

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

**In the Matter of** )  
 )  
**Digital Audio Broadcasting Systems** )  
**And Their Impact on the Terrestrial** ) **MM Docket No. 99-325**  
**Radio Broadcast Service** )  
 )

**To the Commission:**

**Comments of Nickolaus E. Leggett**

I am one of the original petitioners for the establishment of the Low Power FM (LPFM) radio broadcasting service (RM-9208 July 7, 1997 subsequently included in MM Docket 99-25). I am also a certified electronics technician and an Extra Class amateur radio operator (call sign N3NL). I am an inventor holding three U.S. Patents. My latest patent is a wireless bus for digital devices and computers (U.S. Patent # 6,771,935). I have a Master of Arts degree in Political Science from the Johns Hopkins University.

**Automated Broadcast Station Operation and Emergencies**

My comments are in response to the Commission's question about the impact of automatic operation on the use of broadcast stations during emergencies by public safety officials (Paragraph 120 on Page 48 of the Second Further Notice of Proposed Rulemaking in this docket).

It is clear that automatic operation limits the ability of a radio broadcast station to respond to localized emergencies. Many immediate

emergencies are local events that are not visible to distant organizations operating automated radio stations.

Examples of local emergencies include but are not limited to the following:

1. Spills and releases of toxic materials from highway and railroad transportation
2. Fires
3. Hostage and shooting situations
4. Weather events
5. Landslides
6. Major multi-car traffic accidents and other road conditions (snow, icing, blockages)
7. Industrial accidents
8. Serial killers
9. Road and bridge flooding and washouts
10. Terrorist sabotage of local infrastructure
11. Power failures
12. Blood shortages and other hospital needs such as four-wheel drive vehicles during winter storms
13. Contagious diseases
14. Contaminated water supplies

In larger cities, the radio stations can leave the broadcast warning of such events to the local television stations' news operations. However, this option is not available in the large rural areas of the Nation. In addition, many citizens are not always near to a television set. Many more citizens can be reached by broadcast radio especially when there is a power failure. Battery-powered broadcast radio receivers are widely used in our communities.

Automated weather alert systems are available to radio stations, but these systems cannot accommodate all the other local emergencies listed above.

### **The Community Role of Broadcast Radio**

All of the above considerations demonstrate that broadcast radio can provide a very major community service by providing warning and ongoing information about local emergencies.

However, this service can only be provided when the radio stations are manned by local personnel. These local personnel can be immediately informed of the local emergency and they can redirect the operation of the station to serve the local emergency. Since they are local residents, they will likely be familiar with the particular areas impacted by the emergency and can respond intelligently to the situation. This human capacity to adapt to emergencies and overcome adversity will be increasingly valuable in a future

where terrorist organizations are growing in capability and where extreme weather events are more common.

Humans can provide emergency services that no automated system can provide. They can directly broadcast emergency messages from local emergency personnel, provide continuously updated information on the local situation, and improvise the provision of electric power to the station as needed. I was without power for a week during a hurricane in New England. I listened to a manned local station on a battery-powered radio that provided continuous updates on the situation and the efforts to restore the electric power. I know from personal experience that this type of service is very valuable.

In many situations, retired people could be hired at modest wages to man the stations.

### **Is Broadcast Radio Just a Music Box?**

If broadcast radio continues with its highly automated operations, it will continue to become a music box that merely grinds out canned entertainment with no local connection at all. In this situation, it would make sense to replace most of broadcast radio with music streams sent out over the Internet and reallocate many broadcast frequencies to some other purpose. Perhaps the broadcast frequencies could be reallocated to citizens' emergency alerting and information service.

### **Liability Aspects of Automated Broadcasting**

Consolidated automated broadcasting media may be responsible for the loss of lives and property and may be subject to successful legal action. This could involve very major financial amounts in the case of significant natural disasters or new terrorist events. Clearly this type of case would be very complicated and controversial with years of litigation involved.

I am not a lawyer and so I cannot authoritatively answer the question of the liability of automated broadcasters for lives and property lost in emergencies. However, I am suggesting that the Commission assign legal staff to investigate this subject and to report their findings to the Commission and the public in this docket.

#### **Recommended Actions**

The Commission should require every radio broadcast station to be manned at all times that the radio station is on the air. This should apply to all stations from the largest full-power broadcast station to the smallest low power FM (LPFM) broadcast station.

**Respectfully submitted,**

**Nickolaus E. Leggett, LPFM Petitioner (RM-9208)**

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