



January 31, 1996

Federal Communications Commission  
Experimental Licensing Branch  
Room 7326  
2020 M Street, NW  
Washington DC 20554

Dear Sir or Madam:

I am writing to protest the manner in which a license issued by your division to Capital Broadcasting Systems Inc. for call sign KF2XBF is being used.

It is my understanding that such licenses are issued for the express purpose of experimentation with new technologies and that the above mentioned permit was granted for broadcasts, at 10 watts output level, inside a sports venue.

Over the past few months we have discovered that Avis Rent-A-Car, at Boston's Logan Airport has taken the frequency 88.5 MHz and has been using it for a Traveler's Network. The announcements concern Avis and include commercials or promotional announcements for profit-making organizations.

Our concern, since the day we were alerted to this broadcast is that such blatant commercialism could be heard on the spectrum space reserved for non-commercial radio.

To add insult to injury, preceding the All-Star National Hockey League game from Boston's Fleet center on January 21, we found a commercial-based program being aired promoting the all-star game on 88.5 MHz and also simulcast on 89.3. Included in the broadcast were announcements for commercial radio station WXKS-FM, Coca Cola and other profit making ventures. This information stayed on 89.3 from Thursday January 18 through Sunday January 21 and was audible over a sizable portion of Greater Boston and adjacent suburbs!

Again, we understand the need to use the airwaves to explore new delivery systems and technologies, and it is not there where the problem lies. It is with what appears to be the abuse of the sanctity of the non-commercial band. While stations such as ours are being held to very strict standards concerning the promotion of goods and services, we find it hard to fathom

how such an obviously commercial enterprise is allowed to exist and broadcast on the band reserved for non-commercial educational stations..

This use (misuse) flies in the face of the original license which was granted for operation *ONLY* within a closed environment. Now, broadcasting to cars outdoors, as the Avis Travelers Network, the operation is beyond the scope of the original license application, as spelled out in Exhibit No. 10 of FCC form 442, File Number 3735-Ex-PL-93.

We are asking your office to investigate whether the intent of the license has been violated, and to inform us what we, as non-commercial broadcasters, can do to protect our very valuable frequencies. This includes being sure at all times that what is being done on adjacent channels conforms to the strict regulations placed on the spectrum.

We appreciate your reply.

Sincerely,

A handwritten signature in cursive script, appearing to read "Francine E. Berger", with a long horizontal flourish extending to the right.

Francine E. Berger  
General Manager WERS-FM