ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In Re: Matter of	)	
	)	
Petition for Rulemaking	)	RM-11287
To Establish a Low-Power AM Radio Service	)	

To: Office of the Secretary

COMMENTS OF BLINDTIGERRADIO.COM

BlindTigerRadio.com[1] hereby respectfully submits its comments in this matter.[2] Blind Tiger Radio strongly supports the plan under consideration to expand use of the AM spectrum. As demonstrated herein, LPAM promises to fulfill public needs and provide a viable commercial base for such operations.

The Need for Expanded Service – The Telecommunications Act of 1996 may have sought to strengthen the radio industry in an overall sense, but the resulting consolidation and the shift to a national corporate model of ownership and management has substantially weakened radio's ability to respond to and serve the needs of local communities. Rather than by imposing

[1] The principals of BlindTigerRadio.com are John Majhor, a 32 year veteran performer, program director and producer for both radio and television, and Glenn Nichols, a 35 year veteran of the telecommunications industry, with extensive knowledge and experience of radio/microwave transmission installation and operation. Together, they bring substantial knowledge and experience of all relevant aspects of the present proposal, from business to technical.

Its principals have a history of helping government to enhance the services it allows the people to use. Thus, Reeder Nichols Snr. was a pioneer of the broadcast and telecom industry in the US. In the 1920's he was a US Marine, developing military communications networks. In the 1930's he collaborated with Paul Galvin (Motorola) and Bill Lear developing communications and broadcast facilities in the US. At the outbreak of World War II he was the Chief, Radio and Electrical Section of the Civil Aeronautics Administration (now the FAA). During WWII he was the Officer In Charge of the Army Airways Communications System in the Pacific. He stayed in Australia following the war and was instrumental in founding Australia's telecommunications and broadcast equipment manufacturing industry. Both Reeder Nichols Snr. and Reeder (Glenn) Nichols Jnr. worked with governments of the region to de- and reregulate telecommunications and broadcast policy and regulation. The government of Western Australia named Mt Reeder Nichols in honor of the contribution Reeder Nichols Snr. made to the telecommunications and broadcast industry of Australia which included getting telecommunications, radio and TV broadcast services to the people. Both Nichols Snr. and Jnr. had worked in many countries with differing regulatory environments and have assisted in updating the regulatory environment when required.

[2] These comments are filed in response to the Commission's Public Notice, Report No. 2735, released October 21, 2005 requesting comments within 30 days (that is, by November 21, as the 30th day is the previous Sunday).

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content requirements, the Commission is free to rely upon structural regulation to encourage localism and public service, which remain the purpose of broadcast licensing, but in many respects this model has failed. Among the unserved public needs are the following:

- **Local musical talent** – Listener surveys of national scope to determine corporate playlists have left local talent with no meaningful opportunity for the broadcast exposure which is so critical to publicizing their talent and launching their careers. At the last NAB Radio Show, Commissioner Adelman noted this and suggested that music-formatted stations afford an opportunity for local talent to be heard but industry reaction was hostile; as a reflection of prevailing sentiment, a major trade publication characterized the suggestion as "particularly disturbing" and "scary stuff." Local talent needs the exposure afforded by committed local radio, but few existing stations provide this anymore.

- **Local, live broadcasting** – Extensive reliance upon pre-packaged recorded music services has relegated live performance on radio to occasional events of national or international significance, but very rarely includes any forum to connect local talent with an audience. While local clubs do provide a venue for live performance, broadcasting would afford not only a wider immediate audience but the opportunity to replay performances at more convenient times and in more accessible locations for many more potential listeners.

- **Broadcast talent** – Another unintended consequence of the 1996 Act has been the utter destruction of the "farm team." Countless young, potential broadcasters have been left without a platform and proving ground for their talent beyond a certain market size, as consolidation and imported voice-tracking became the norm, rather than the exception. It is bad enough that so many older, veteran broadcasters have had their careers terminated, but their premature retirement caused the loss of an opportunity to mentor young future broadcasters. Group-owned stations generally bypass beginners for fear of compromising their "sound." Thus, there is no longer the incubator which is so crucial to developing the talent upon which radio's future will depend. Only the smallest of broadcasters are willing to take the time and risk to afford newcomers an opportunity to train and hone their skills. Without committed, trained local talent, radio will be unable to reflect local tastes and respond effectively to local needs

- **Local Advertisers** – The huge escalation in advertising rates to feed corporate profits has priced most local merchants out of the radio market. The immediate adverse impact has been to deprive them of an essential locally-oriented means of communicating with their desired customers. Their absence from local radio worsens the situation, as their larger competitors are able to attract a greater share of business in which they otherwise would have shared, thus accelerating their economic slide. LPAM holds the promise of once again providing a medium for local businesses to reach their customers, and the relatively low coverage of such stations will ensure that ad rates will be affordable, when compared to full-power facilities.

- **LPFM** – The pressing need to restore community broadcasting to radio is abundantly clear from the tens of thousands of comments received when the Commission proposed launching its low power FM service. However, while the restriction to non-commercial operation has indeed permitted many community groups to acquire facilities, few can afford the type of local, live, community-responsive programming which requires the support of advertising.[3]

The Commission is under increasing pressure, both from the public and from Congress, to give back to the public at least a small measure of the public airwaves. As consolidation continues, it becomes increasingly difficult for new, diverse voices to be heard. As prices of even the most problematic facilities continue to soar, new entrants are effectively precluded from entering the industry. While LPFM is helpful, it does nothing to encourage entrepreneurs to try new business models which are likely to work on a locally-responsive level.

The BlindTigerRadio.com Business Plan – While the Commission has heard much of the foregoing before, BlindTigerRadio.com is able to provide a unique perspective, as we have a viable business plan for the successful use of LPAM. Our principal business is running a group of local pub restaurants, which spotlight live performances by local talent. We currently "broadcast" on the Internet 24 hours a day, and currently feature over 30 hours of live performances by local musicians each week. We are securing agreements with our local artists for their material to be used in regular rotation. However, by its nature the Internet is only a stop-gap and is no substitute for the locally-oriented business model we envision. Each of the LPAM stations we plan would spotlight talent local to its specific community, and thus would provide the first step in enabling local artists and presenters to develop their careers and reputations.

Our stations would not only consist of live and repeat performances of local musical

[3] While certain early commenters have suggested the efficacy of existing Part 15 AM broadcasting in lieu of any need to establish a new LPAM service, this is simply not feasible, due to the extremely small coverage of a single Part 15 transmitter and the impracticality, coverage dropouts and expense of attempting to string together a large number of micro-power facilities into a local "network" of sorts. Such an arrangement cannot possibly be deemed equivalent to a low-power licensed service covering an entire community with reliable service from a single site.

talent. It is our intent to add local content in the form of school sports scores, local news and commentary and public service time to address local issues.

All of this will be enhanced by commercial support. However, commercial support works both ways. As previously noted, many local advertisers who could benefit greatly from radio exposure have been priced out of the radio market. The relatively lower expense of an LPAM operation will enable us to offer affordable advertising to local merchants. That, in turn, would provide a huge boon to the local economy by enabling such merchants to better compete with those who can afford broadcast advertising.

This is not mere wishful thinking. We are confident that this model can work. Currently, we "time broker" three hours per week from a local oldies station and have generated a significant following from the local music and content (including advertiser support) that we have generated in our slot. We know that this can be greatly expanded, but we cannot afford to lease time on other outlets and the oldies station does not wish to detract from its overall format by making more time available to us. We know that we have begun to serve the public in a meaningful, locally-responsive way, but are in desperate need of a new, stable and affordable set of local broadcast outlets to implement our plans.

The LPAM plan that has been proposed is a good starting point, as it is important to break the monopoly of the airwaves by well-heeled existing broadcast groups who deemphasize local talent, advertising, air staff and live performance. It is critical to create a new and exciting kind of local radio, produced for locals by locals. Low power AM is ideally suited for that purpose. Ironically, while "new" in the sense of an innovative additional service, LPAM will help to restore radio to its original purpose and function (and the justification for FCC regulation) of broadcasting) – it will complement the heavily consolidated nature and broad focus to which the industry has evolved with the local element so often missing nowadays.

Conclusion – In light of the current state of the industry, LPAM promises to serve as a much-needed safety valve to provide the public with local service so often absent from the airwaves nowadays. We believe we have demonstrated (and will continue to demonstrate) the need for and value of LPAM services. We look forward to working with the Commission in the near future to show the viability and benefits of such services.

Respectfully Submitted,

BLINDTIGERRADIO.COM

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CERTIFICATE OF SERVICE

I, Peter Gutmann, an attorney at the law firm of Womble Carlyle Sandridge & Rice, PLLC, do hereby certify that true copies of the foregoing "Comments of BlindTigerRadio.com" were mailed, postage prepaid on this 21st day of November, 2005, to the following:

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