

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

Creation of A Low Power Radio Service)

FCC Docket No. 99-25

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OPPOSITION OF THE AMHERST ALLIANCE  
TO PETITION FOR RECONSIDERATION  
BY LIFE TALK RADIO

THE AMHERST ALLIANCE is a Net-based citizens' advocacy group for Low Power FM (LPFM) Radio and other media reform. Amherst was founded on September 17, 1998, at a meeting in Amherst, Massachusetts. Ever since our founding, we have been active promoters and defenders of the LPFM Radio Service.

THE AMHERST ALLIANCE strongly opposes the LIFE TALK RADIO (LTR) proposal.

In this regard, we raise four basic points.

(1.) Adopting the LTR proposal would be like pretending that corporate subsidiaries are fully autonomous entities. In truth, subsidiaries are subsidiaries -- with the root syllable "sub" reminding us that they remain SUBordinate to their parent organization.

Yes, subsidiaries can (and usually do) have "independent missions", but they dare not let those "independent missions" bring them into any conflict with the overriding "missions" of their parent organizations. Similarly, subsidiaries report their own "bottom line" Profit and Loss statements. In the end, however, a subsidiary's net revenues or losses are aggregated with those of other subsidiaries in the Annual Report

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of the parent organization -- and losses by a subsidiary, or even simply failures to reach expected profits, can quickly lead to whatever kind of internal intervention the parent organization may decide to initiate.

So: Subsidiaries and affiliates are *NOT* free agents. Their degrees of autonomy can vary greatly from one case to another, and whatever autonomy they may possess is generally subject to change whenever the parent organization sees fit.

(2.) We have also heard the argument that radio station affiliates of a national broadcasting chain are like Burger King restaurants. The restaurants may seem virtually identical, but in fact some of them are owned by a national company, while others are in fact owned and managed by local and "independent" franchisees.

We acknowledge that this distinction can be very important to the General Manager of each individual restaurant and even sometimes, to some extent, the restaurant's rank-and-file employees. To the everyday patrons of a Burger King restaurant, however, the distinction between corporate ownership and franchise ownership is a distinction without a difference. Whether an individual Burger King restaurant is a "local" franchise or not, it is going to offer customers the same basic appearance and the same basic menu. It is going to be virtually identical to every other Burger King restaurant in every way that really matters to the customers.

Certainly, this perception of virtual uniformity may overlook factors which are not visible to the customers. However, in a regulated industry such as radio broadcasting, isn't the starting point for regulation the goal of optimizing the experience OF THE CUSTOMERS? That is, in this case: The radio listeners?

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If one satellite-fed station affiliated with LIFE TALK RADIO does nothing except broadcast standardized evangelical programming 24 hours a day, while another LTR affiliate assumes the additional "local and independent missions" of sponsoring a high school band and covering one local church service once a week, does the second station's "fig leaf of localism" alter a radio listener's basic experience of what the second station is like?

(3.) LIFE TALK RADIO cites a recent Media Bureau decision as a precedent for the policy it proposes. At the same time, however, LTR acknowledges that the cited decision is out of step with the FCC's general policy on such matters -- and is, indeed, currently undergoing review on appeal. To Amherst, it seems imprudent and premature to base an entire new policy on one decision which is at odds with the FCC's general policy and still under review.

(4.) Finally, we urge the Commission to consider the context.

Amherst does not view LTR's Petition as a "close call" or a "grey area". *If*, however, the Commission does believe this decision falls into a "grey area", we urge the Commission to consider the overall setting in which the decision must be made.

We ask the Commission: What kind of radio station is in shortest supply right now? Satellators, official or functional, which air standardized out-of-town programming essentially all the time? Or Low Power FM stations which air at least some locally originated programming and are free of any kind of influence from institutions which have other broadcasting interests?

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*If* the Commission is in doubt, *PLEASE* give the benefit of that doubt to the kind of radio station that is severely UNDER-represented on modern America's airwaves -- not the kind of radio station that is already commonplace.

In conclusion, for the reasons we have stated herein, THE AMHERST ALLIANCE urges the Federal Communications Commission to deny the LIFE TALK RADIO Petition.

A copy of this document is being sent., electronically, to Donald E. Martin P.C., counsel for LIFE TALK RADIO, at [dempc@prodigy.net](mailto:dempc@prodigy.net)

Respectfully submitted,

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