

April 21, 2011

Anthony V. Bono
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**PETITION FOR RECONSIDERATION & COMMENTS
REGARDING THE FOLLOWING MATTER**

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In The Matter of)	
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Policies to Promote Rural Radio Service and to)	MB Docket No. 09-52
Streamline Allotment and)	RM-11528
Assignment Procedures)	

**Second Report and Order, First Order on Reconsideration, and
Second Further Notice of Proposed Rule Making**

I believe that the Federal Communications Commission is in error in believing the fair and equitable distribution of signals, as inferred by the 1934 Radio Act, should be interpreted as to prohibit the migration of Stations to areas of higher concentrations of population, i.e., Urbanized Areas. I doubt that the authors in 1934 had anything of the kind in mind in year 1934. Most AM signals at that time were Regional in nature, the FCC's responsibility at that time was to organize the band of frequencies and regulate possible interference. This idea of regulating where to place new Stations or where owners could move Stations, to me, seems to be a complete arbitrary interpretation of the Act and in fact is anti-free-market in philosophy. Stations should operate where there is the most need, in areas of growth. After all, in more Rural Areas, plenty of "open" frequencies are readily available in the event the "need" may arise in any Rural Community. Rural Areas have a lower number of facilities because of the lower demand.

In more populated areas, very few new frequencies are available, either for new Allotments or for moving Existing Stations into these areas. Generally, it has become increasingly more difficult to add any new channels to more populated Urbanized Areas, and increasingly difficult to even improve signals in these areas in any manner. The FCC should not limit any Radio Station owner in anyway to improve the signal, even if it includes a City of License change. In a Free Market economy, it should be the owner's responsibility to decide where best to conduct business, while the FCC regulates the Interference Standards of facilities, technical operations and compliance. I do not understand why the Commission believes that it is morally wrong for signals to migrate to areas of greater population? Increasing the Radio audience is the goal of all Radio Stations. Where there are more people to support more Stations, there should be more Stations to serve that population. It is not morally nor ethically improper to create or

move Stations to areas of more dense population; it is only logical from a business and service perspective. Radio Stations on Commercial Frequencies operate as a business. In an economic downturn, why would the FCC desire to limit any Station owner's ability to improve its already economically damaged business. The FCC should provide owners with every tool to improve a Station's signal in order to cover more potential listeners. The concept in the R&O that relates to City of License Changes where more than 50% of the new coverage in an Urbanized Area would define the City Change Station as providing service to the Urbanized Area, is an extreme limitation, unnecessary and unreasonable. This new regulation is limiting and not necessary.

Is the Commission really concerned about Services to Rural areas? There are plenty of open frequencies in these areas presently. Why aren't there more new Stations? Simply there is no demand there. Present day technology affords many diverse choices of signals for the Radio listener in Rural Areas, such as Satellite Radio, Cable Services and Internet Radio. The FCC should not be concerned about lack of Services since there are now so many available sources of signal from which to choose beyond standard over-the-air AM and FM Radio. It should further be noted that it is the growth areas that have the demand for New Radio Services, and many of these areas are often on the periphery of many Urbanized Areas. There, where populations are increasing, more Services are indeed needed. Why shouldn't more Radio Services be made available in these areas, whether they may be new Allotments or existing Stations that choose to move to these "growth areas". I do not understand the implication by the FCC that moving to areas of growth, to Urbanized Areas, or to areas surrounding Urbanized Areas, that this is a bad policy, a bad philosophy, morally improper for some reason. Isn't the Commercial Band of Radio Stations a part of our Free Market Economy, a product of "Supply and Demand". Why does the FCC feel the need to dictate the business aspects of the Broadcast Industry? Why not let the Free Market determine where signals should locate?

If the issue has been that the Communities that have been chosen by some, have not been "real communities", perhaps this could be considered an abuse of the system. Perhaps a more strict application of the Tuck Analysis would be sufficient to remedy any abuses or perhaps there may be other remedies. The recent R&O requests extreme analysis and service studies of signals when a Station would request a City Change, asking for studies relating to Services Remaining in the area a Station would be leaving and the number of Services available where a Station would be moving, as deep as a 21st listenable Service. These new requests are needless tedious. After reading what the FCC would be requesting, I view the new system as being burdensome to broadcasters and creating a mountain of work for the FCC in any City Change Request. This is all entirely unnecessary. I believe that there are more simple procedures to limit any abuses of the system of choosing new Communities of License. I do believe, though, that increasing coverage of a Station should be considered a "Priority" as well as a "First Local Service". I believe the Commission previously had these Priorities of 307(b) correct before the recent adopted R&O.

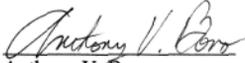
Nevertheless, my suggestion, should the FCC need some sort of “restrictions” in some form to Station migration, that there should be considered here a Reconsideration of the R&O, and a compromise for a more simple system. The previous Priorities under 307(b) are the superior model for fair and equitable distribution of signals, and yes, increase in population should be a priority. If the FCC wishes to limit the choice of potential communities I have suggestions. For Existing Stations, Stations which are outside of an Urbanized Area would not be able to choose a new Community of License within an Urbanized Area. A Station within an Urbanized Area would be able to choose a new Community of License inside or outside an Urbanized Area. If a Station is the only Remaining Service to a Community and wishes to leave, it would need to BackFill with another Station, leaving the Community with Service. I agree that if the Community the Station is leaving has greater than 7,500 in population and has two Services, there must be two Services remaining in that previous Community. If only one Station operated in the previous Community, only a Backfill would be necessary.

All the current new showings requested by the FCC in the R&O regarding Proposed and Remaining Services in relation to Proposed City Changes are extremely unnecessary and limiting to broadcasters. Particularly I am speaking of independent owners, broadcasters of smaller Stations who cannot afford to pay for complicated showings for their proposed improvements. Most of us smaller owners are on a budget to engineer these changes ourselves. The new rules are too complicated and will be expensive to prepare and file at the FCC.

Perhaps more conservative rules may apply to the Allotment of new Stations to new Communities, if the FCC so desires to be more limiting about some aspect of this discussion. Yet, my concern relates more toward improvements proposed to existing Stations requesting City of License Changes. Existing Stations should have the freedom to move to areas which would be more economically viable for business, which include growth areas, Urbanized Areas and areas on the periphery of Urbanized areas. I believe in the Free Market; these limitations as stated in the recent R&O are extremely limiting to broadcasters. As I previously stated, the authors of the 1934 Radio Act never had the intention of prohibiting broadcasters these freedoms, especially the freedom to determine the areas they wish to serve and any signal improvements that could be achieved.

I beseech the Commission to reconsider the Recent Rule changes and to find compromises with which broadcasters would find amiable to City of License changes. Furthermore, other possible limitations would suffice in the limiting of any abuses of the system. The present R&O, in my opinion, appears to be a reaction of some in the FCC that do not like Station moves. This extreme change in FCC policy is extreme and not fair to broadcasters, especially independent small Station owners such as myself.

These are my opinions in this matter.

A handwritten signature in cursive script that reads "Anthony V. Bono".

Anthony V. Bono
Friendship Broadcasting, LLC