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RADIO WARS

Officials plunder pirate station's radio equipment

It's a battle of the barely audible, which reached a noisy climax with the confiscation of radio broadcasting gear by federal officials Friday. It's a fight over a patch of Twin Cities FM radio space at dial position 97.7. And it isn't pretty.

If it were an all-star wrestling cage match, the names of the fighters would be The Christian vs. The Pirate vs. the Mayo Man.

"I had to remind them when they kept saying they were Christian broadcasters, that we run a Christian operation here," said Tom Jones, a.k.a. Mayo Man, the Rochester broadcaster of easy-listening format KNXR-FM (97.5), who wants to force out two competing broadcasters.

"Part of being a good Christian is you obey the commandments, including the ninth, I think it is, which says you shall not covet thy neighbor's goods. And as far as the FCC (Federal Communications Commission) is concerned, that includes radio signals."

Opposing Jones is Jeff Stromquist, a.k.a. The Christian, manager of Duluth-based WNCB-FM, which rebroadcasts in the Twin Cities on a frequency close to Jones'. As part of the battle, The Christian has had to install antennas in the homes of people complaining that his station interfered with reception of other stations.

Then there's Alan Freed, a.k.a. The Pirate. Until Friday, Freed operated the other competing station, 25-watt Beat



BRIAN LAMBERT

STAFF COLUMNIST

The fight is over a 'hole' in the broadcast spectrum — a blank spot on the local dial far enough removed to avoid interference with any station near it.

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RADIO

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Radio, illegally run out of his Loring Park apartment in Minneapolis. His equipment was seized by officials, putting him out of business.

"We're strange bedfellows, all right," says Freed, of his seeming alliance with The Christian. "I think we are in agreement that Rochester is way out of bounds asserting interference in the middle of Minneapolis," he says, adding that Jones "has been very rude and piggish."

Life in the small time

Far from the glare of the \$30 million megadeals for such big-time radio stations as KDWB and K102, this is an amusing-to-squalid tussle. At issue is whether low-power radio entrepreneurs have the right to offer Twin Cities listeners a broader range of service than six classic-rock stations, four cowboy stations and three doses of elevator music — or whatever the mix is after the latest merger of the week.

This time, the fight is over what is known as a "hole" in the broadcast spectrum — a blank spot on the local dial far enough removed to avoid interference with any station near it.

In such struggles, the big players are "primary-signal" stations, such as KDWB, KQRS, K102 and KNXR-FM in Rochester. Class A licenses are awarded by the FCC, and they are big power — 50,000 to 100,000 watts. And the going rate for this sort of license in the Twin Cities is closing in on \$35 million.

Next come secondary signals, which often emanate from "translator" operations — used when a station, usually from out of town, rents a tower position and retransmits, or "translates," its signal into another city. Minnesota Public Radio does this all over the state.

Nonprofit, religious broadcasters are fond of the translator approach because it is a relatively inexpensive way of getting to a new group of potential contributors. WNCB, for example, claims to have as many as 50,000 listeners in the Twin Cities.

But FCC regulations say that if a secondary signal interferes with a primary signal in so much as one listener's household, the burden is on the sender of the secondary signal to fix the problem — or get off that frequency.

That rule has put The Christian in a jam. Until Oct. 30, 1995, WNCB was translating at 96.3 FM in Minneapolis (and 91.9 FM in Bloomington), but it was challenged by a fledgling primary signal out of Glencoe. So WNCB re-

ceived FCC approval to move to 97.7, broadcasting a whopping 38 watts from the top of the IDS Center. Given the hole in the spectrum, it wasn't bad coverage, reaching the entire Twin Cities metro.

Enter the Mayo Man — Mr. Jones and KNXR-FM — from distant Rochester. Based on what he says were complaints from listeners in the south Twin Cities metro area about WNCB interference, Jones got the FCC to order the Christians to either fix the problem or go away.

To the FCC, it doesn't matter if Freed or anyone else thinks it strains credulity for a Rochester station to charge interference in the middle of Minneapolis. As presently interpreted, FCC rules allow Jones to do exactly that and chase off any secondary competition.

The aforementioned hole in the Twin Cities broadcast spectrum allowed the Rochester signal, at 97.5 FM, to drift in unimpeded. For KNXR, it was a pleasant happenstance. Any Twin Cities audience was pure gravy.

But the gravy diluted when WNCB began broadcasting. Its signal was strong enough to overwhelm KNXR's in most of the Twin Cities metro area.

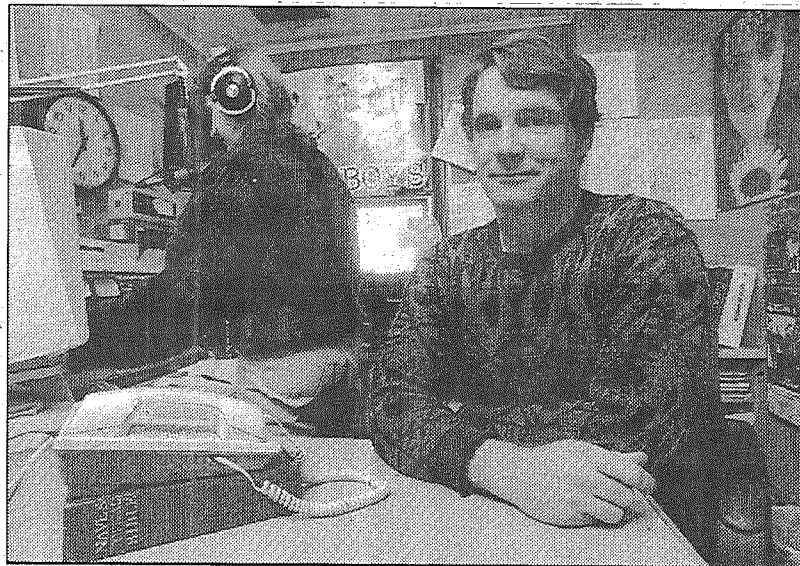
Jones, who has run KNXR since its inception 31 years ago, knew what to do. He called in the feds. Speaking from Washington, D.C., John Winston, the FCC's assistant bureau chief, compliance and information division, said, "The law of the land is set as it is," standing firmly on the "any interference is interference" argument. "We must stick with it, otherwise there'll be chaos."

Stromquist, The Christian, says he contacted the complainants, and installed antennas on the homes of eight of them. Others, he said, refused his offer to help. His actions weren't enough, as documents show, to satisfy the FCC — so FCC ordered him to move, again.

Using a loophole in FCC rules, Stromquist returned to 96.3, where he'll probably stay until the Glencoe station is up to full power.

Meanwhile, sans license and with only 20 watts of power, The Pirate — Freed — has been entertaining a 40-block radius of South Minneapolis since mid-July with his all-dance music format. His is a \$5,000-\$6,000 operation.

But Freed's hours were numbered. On Wednesday, U.S. Magistrate Judge John Mason in St. Paul signed an order allowing the government to seize Freed's broadcasting equipment. Freed said he would continue to fight the action in court. Until the feds came knocking, he was broadcasting 'round the clock, instead of his previous half-day schedule. That came to an end Friday when two FCC officials and two U.S. mar-



DAVE BALLARD/DULUTH NEWS-TRIBUNE

Jeff Stromquist of Christian Hit Radio WNCB-FM in Duluth is waging an on-going battle to keep on the airwaves in the Twin Cities.

shals raided his apartment.

Uneasy allies

If you think the The Christian and The Pirate are allies in a fight against big(ger) radio and big government, you're wrong. Mightily annoyed that he obeyed all the rules only to be thrown off 97.7, The Christian has been pointing fingers at Freed.

Freed "has got to get legal," says Stromquist. "We followed all the rules and still were forced to move. Yet this bootlegger flaunts the rules and stays on the air. And every time we leave a dial position he comes in right behind us."

Told of the imminent seizure of Freed's equipment, one WNCB staffer expressed delight.

Freed isn't happy being called names by anybody, and emphatically denies slipping into WNCB's vacated dial positions.

"They keep saying that, but it's not true," says Freed, who has worked at several Twin Cities Class A stations. "(Frequency) 97.7 is the only dial position we've ever occupied. I think they're confusing us with Eric Generic, Radio Free Como or some of the other micros that pop up every once in awhile."

Jones is exasperated. "The real problem is that these fellows just don't understand the rules," he said. "This really is a dead issue, I'm not sure why you're asking about it again. The FCC has made its decision."

WNCB has asked the FCC to reconsider, a process which may take a year and a half. Jones characterizes the request as rather pathetic.

"It's like they're asking the FCC to give them back their signal because they mean well," he says. "In other words, never mind the rules, just let us broadcast."

Freed sees it differently. He doesn't like the "Pirate" label. "I don't rape, rob and pillage," he

said, which is why he calls himself a micro-broadcaster. "We're not interfering with anyone, and certainly not a station 90 miles away. We're providing a service to an under-radioed market."

He insists he'd love to get a license, but he can't afford \$35 million.

"The regulations are unreasonable," says Freed. "The rules are designed to insure the survival of a small number of very large stations."

Stromquist agrees. "The rule regarding secondary interference was originally designed to prevent development of the FM from being impeded, but as it is being interpreted now, it is doing just that: impeding development. Where there could be more, there are only the same few large stations."

No sympathy

Neither WNCB nor Freed have found much sympathy from their fellow broadcasters. Freed, in particular, has harsh words for the Minnesota Broadcasters Association, which has been emphatic in its condemnation of "pirate radio."

And Freed's claim that he'd get a license if only the FCC had one to give doesn't impress the likes of veteran radio consultant Steve Moravec of St. Paul.

"It's a circular argument," says Moravec. "He wants something he knows he can't have. I'd like a cure for cancer, but what's the likelihood of that?"

Brian Lambert is the staff broadcast columnist.