

PUBLIC REFERENCE RECEIVED  
BEFORE THE

**Federal Communications Commission** NOV 30 1990  
WASHINGTON, D.C. 20554

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
Application of )  
Satellite CD Radio, Inc. )  
To Construct, Launch and )  
Operate a Digital Audio Radio )  
Service Satellite System )  
File Nos. 49/50-DSS-P/LA-90  
58/59-DSS-AMEND-90

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Domestic Facilities Division  
Satellite Radio Branch

To: Chief, Common Carrier Bureau

JOINT OPPOSITION TO APPLICATION OF SATELLITE CD RADIO, INC.

The undersigned licensees and permittees of radio stations located in markets of varied size throughout the United States (hereinafter "Joint Parties"), by their attorneys, hereby oppose the above-referenced application filed by Satellite CD Radio, Inc. ("CD Radio") for authority to construct, launch and operate a digital audio radio satellite system. This opposition is filed pursuant to the Commission's Public Notice [DA 90-1462], released October 19, 1990 ("Public Notice").

In addition to its Domestic Satellite application, CD Radio has filed a Petition for Rule Making (RM-7400) ("Petition") requesting the Commission to allocate 70 MHz of scarce and highly valuable electromagnetic spectrum, on a primary basis, for the purpose of broadcasting satellite radio

programming. Responding to petitions filed by CD Radio and other parties seeking authority to initiate digital audio broadcast services ("DAB"), the Commission subsequently released a Notice of Inquiry, Amendment of the Commission's Rules with Regard to the Establishment and Regulation of New Digital Audio Services, FCC 90-281 (released August 21, 1990) (GEN Docket No. 90-357) ("NOI"), seeking comment on the development and implementation of DAB generally. More than one hundred and twenty comments, representing an even larger number of interested parties from various segments of the telecommunications industry, were received by the Commission in response to the NOI.

The comments submitted in the NOI raise many significant issues ranging from the copyright ramifications of DAB to the impact of any new or expanded service on the Commission's policies regarding diversity of ownership of broadcast facilities. Joint Parties filed comments responding to several of the questions raised in the NOI, demonstrating that a satellite-based, nationally-oriented digital radio system such as that proposed by CD Radio would be inconsistent both with the Commission's recent efforts to upgrade and revitalize current radio service and with the agency's historic commitment to the concept of local broadcasting, a touchstone Commission policy that has produced a breadth and quality of radio service unmatched in the world. In addition, Joint Parties filed comments with respect to CD Radio's Petition

raising other significant issues, including the lack of a demonstrated need or demand for a satellite DAB service, the press of spectrum demands from various quarters, the substantial economic costs that such a service would entail, and myriad regulatory and technical questions that remain largely unanswered, but which are being focused upon increasingly as technological developments relevant to DAB continually unfold, seemingly on a daily basis. Joint Parties respectfully request that their comments with respect to the NOI and CD Radio's Petition be incorporated in this proceeding by reference.

As the Commission asserted in its Public Notice, the appropriate course to pursue on the CD Radio application will be directly affected by the disposition of the Petition as well as any action taken pursuant to the NOI. Thus, processing CD Radio's application at this time would be premature, squandering both time and precious administrative resources. The significant, fundamental issues raised by CD Radio's Petition and the NOI should be resolved before CD Radio or any other DAB proponent is authorized to construct and deploy costly satellite facilities and, effectively, to reserve spectrum space for a service that may never be initiated. Accordingly, the Joint Parties respectfully request that the Commission suspend consideration of CD Radio's application pending resolution of the Petition and the NOI.

Respectfully submitted,

SHAMROCK BROADCASTING, INC.

(and subsidiaries)

KABL(AM), Oakland, California

KABL-FM, San Francisco,  
California

KMGC(FM), Dallas, Texas

KUDL(FM), Kansas City, Kansas

WHB(AM), Kansas City, Missouri

KXRX(FM), Seattle, Washington

WCXI(AM), Detroit, Michigan

WWWW(FM), Detroit, Michigan

WFOX(FM), Gainesville (Atlanta),  
Georgia

WWSW(AM and FM), Pittsburgh,  
Pennsylvania

KZFX(FM), Lake Jackson (Houston),  
Texas

KXKL(AM and FM), Denver, Colorado

KMLE(FM), Chandler (Phoenix),  
Arizona

BAHIA RADIO, INC.

KLOK(AM), San Jose, California

CAPITOL BROADCASTING CORPORATION

(and subsidiaries)

WGFX(FM), Gallatin (Nashville),  
Tennessee

WCAW(AM), Charleston,  
West Virginia

WVAF(FM), Charleston,  
West Virginia

WRKA(FM), St. Matthews,  
(Louisville), Kentucky

WKSJ-FM, Mobile, Alabama

WKSJ(AM), Prichard (Mobile),  
Alabama

CLARKE BROADCASTING CORPORATION

WGAU(AM), Athens, Georgia

WNGC(FM), Athens, Georgia

KVML(AM), Sonora, California

KZSQ(FM), Sonora, California

COMMUNITY MEDIA, INC.

KWYO(AM), Sheridan, Wyoming

KLWD(FM), Sheridan, Wyoming

GARAMELLA BROADCASTING COMPANY

and MONDAY MEDIA, INC.

KBJJ(FM), Marshall, Minnesota

KSCR(AM and FM), Benson,  
Minnesota

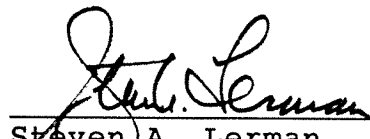
KJJG(FM), Spencer, Iowa

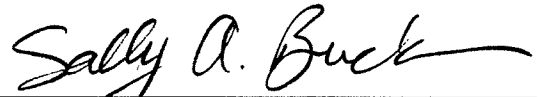
KXLV(FM), Cambridge, Minnesota

WXCE(AM), Amery, Wisconsin

KIRKWOOD BROADCASTING, INC.  
KTWB(FM), Sioux Falls,  
South Dakota  
KMAP, INC.  
KWAC(AM), Bakersfield, California  
KIWI(FM), Bakersfield, California  
KRZI, Inc.  
KRZI(AM), Waco, Texas  
KEYR(FM), Marlin, Texas  
LAKELAND BROADCASTING, INC.  
WMYM(AM), Minocqua, Wisconsin  
WWMH(FM), Minocqua, Wisconsin  
L.M. COMMUNICATIONS, INC.  
(and affiliates)  
WLXG(AM), Lexington, Kentucky  
WCOZ(FM), Paris (Lexington),  
Kentucky  
WYBB(FM), Folly Beach  
(Charleston), South Carolina  
LOS CEREZOS TELEVISION COMPANY  
WMDO(AM), Wheaton, Maryland  
MOOSEY COMMUNICATIONS, INC.  
KTIE(FM), Bakersfield, California  
OVATION BROADCASTING CO.  
KNTS(AM), Abilene, Texas  
KFQX-FM, Merkel (Abilene), Texas  
RADIO AMERICA, INC.  
KBRG(FM), Fremont, California  
RADIO STATION WDXN(AM),  
Clarksville, Tennessee  
RADIO TRIANGLE EAST COMPANY  
WSAY-FM, Rocky Mount, North  
Carolina  
RUSTON BROADCASTING CO., INC.  
KRUS(AM), Ruston, Louisiana  
KXKZ(FM), Ruston, Louisiana  
SOUTH FORK BROADCASTING CORP.  
WWHB(FM), Hampton Bays, New York  
VANTAGE COMMUNICATIONS, INC.  
KKVU-FM, Omaha, Nebraska  
WKRГ-TV, INC.  
WKRГ(AM and FM), Mobile, Alabama  
WRMT, INC.  
WRMT(AM), Rocky Mount, North  
Carolina

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November 30, 1990

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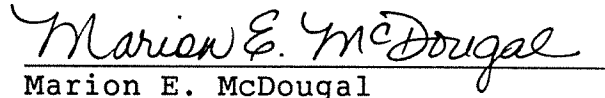
CERTIFICATE OF SERVICE

I, Marion E. McDougal, hereby certify that a true copy of the foregoing Joint Opposition to Application of Satellite CD Radio, Inc. was mailed, first class postage paid, this 30th day of November, 1990, to:

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Marion E. McDougal

\* Hand Delivery