UNITED STATES OF AMERICA

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

In the Matter of

2006 Quadrennial Regulatory Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	)	MB Docket No. 06-121
2002 Biennial Regulatory Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecomunications Act of 1996	)	MB Docket No. 02-277
Cross-Ownership of Broadcast Stations and Newspapers	)	MM Docket No. 01-235
Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets	)	MM Docket 01-317
Definition of Radio Markets	)	MM Docket 00-244

SUPPLEMENTAL WRITTEN COMMENTS
OF THE AMHERST ALLIANCE

THE AMHERST ALLIANCE is a Net-based, nationwide citizens' advocacy group. Founded on September 17, 1998, in Amherst, Massachusetts, our organization has been a strong and consistent voice for media reform in many FCC proceedings, including the media ownership proceedings of recent years.

Earlier today, Amherst filed Written Comments in the Dockets listed above. We proposed lowering current media ownership ceilings, with related reasonable divestitures.

In these Supplemental Written Comments, we recommend other steps for opening the media to more voices. All of these options are awaiting action and have already been considered in Commission proceedings that were open to public comments.

Implementing One Policy The Commission Has Already Approved

In 2000, when the Federal Communications Commission first established the new Low Power FM (LPFM) Radio Service, two classes of LPFM stations were authorized: LP100 stations, with a maximum power level of 100 watts, and LP10 stations, with a maximum power level of 10 watts.

Thereafter, the Commission proceeded to initiate "filing windows" for the LP100 stations -- and, over time, awarded licenses to more than 600 of them.

After 6 years, however, the Commission has still not issued any "filing windows" for the LP10 stations. This omission has special significance because LP10 stations, when compared to LP100 stations, have a better chance of finding a frequency in those (mostly urban) geographical areas where the radio spectrum is most congested.

Due to spectrum congestion, LPFM stations are already greatly under-represented in our nation's larger metropolitan areas. The FCC's inaction on soliciting LP10 filings has made urban LPFM stations even more rare than they have to be.

Because the concept of LP10 stations was open to public comments in 1998 and 1999 (in FCC Dockets RM-9208, RM-9242 and MM 99-25), and because LP10 "filing windows" were actually approved by the FCC in 2000, the Commission has the procedural freedom to open LP10 "filing windows" tomorrow.

We do not know why the LP10 "windows" were not implemented years ago. We have seen no explanation for the delay on the public record.

If there are interest groups which oppose the "filing windows", they have certainly not done so in a way that is visible to us -- or to the general public.

If the FCC's staff has simply been too pre-occupied with other matters, we can understand the demands upon their time. We stress, however, that some aspiring urban broadcasters have been waiting for 6 years -- and so have those urban listeners who want alternatives to megacorporate radio stations.

We also note that, on this issue, the Commission's hardest work has already been done. The public comments have already been reviewed, the policy decision has already been made and the final regulations have already been issued. All that remains is the announcement of "filing windows" and the consideration of license applications.

With a very modest effort, the Commission could significantly increase media diversity in some urban areas. We ask the FCC to carry out, at last, the final stages of the policy decision it made 6 years ago.

Adopting Other Proposals Which Have Already Been Open To Public Comments

1. Translator Reform: Allowing Displacement of "Satellators", and Other

Long Distance Translators, by LPFM Stations. THE AMHERST ALLIANCE first proposed this approach in Written Comments filed, in Docket 99-25, in 1999. Since then, in a number of different Dockets (including Broadcast Localism and Translator Reform), the basic proposal -- with differences on the details -- has been advocated by THE AMHERST ALLIANCE, REC NETWORKS, VIRGINIA CENTER FOR THE PUBLIC PRESS and others. By now, there has been enough evidence and discussion on this matter to permit the FCC to act very quickly if it chooses. We stress that Amherst's proposal would not permit displacement of any truly local translators. Even with the limited focus on "satellators" and long distance translators, however, the Amherst proposal could create openings for thousands of new, and truly local, stations.

2. Protecting LPFM Stations and Class D Educational Stations (and Future LPAM Stations) From Displacement by Full Power Commercial Stations. Some LPFM stations and Class D Educational Stations have already been displaced by relocating full power commercial stations. As radio spectrum becomes more scarce, the odds for such displacements seem likely to increase -- especially in larger urban areas,

where LPFM stations are already hard to find. Whether the Commission extends formal Primary Service Status to LPFM stations and Class D Educational Stations, or provides a more limited form of protection from

displacement, licensed community radio stations in both groups will remain in jeopardy until action is taken by the FCC. Fortunately, protection from displacement for LPFM stations was first proposed by THE AMHERST ALLIANCE 7 years ago, in Docket 99-25. Since then, displacement protection has been proposed again, by Amherst and others, in Dockets on Broadcast Localism and other subjects. Thus, there is already a record of public comments on displacement protection, which will empower the Commission to act rapidly if it chooses to do so.

3. Establishing A Low Power AM (LPAM) Radio Service, with 10-Watt Stations. In 2005, a group of 5 parties, led by THE AMHERST ALLIANCE, filed with the FCC a Petition For Rulemaking to establish a new Low Power Radio Service on the AM Band. This Petition followed an earlier Petition for a Low Power AM Radio Service by Fred Baumgartner, C.P.B.E., of Colorado. To its credit, the Commission acted within 3 months to open a Docket, RM-11287, for the solicitation of public comments on the 5-party LPAM proposal. While public comments were being received, the original Petitioners conferred with other LPAM advocates in an effort to supplement the original proposal with an administratively simpler approach that all LPAM advocates could endorse. This revised "consensus" proposal was later filed in Docket RM-11287 by 12 parties: that is, all of the nationally active organizations and individuals advocating LPAM stations. To make the LPAM Radio Service easier to implement, and administer, the 12 parties proposed a single station size of 10 watts or less, rather than a tiered system, and further proposed using the current National Travelers Information Service NTIS stations as a general starting point for technical specifications. Because a record of public comments on LPAM has been collected, and because the process of forming a consensus within the LPAM community has been completed, the Commission

is now positioned to move quickly and confidently toward creating an administratively simple LPAM Radio Service. We fervently urge the Commission to take this action. 10-watt LPAM stations, supplemented by the long-delayed 10-watt LPFM stations, offer the best hope, if not the only hope, of finding frequencies for new Low Power Radio stations in those urban areas where they are needed most.

4. Allowing 250-Watt LPFM Stations in Truly Rural Areas. While large urban areas are clearly the primary Frontier Area for Low Power Radio stations, there is also a scarcity of such stations at the other demographic extreme: truly rural areas, notably including some deserts, farmland and/or Indian Reservations. In such areas, the challenge for aspiring Low Power Radio broadcasters is not spectrum congestion but lack of sufficient population density. To have a realistic hope of supporting themselves financially, some Low Power Radio broadcasters need a larger geographical service area -- that is, more potential listeners -- than 100 watts can provide. For such areas, THE AMHERST ALLIANCE has long proposed a new category of LP250 stations, licensed to broadcast at 250 watts. We have not proposed 1,000 watts, but we could probably accept it -- <u>if</u> the area in question is <u>truly</u> rural. (We define "truly rural" as having a service area which falls completely outside of any Standard Metropolitan Area or Standard Micropolitan Area, as identified by the Bureau of the Census at the U.S. Department of Commerce.) We first proposed licensing of LP250 stations in 1999,
in Written Comments filed in Docket 99-25, and we have proposed them again in more recent Dockets (notably including the Broadcast Localism

proceedings). The idea has appeared in FCC Dockets often enough to permit its rapid implementation by the Commission. Roughly 12% of the U.S. population -- 1 American in 8 -- lives in a location, outside of any Standard Metropolitan Area or Standard Micropolitan Area, that could benefit from having a 250-watt community-oriented station.

Conclusion

For the reasons set forth herein, THE AMHERST ALLIANCE respectfully reiterates its call for rolling back the current media ownership ceilings and initiating reasonable divestitures, and we further urge the Commission to take additional steps:

(A) Implement previously approved "filing windows" for 10-watt LPFM stations;
(B) Allow displacement of "satellators", and other long distance translators, by LPFM stations;
(C) Protect LPFM stations and Class D educational stations (and future LPAM stations) from displacement by full power commercial stations;
(D) Establish a Low Power AM Radio Service, with 10-watt LPAM stations;
And
(E) Allow 250-watt LPFM stations in truly rural areas (which fall completely outside of any Standard Metropolitan Area or Standard Micropolitan Area).

Respectfully submitted,

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