

Life On The Way Communications, our non-profit corporation, is very much in support of LPFM. However, we believe that the supposed Arbitron market approach, proposed by the Commission in Proceeding No. 99-25, is arbitrary and inconsistent. Of the actual 156 Arbitron markets, the Commission inexplicably and selectively combines some and ignores others. For example, the staff of the Media Bureau has indicated that even though the Santa Rosa market and San Jose markets are listed in Appendix A as markets 122 and 37 (respectively), they are not considering FM translators in those distinct markets. Rather, the Bureau has chosen to only consider those embedded markets as part of the greater San Francisco metro-market. It appears that they are taking this stance due to a deficiency in their tool that is not able to consider Santa Rosa and San Jose markets as distinct Arbitron markets. There are other embedded markets that appear to also be treated similarly by the FCC's grid tool. Appendix A in the LPFM Fourth Report and Order doesn't list any FM translators being in the Santa Rosa or San Jose markets. Yet, the Santa Rosa market clearly contains pending FM translator applications.

Please consideration totally eliminating the one per market limitation all together, since it is arbitrary and many other applicants are disadvantaged by their markets being hyphenated markets or embedded markets that are part of larger markets covering large areas, where an FM translator in one part of the metropolitan market would not preclude an FM translator or LPFM on the same channel in the other half of that market. Also, several applicants that have less than 50 applications but for whom have applied for more than one application in a market are disadvantaged by the one application per market rule. The grid tool provides for protection of LPFMs, so it seems unfair to further limit applicants by only allowing one application per market. In the least, please allow applicants to have one application each in any of the 156 markets listed in Appendix A in the LPFM Fourth Report and Order. Therefore, for instance, an applicant can choose one application to keep in market 122 (Santa Rosa), market 37 (San Jose) and market 4 (San Francisco).

Sincerely,

Gary Curtis

Life On The Way Communications, Inc