or less will be both acutely vulnerable to IBOC interference *and* an interference threat themselves to Part 15 AM stations. Even without these factors, however, LPAM stations of 10 watts or less do not make sense. Their service areas, even in a world that is free of AM IBOC interference, are unlikely to be large enough to generate the revenues they need in order to make a profit --

or, at the very least, cover their costs.

Proposed Requirements For Antennas And Ground Systems

(A) We, the undersigned, generally support the Baumgartner Petition's proposal for limiting LPAM antennas to a maximum height of 40 feet.

In addition, in order to more easily accommodate local zoning regulations, which will allow LPAM owners an easier opportunity to get On Air, we ask the Commission to consider allowing antenna heights of LESS than 40 feet in height when:

(i) Local zoning ordinances limit tower heights to levels below 40 feet;

Or

(ii) The zoning requirements theoretically permit tower heights of 40 feet, but the zoning *process* is too restrictive and/or burdensome to allow the maximum allowable height of 40 feet to be built within a reasonable amount of time.

(B) Only frequencies in the range of 1620 to 1700 should be considered for LPAM operation. This restriction, coupled with the "safety margin" of assumed wattage limits which far exceed actual wattage limits, will further reduce any risks that LPAM stations might interfere with other AM stations.

(C) "Capacitance hats" should be permitted. They will decrease signal loss into open

space and will help to create a more "efficient" signal that will enhances the range of these already limited stations. This will help to offset the worsening of night time "skip" conditions.

(D) A standard ground system should be permitted so long as it does not exceed

the length of the total antenna height. For example: If the antenna is 40 feet high, then a series of ground radials or mesh should not exceed an area of 40 feet by 40 feet square.

(E) Loading coils must be required in order to assure a proper match between

the antenna and the transmitter. Without loading coils, the proposed LPAM stations will simply be wasting enormous amounts of energy and electricity.

If loading coals are not made mandatory by the Commission, their absence will hurt LPAM broadcasters by reducing their broadcast radii to extremely short range, resembling that of a typical part 15 AM broadcast station, using a Commission Type Approved transmitter like the Hamilton Rangemaster. The more important concern, however, is the fact that the absence of loading coils will turn stations into "energy hogs" that use electricity very inefficiently.

Such a wanton disregard for energy efficiency is a luxury which our nation, under the present circumstances, simply cannot afford. It is a luxury that most LPAM broadcasters cannot afford, either. A large electricity bill and a short broadcast radius, resulting in a small audience and few potential sponsors, is a combination that does not produce fiscal health.

Conclusion

For the reasons set forth herein, THE LPAM NETWORK and the other undersigned parties urge the Federal Communications Commission to:

(A) Make the new Low Power AM Radio Service *100% commercial,* just as the current Low Power FM Radio Service is 100% non-commercial;

And

(B) Act to preserve Part 15 AM stations, even to the extent of giving their survival priority over the licensing of LPAM stations;

And

(C) Assure that actual wattage ceilings for the new LPAM stations (as opposed to assumed wattage ceilings, for purposes of interference prevention) are *at least 10 watts,* and preferably 100 watts, in all locations.

Respectfully submitted,

William C. Walker
Proprietor and General Manager
1. WILW RADIO
And
2. THE LPAM NETWORK
299 West Delavan Avenue

Buffalo, NY 14213

lpam@lpam.net

URL: www.lpam.net

URL: www.wilw.com

Harvey Caplan

Geraldine Ahrens

John A. Phillips

(Officers and Directors)

3. TALK RADIO OF PAHRUMP, INC.

(A Nevada Non-Profit Corporation)

Pahrump, NV 98041

talkradioofpahrump@yahoo.com

Lee Rand

4. RAND ADVERTISING

P.O. Box 505

Lincoln, ME 04457

info@lincolnmaine.us

5. James Jason Wentworth

213 2nd Avenue

Fairbanks, AK 99701-4810

(907) 457-6682

6. James Fishback

715 East Main Street
Apartment C
Marion, IL 62959
JamesFishback@clearchannel.com

7. Scott Todd

3811 Highway 95 N.W.
Cambridge, MN 55008
stodd@kkms.com

8. Scott Clem

1188 Pershing Road
West Frankfort, IL 62896
topdj955@hotmail.com

Dated: _____
November 15, 2005