

**89.3 FM KSBJ**  
HOUSTON  
*Christian Music*

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November 10, 1992

Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N. W.  
Washington, D. C. 20554

Dear Ms. Searcy,

I submit this petition to deny Applications of Satellite CD Radio, Inc. for authority to construct, launch and operate a Digital Audio Radio Satellite System, file nos.

49/50-DSS-P/LA-90

58/59-DSS-AMEND-90

44/45-DSS-AMEND-92

I submit the required copies.

Cordially,



Tim McDermott,  
General Manager

TM/sv

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

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In the Matter Of	)	
	)	
Applications of	)	File Nos. 49/50-DSS-P/LA-90
Satellite CD Radio Inc.	)	58/59-DSS-AMEND-90
for Authority to Construct	)	44/45-DSS-AMEND-92
Launch and Operate a Digital	)	
Audio Radio Satellite System	)	

PETITION TO DENY

Opposition Comments of Tim McDermott, of KSBJ (FM) pursuant to the Public Notice released October 13, 1992, herewith submits comments in opposition to the allocation of 2310-2360 mhz for terrestrial or satellite broadcast and the application of any party for the use of that frequency band including Satellite CD Radio, Inc. (CD Radio) which is under consideration by the Commission in the above referenced proceeding. I submit the following:

I am the General Manager of KSBJ (FM) Humble, Texas. We are a station committed to public service and the serving of our local community.

I come before you with these comments asking you to DENY Satellite CD Radio's application and the allocation of 2310-2360 mhz for the use of satellite radio broadcasting.

The FCC is concerned about localism and service to the community. I believe that the addition of satellite signals to all markets, including ours, will seriously curtail localism and the ability for local AM and FM stations to adequately serve their markets. Satellite delivered radio would simply flood the market with too many signals. It is the local broadcasters who will pay the price and ultimately the listeners. Local stations would find it necessary to cut local services in order to maintain expenses. Satellite stations would be able to afford a small market share, because of course, they are blanketing the nation and their financial overhead is independent of the number of markets they are in.

Satellite services, with their large budgets, can program in ways a small market broadcaster can not. I really believe it would divide local listenership to the point where small local stations couldn't stay in business. Fewer listeners and less service means less localism. And really local programming would become less diverse with fewer local stations to provide that vital local service that the Communications Act requires.

Commission Duggan is right. We need to "shore up" radio's ability to provide local service. There's only one way to do this: DENY Satellite CD Radio's application and DENY the allocation of 2310-2360 mhz for DAB. It really is not in the public interest.

I would surmise that if a national satellite radio service were to exist sooner or later there would be a channel that would encompass our format of Contemporary Christian Music and informational programs. Eventually we would have to cut local services as our expenses could no longer be met. You see, we are a non-commercial public supported educational radio station. Listeners donate so that we can meet our expenses. Like Satellite CD Radio, Inc. we too are commercial free.

If our listenership were divided with that of a national service, most certainly some of our listenership would opt to pay the satellite service subscription fee and listen to them rather than donate and listen to us. Ultimately we would have no choice but to cut service.

The only clear winner here is the national satellite broadcaster. The losers are local stations and the public. I understand that satellite broadcasters are not interested in local advertising dollars, but what difference does that make when our listenership is divided and our local services are lessened. Their existence naturally divides listenership. Local radio stations just can't survive that.

As we all know, having various formats offered on satellite is not a new concept; however, to the best of my knowledge, the bypassing of local radio stations to provide the satellite format is. If Satellite CD Radio, Inc. wants to pursue its idea, then why not do it like the other satellite services? Have them find local affiliates to

air their product. Or if they choose, they could buy some local stations and air their format. They, like everyone else, need to work within the system and the Communications Act that protects the value of the local station.

There are two stations licensed to Humble, our city of license. We are an NCE-FM station and there is one other AM station. This city and surrounding area can only support the two of us. With the addition of 30-120 channels we will certainly have a tough time competing no matter what satellite CD puts on their channels. We have enough trouble competing for listeners with the high number of signals that are able to be received here.

We, the local broadcasters, do not need this. As I said, ultimately the listener will pay the price of fewer local benefits. Satellite CD Radio's proposal is not in the public interest nor is any other proposal that would use S-Band as a national service.

Simply put, you must DENY Satellite CD Radio, Inc's application to operate on the S-Band. I also ask that you DENY the allocation of the S-Band for satellite services. Leave 2310-2360 mhz to it's current users. Band space is precious. Let's leave everyone where they are including AM and FM broadcasters. Let's use the "DAB" technology to develop in-band on-channel DAB for current AM and FM broadcasters. We're the one's that need help, not venture capitalists who want to operate on a national basis. Remember, we're the one's providing the vital local service. We'd

like to be here in the future as well. So please, DENY the use of S-Band.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Tim McDermott", with a long horizontal flourish extending to the right.

Tim McDermott,  
General Manager

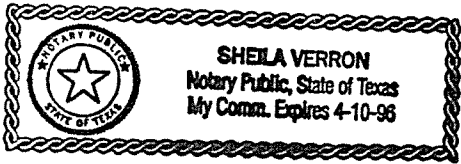
TM/sv

AFFIDAVIT

I, Tim McDermott, hereby attest to the accuracy of the allegations of fact contained in the Petition to deny, of which I have personal knowledge.

Tim McDermott  
Tim McDermott

11/10/92  
Date



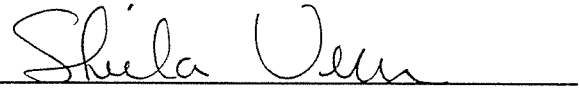
Sheila Verron  
Notary

11-10-92  
Date

CERTIFICATION OF SERVICE

I, Sheila Verron, by certify that on this 10th day of November, 1992, I have served a copy of the foregoing "Opposition Comments of Tim McDermott" on the Following:

Robert Briskman  
Satellite CD Radio, Inc.  
1001 22nd St. N. W. 6th Floor  
Washington, D. C. 20037-1817

  
\_\_\_\_\_  
Sheila Verron