

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

Creation Of A Low Power Radio Service)

Docket 99-25

REPLY COMMENTS OF DON SCHELLHARDT, ESQUIRE KI4PMG

TO NICKOLAUS E. LEGGETT N3NL

Nickolaus Leggett and I were the two citizens whose 1997 Petition For Rulemaking triggered the first FCC deliberations, in 1998, on establishment of a Low Power FM (LPFM) Radio Service. We have been actively involved, ever since, in ultimately successful efforts to establish and expand the LPFM Radio Service.

My own efforts have included co-founding THE AMHERST ALLIANCE -- at a meeting in Amherst, Massachusetts on September 19, 1998 -- and leading the organization for 11 of the last 14 years. Other Amherst Presidents have been Wesli AnneMarie Dymoke, then of Rhode Island and now of Connecticut, and Stephanie Loveless of Michigan.

In this document, however, I speak as an individual citizen.

Don Schellhardt, Esquire

May 21, 2012

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My goal in this current filing is to build upon the foundation which Nickolaus Leggett and I established in our Docket 99-25 Written Comments of April 4, 5 and 6, 2012 -- as well as Nick Leggett's personal Written Comments of May 4, 2012.

Nick and his wife Judith are presently enjoying a vacation in the beautiful mountains of North Georgia. However, via telephone and E-Mail, we have discussed the substance of the Reply Comments you are reading.

The Schellhardt/Leggett filings of April 2012 strongly opposed the Commission's proposal to: (a) abolish the LP10 class of 1-10 watt stations; and (b) continue the present policy of licensing *only* LP100 stations in the nation's urban areas.

In those filings, we stressed that the FCC has *never* provided the public with any kind of an explanation for its failure to implement the promised licensing of LP10 stations in 2002. We added that the FCC has now failed to provide the public with any sort of reason for its current proposal to eliminate the LP10 class of stations completely. Further, we provided documentation, based on work by REC NETWORKS and COMMON FREQUENCY, which shows that a policy of licensing only LP100s -- when compared to a policy of licensing *both* LP100s and LP10s -- *could eliminate 4 out of every 5 potential LPFMs in highly urban areas.*

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In short: The FCC's proposal would cut the heart out of urban LPFM.

Finally, acting on the theory that the "mystery motivation" for the Commission's unexplained proposal was a desire to avoid the administrative inconvenience of multiple Tiers of LPFM stations, we developed a counterproposal:

Eliminate *LP100s*, not LP10s, License only LP10s in highly urban areas and license only LP250s everywhere.

A Clarification, A Modification And A Reaffirmation

(a) Nick and I left the term "highly urban area" a bit undefined. I want to clarify now That we mean the center city areas of the Top 100 Arbitron Markets.

For a list of these areas, please see the Appendix of the AMHERST ALLIANCE Written Comments of May 7, 2012. These areas constitute *the most urban 1% of the Lower 48 land area.*

(b) In our counterproposal, we are willing to substitute "LP50s only" in the center city areas for "LP10s only" in such areas. By LP50s, we mean the REC NETWORKS proposal for 1-49 watt LPFM stations.

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(c) REC NETWORKS and PROMETHEUS RADIO PROJECT apparently believe that, under some circumstances, LP250s should be licensed in the center city areas I have mentioned. Nick and I hereby reaffirm that we disagree -- *fiercely*. Every new LPFM in these areas should be "capped" at 50 watts -- and every new *translator* should be "capped" at 50 watts as well.

Possible Legal Action

I am a lawyer. My resume is Attached.

If the FCC's final rule does not permit LPFM stations below 50 watts in center city areas, I will file a Petition For Reconsideration. If the Petition does not succeed, I will attempt to raise funds for litigation -- including an injunction.

Respectfully submitted,

Don Schellhardt, Esquire

May 21, 2012

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Lawyer lobbyist, writer, negotiator seeks challenging new Life Task in advocacy.

All achievements were accomplished as one essential part of a team.

**MOST RECENT LIFE TASK (NEARING COMPLETION), 1997-NOW:
INITIATE AND EXPAND LOW POWER FM (LPFM) COMMUNITY RADIO**

Lead grassroots advocacy on FCC regulations to expand LPFM Radio Service (from 800 to 5,000+ stations), 2011-Now

Helped to persuade Congress to enact Local Community Radio Act, 2005-2010

Led multi-party Freedom of Information Request to release key technical data needed for more Congressional action, 2004

Conceived and lobbied for political compromise which persuaded Congress not to ban all LPFM stations, 2000

Led grassroots advocacy to establish LPFM (from 0 to 800 stations), 1998-2002

Founded and led THE AMHERST ALLIANCE (lobbying group), 1998-Now

Co-authored Petition For Rulemaking to establish small (100 watt), local, community-focused LPFM stations, 1997-1998

Secondary activities: Enhancing Emergency Communications

Lead grassroots advocacy on FCC/Homeland Security study of whether to override Homeowners' Association (HOA) bans on Amateur Radio antennas, 2012-Now

Lobbied for FCC override of HOA antenna bans, 2003-Now

Founded and led HAMS FOR ACTION (lobbying group), 2003-Now

Tertiary activities: Representing Family Law Clients In Court

Represented children in court as Guardian Ad Litem in Virginia, 2000-2001

Served low-income clients as Blue Ridge Legal Services attorney, 1999-2000

PERIOD OF EXPLORATION, 1992-1998

Assisted judges in CT as Law Clerk (New Haven trial court), 1995-1998

Wrote novel (political love story), 1992-1995

PREVIOUS LIFE TASK, 1973-1992:

INCREASE DEMAND FOR U.S. NATURAL GAS, PRODUCE MORE U.S. ENERGY

Advised U.S. EPA and State Public Utilities Commissions (DC, MD, WI) as consultant on policies to promote natural gas and energy efficiency, 1991-92

As U.S. EPA Policy Advisor on global warming (GS-15), developed Green Lights program to mitigate global warming through increased energy efficiency, 1990-91

As Government Relations executive (Director of State, Local and Coalition Relations and Executive Assistant to VP, Government Relations), backed steps to promote Natural Gas Vehicles and Electric Vehicles in CA, AZ, OK, LA and TX, 1986-1990, and enact acid rain control legislation, 1987-1990

As Government Relations executive (American Gas Association Director of Legislative and Regulatory Affairs), developed and successfully pursued action agenda (natural gas price deregulation, end of limits on gas use in powerplants), 1978-1990

As Congressional staffer (House Energy and Commerce Committee), speeded approval of Alaskan oil pipeline and U.S. natural gas price deregulation, 1973-78

EDUCATION

M.A. Liberal Studies (Politics), Hollins University, Roanoke, VA, 2005-2008

M.A. includes coursework (East Asian Studies), Asia Pacific program, Center for the Pacific Rim, University of San Francisco, San Francisco, CA, 2005

THESIS (political fiction): GREATER CHINA And Other Stories, 2007-2008

J.D. (law degree), George Washington University, Washington, DC, 1971-1975

Board, Journal of International Law & Economics (law review), 1974-1975

Admitted to the Bar: CT 1994, VA 1975

B.A. Government, Wesleyan University, Middletown, CT, 1967-1971

Exchange Student, Mount Holyoke College, South Hadley, MA, 1969-1970