



Communications Scene

By Richard Humphrey

IN THE PAST, FCC Commissioner Nicholas Johnson has been accused of practically everything from inexperience and flamboyance to being "self-seeking" and politically motivated. His numerous appearances on TV talk shows, his outspoken opinions, and his opposition to vested interests—not to mention his book "How to Talk Back to your Television Set" (Little, Brown, 1970)—haven't made him the most popular kid on the block; nor, one suspects, were they meant to.

But in a recent exclusive interview with POPULAR ELECTRONICS he revealed not only a tightly wrapped legal mind and a firm grasp on a far-ranging variety of communications interests but also what sounded suspiciously like a conservative attitude on certain questions.

That we might be listening to a new Johnson was evident when he was asked to comment on the broadcast industry's occupation of over 80% of the radio spectrum thus leaving but a small portion for aeronautical, public safety, amateur and CB, marine and other two-way communications.

"Ever since I've been here," he said, "I've tried to have more attention paid to the problems of those who are using the frequencies for personal communications or

business or for the kind of use the amateurs make of them; but the political and economic power of the broadcasting industry is pretty formidable because virtually all elected officials have to turn to the broadcasters to get any time to talk to their constituents."

"But what about the uhf television channels?" he was asked. "Particularly in view of the broadcasting industry's losing certain channels to other services because those channels weren't being used?"

"We have loosened up a bit in the uhf channels," he replied. "And I would predict that over the years to come there's going to be increasing pressure to follow that system (take uhf channels where the use it or lose it communications philosophy applies). However, when that will be done and how far it will go is hard to say."

It's interesting to note that immediately following FCC action in authorizing uhf channels 14-20 (470-512 MHz) and 70-83 (806-890 MHz) for land mobile use, the broadcasters hurriedly began "double-casting" their vhf (channels 2-13) program content on selected uhf channels in a style reminiscent of the duplicate programming in AM-FM radio before the FCC put a stop to it.

The CB Situation. Commissioner Johnson backed off when pressed for specifics on the Electronic Industries Association's petition, in February 1971, for 80 FM Citizens Band channels in the 220-222-Mhz portion of the 220-225-MHz amateur band and the rumored FCC action requiring automatic identification circuitry for practically all two-way radios. He was well within his rights in saying "no comment" since no Notice of Proposed Rule Making has been released on these two items.

When these Notices are released, the amateurs can certainly be expected to be

Nicholas Johnson of the FCC

vocal about the 80-channel class E CB petition although one is tempted to agree with the Electronic Industries Association's comment that the 220-225-MHz band is "seldom used". The big fuss, of course, will erupt when the Notice of Proposed Rule Making on automatic identification comes out. This reported move by the Commission was sparked mainly by the bad operating practices on the 27-MHz CB band. Talking about this situation Johnson said:

"The problem, quite frankly, is that you've got thousands of licensees and very few people at the FCC to get involved in enforcement. There's very little control, therefore, over the people operating this equipment. One way to do it," he hazarded, "would be to increase by about tenfold the number of FCC employees and send them out to track all this down."

"Is there any hope of that?"

"Well," answered Johnson, "I'm not sure that anyone wants that. There *is* another alternative and that is to get more self-regulation on the part of the Citizen Band operators." One could detect a warning note in the Commissioner's voice when he added: "Ultimately, they're going to kill

this off if they keep going the way they have been. One of the proposals which comes before us from time to time," he offered as a grim afterthought, "is the suggestion that the whole thing (the 27-MHz Citizens Band) simply be closed down."

The Public Interest. We wondered aloud if automatic ID and a few other things contemplated by the FCC would be in the public interest and inadvertently trod on a Johnson toe.

"Let's not confuse the phrase 'public interest' as it is used in the Communications Act of 1934 with the expression 'something of public interest,'" he said. "The legal term has a meaning of its own that's grown up over 37 years of FCC reports and thousands of decisions in the courts and the agencies. Whatever the term means to lawyers," he emphasized; "it does *not* mean 'something of interest to the public'."

"But what about television coverage of a major sporting event?" we asked.

"A problem *does* arise," said Johnson, "when a sporting event takes on the dimensions of a 'national resource' (like a World Series) and has traditionally been made

available to the public and then for one reason or another is no longer made available. Once an event takes on the quality of a national institution and something in which everyone feels he has the right to participate, we begin to put limitations upon what the owner (so called) can do because it affects so many millions of people."

"Actually," Johnson continued, "this happens to any institution which gets big enough—whether it's a network, General Motors, a large state university or a government agency. When the 'owner' starts acting in a fashion that is too independent and whimsical, he's apt to find some kind of regulation coming at him one way or another from consumers or taxpayers or the government. That," he concluded, "is what's happening all across our society with Ralph Nader's movement and civil protests of all kinds."

We came out of this interchange—rightly or wrongly—with the impression that there are times when "something of interest to the public" becomes "something in the public interest." But exactly when this happens, only the Lord and the FCC know.

The 27-MHz CB question comes in for its share of Congressional attention. There's an almost daily flow of letters of complaint from the Hill to various FCC Bureaus along with requests for answers and action. One Congressman (who shall remain un-named) acidly took the FCC to task when a CB'er with a long record of intentional interference was shot on the front lawn of his midwest home by his fellow (?) Citizen Banders. The Congressman said it was the Commission's fault because they did not enforce the CB frequency rules properly!

While Commissioner Johnson will probably be glad to get along without situations such as that when his term expires in July of 1973, it was clear he didn't intend to retire from the arena. When asked if his future plans included anything of a political nature, he said:

"I am interested in the area of public policy, but there are so many ways today you can do that besides holding an elective office. I'm not particularly interested in having to go out and raise millions of dollars in order to run for office. Besides," he said, "I think Ralph Nader is probably more influential than most of the 535 Congressmen."