

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

In the Matter of)	
)	
Creation of A Low Power Radio Service)	MM Docket No. 99-25
)	
Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations)	MB Docket No. 07-172 RM-11338

COMMENTS OF JUSTIN BRAULICK

Justin Braulick, pursuant to Section 1.415 of the Commission's Rules and Regulations [47 CFR 1.415], respectfully submits his Comments to the Commission's Third Further Notice of Proposed Rule Making (the "Further Notice") in the above-captioned proceeding.

I am currently a law student at the University of St. Thomas in St. Paul, Minnesota. Prior to law school I devoted all my available time to public service, having served as a court ordered therapist for sexual offenders in central Minnesota and other public service activities. I have had a life-long fascination with radio broadcasting and a dream to create a local radio station for my home community of St. Cloud, Minnesota. I plan to devote this station to community activities and to faith-based messages to inspire the faith community, particularly teens and young adults of my home, St. Cloud.

While I enthusiastically support the Local Community Radio Act of 2010 ("LCRA") and the instant FCC docket, for the reasons presented below I am concerned that they may fail to provide communities in small markets like St. Cloud with the opportunities intended by Congress.

My interest in this matter – In a sense, I was born too late; too late to be the radio broadcasting pioneer in my home community I would like to have been. Today, the maturity of the broadcasting business precludes me from establishing the community-based station envisioned by the Further Notice. The full-power radio stations were applied for and awarded well before I came of age or was in a position to start a business. Further, I am foreclosed from purchasing an existing station, since their prices have come to far exceed the reach of would-be pioneers such as myself. Fortunately, the LCRA and the instant FCC docket provide a new, unprecedented opportunity to realize my dream and benefit my community – but only if the FCC applies them in an appropriate manner.

My primary concern is that there will not be sufficient channels made available for new entrants in the LPFM service in small markets like St. Cloud, and which are able to provide sufficient coverage of the target local community they are intended to serve.

Sufficiency of channels in small markets

Generally, I support the Commission's proposal to stage the application process so that there are an assured minimum number of channels left available in each community. By doing so, the Commission has created a rational structure to serve the Congressional LCRA mandate to ensure that licenses are available, that the needs of local communities can be met and that translators and LPFMs are treated as of equal status.

However, there is a serious oversight in the plan with respect to the small radio markets and communities. The Commission plan provides assurances of sufficient LPFM channels only in the 150 largest markets and in smaller markets in which there are at least four pending translator applications. It is unclear from the Further Notice how the Commission intends to deal with markets 151+ in which there are fewer than four pending translator applications. In these markets, one or two or three pending translator applications could preclude any new LPFM opportunity, even if there are many more existing licensed or unbuilt translators for the same area. Yet it is many of these communities where the most pressing need exists for a truly local station to cater to their special needs and interests.

That is, larger markets already have full-power stations with an economic incentive to provide localized service and due to the economics of large station broadcasting, many of the small market stations have been all but fully automated with little local program origination. It is markets like mine that sorely need the service that is only feasible for an LPFM station to provide. The plan to equalize the opportunity for LPFM stations should not stop at small markets with four pending translator applications. If it can be shown that an equal number of LPFM channels cannot be found "for a specific target community," then any remaining translator applications, no matter how few there may be, should be dismissed until the LPFM opportunities for that community are equalized.

Coverage of local communities of license

My concern for LPFM availability at the small market community level leads to my second concern with the Further Notice proposal. The Commission's use of a 30-minute latitude by 30-minute longitude grid approach (resulting in an area that it approximates as 35 miles north/south and 26 miles east/west) to count the number of channels available in a given market is not suitable for very small market communities. Further Notice at n. 20.

Were all the channels that fall within that grid to be counted against the ability of a small market applicant to apply for additional channels, it could significantly undermine the Commission's objective (and the very purpose of LPFM) to foster a program service responsive to the needs and interests of specific communities. Indeed, the Further Notice constantly emphasizes this factor. See, for example, the Further Notice at paragraphs 7, 11, 14, 15, 17, 25 and 36. Thus, it is essential that the methodology used to determine the availability of channels take into account their suitability to actually serve specific communities otherwise bypassed by broadcast industry local service. Even if a channel is available *somewhere* within the grid used to define a market, especially in light of the intentionally limited service range of which LPFM stations are capable,

there is no assurance that it is able to serve a specific community where service is needed or for which an applicant seeks to serve.

Concerns specific to the St. Cloud situation

To assess these two issues, I commissioned an analysis of the St. Cloud market in which I would like to file. I found that, under the Commission's proposed approach, there indeed are many additional channels that would fit within the "St. Cloud market." However, most of them would not serve the entire city area, or even a significant portion, of St. Cloud itself. Similar concerns extend to other communities within the market that would benefit from their own LPFM station. Thus, I feel that it is essential that the Commission not be satisfied with calculations that suggest a plethora of available channels within a market when they will not all be capable of serving specific communities within the market. To do otherwise ignores the limited range of LPFM. This seems essential in order to meet the requirement of the LCRA, repeatedly recognized as the basis for the Further Order, to serve **communities**, rather than markets. For example, the St. Cloud "market" is defined to include a number of communities surrounding St. Cloud. However, no channel that would serve any of those communities and none of or only partially serve St. Cloud would be useful for the purpose of an LPFM applicant seeking to serve St. Cloud.

Thus, the question remains as to whether all channels within a "market" should be counted if, given the limited power of LPFM, their signals would not reach the target audience of a specific community. To be clear, I am not asking for an additional allocation of channels, but only that the application process be used recognize the need and desire to provide service to specific communities by multiple applicants in small markets. Accordingly, in small markets 151+, only those LPFM channel opportunities should be recognized for the Commission's translator/LPFM balancing process that place a city grade contour signal over 80% of the city limits of the target community.

Settlements

The Commission also requested comment on its proposed translator settlement process. I believe that it would be reasonable to permit such settlements, provided that they do not reduce the remaining eligible LPFM channels in the target market below the floor to be established by the Commission's eventual rule. For this purpose, the Commission's proposal to restrict amendments to specified adjacent channels and/or different locations may be overkill, and affect innocent applications, if it applies to all applicants without regard to the floor. The rule should be constructed to consider what the actual means are to the goal of providing adequate LPFM channels.

Conclusion

The Commission must show a sensitivity for small markets 150+ by demonstrating its appreciation for the fact that market definition is relatively irrelevant to the rural and semi-rural communities in these locations. To accomplish this, I propose that where it cannot be shown that an equal number of LPFM channels cannot be found “for a specific target community,” then any remaining translator applications, no matter how few there may be, should be dismissed until the LPFM opportunities for that community are equalized. The use of a 30-minute latitude by 30-minute longitude grid approach is not useful for this purpose and leads to a false sense of comfort on the community-by-community level. The real test for the Commission’s translator/LPFM balancing process in small markets 150+ should be the number of LPFM channel opportunities that place a city grade contour signal over 80% of the city limits of the target community.

Wherefore, Justin Braulick submits the foregoing comments in the above-referenced docket.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Justin Braulick", written in a cursive style.

Justin Braulick