

Ladies and Gentlemen:

I am submitting these comments to the Federal Communications Commission (FCC) with regard to Proceeding 04-233. That proceeding is looking into making changes to local AM broadcasting radio stations.

**Commission Proposal:** The Commission would require that all local AM radio stations be staffed 24 hours a day, 7 days a week instead of the computer automated station operation or other automated programming technology that is currently in-use.

**Discussion:** I see no reason for this additional staff as I am not aware of any mishaps caused by automatic operation of any AM radio station. To the contrary, I do not know of any radio station, AM or FM that does not use automatic operation supervised by a computer from 1800 hours local time on Christmas Eve to at least 1800 hours Christmas Day. In some cases the automatic operation continues until the station resumes its usual, staffed broadcasting on the morning of December 26.

Most local AM stations are just that, local in their coverage and on the AM band and do not have the multi-market advantage of a national syndicate of FM and AM radio stations like Comcast and others. They don't have the financial resources to absorb the additional personnel, utility, and other costs.

**Conclusion:** Computer-supervised, automated operation of a local AM station overnight on a daily basis does not degrade its performance, nor does it give the listening public any less than is needed overnight.

**Requested Action:** Make no change to rules concerning the above-noted portion of Proceeding 04-233

**Commission Proposal:** Require groups of smaller stations that now co-locate their studios and offices regionally to instead maintain separate facilities for each station.

**Discussion:** How will the public benefit from this proposal? The stations will pay higher costs for office space and that might benefit owners of real estate and allied businesses but how will the listening public benefit from this?

**Conclusion:** I see no benefit in this proposed change to existing regulations. Make no change to the rules concerning the collocation of the offices and studios of individual stations

**Commission Proposal:** To require local AM radio stations to give away time to any community group that requests it, much like cable systems provide public access channels.

Discussion: The public sees AM radio as a “free for the tuning-in” service that is at no direct cost to the them, and they are right. Turn on the radio and there it is. AM radio is supported by its listeners who voluntarily patronize a station’s advertisers, who, in turn, pay the radio station to “keep its name in front of the public.” They operate in as free and open marketplace as possible outside of the commodities exchanges. The public votes on the fate of a station with its ears and its money.

By way of comparison, cable television providers are a fee-for-use business model, just like those who sell the public electricity, water, gas, and other services. Further, these types of firms are operating in a monopolistic marketplace. Except for cable television service providers they are fair in that they bill only for what the consumer uses. Cable TV services charge for being connected to their services regardless of how little or how much a subscriber might watch in a given period of time, usually a month. Cable TV services have dozens, even hundreds of channels from which they can profit; small and niche market stations do not.

Expenses incurred by Time/Warner, Comcast, Adelphia, Verizon, Cox, Buckeye, and others whose programming is there on a fee-paid basis are covered by their subscribers. They are profitable by “just being there.”

**Conclusion:** AM radio in a local market is truly “free for the listening” and should not be required to provide time or other local access as their existence is not by license, franchise, monopoly, contract, or other instrument between it and a governmental body that limits the number of cable television providers in any defined geographic area..

**Summation:** Local AM radio stations struggle every day just to keep the electricity flowing, the programming going, the local news covered, the weather service paid, traffic reporters on-line, and other services that respond to their community, such as school closings, livestock reports, coverage of city and county council meetings, and social events. They are bringing back live AM radio in the twenty-first century, a far greater part of our nation’s culture than any other mass medium. They do this with no monopolistic protection from any government or regulatory body.

These proposals come at a time when major operational costs, such as electricity, insurance and taxes are increasing quickly. Such costs, of course, tend to take a proportionally bigger bite out of the budget at smaller market and specialized stations– because it takes just as much electricity for equivalently licensed stations to stay on the air for a million potential listeners, as when the station can, at best, attract ten thousand.

Proponents of the FCC changes appear to be motivated by nostalgia. These proposals seem more suited to the old days when broadcasting was the only electronic game in town – that simpler time before six hundred channels, digital multicasting, the Internet and the MP3 player.

But consumer choices are only going to grow in our multichannel multistreamed media world. Increasingly expensive regulation on one group of competitors, while others are free of it, simply won't fix problems and is manifestly unfair.

Requested Action: Based upon the foregoing I request that the Federal Communications Commission withdraw Proceeding 04-233 from consideration

Respectfully submitted by:

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