Reply Comments of Kern Community Radio

This reply comment is from nonprofit Kern Community Radio ("Kern"). Kern is a prospective non-commercial community broadcaster in Bakersfield, California. Kern is supplying this comment to shed light on the reality of how duplicated- and rebroadcast-programming is an epidemic. Redundant and relayed programming is hollowing-out local radio, vastly reducing programming diversity, and frustrating diverse new broadcast entrants. This reply is being filed as a response to National Association of Broadcasters’ ("NAB") comment stating that diversity has increased on the dail, advocating the lift of the duplication rule. Kern provides proof in this reply that the program duplication rules need to be expanded to ensure local programming diversity and allow for new entrants.

About Kern Community Radio

Members of Kern Community Radio had desired to pursue a non-commercial, educational community radio station for Bakersfield in 2006 due to the total absence of any local
local secular non-commercial radio. Bakersfield, a metropolitan area of roughly 840,000 people, does not have one local-studio secular, non-commercial radio station. That includes no secular LPFM, no local-content NPR station,\(^1\) no community station, or no college station. The entire non-commercial FM band except for one station is all relayed via satellite from chiefly religious broadcasters from Texas, Idaho, and Northern California. This has locked-out any new local non-commercial broadcasters. And none of these broadcasters cover any local issues, or are required to cover any local issues. Christian satellite broadcaster Educational Media Foundation has five frequencies (K245CJ, K285GG, K284AO, KAID, KBLV) in the Bakersfield area, with translators contravening Section 74.1232(b) of the translator duplication rules. Calvary Satellite Network also has four rimshot translators (K207DJ, K219LN, K259CA, K214ED) possibly breaking the same rule. We are not sure if the FCC is even enforcing Section 74.1232(b).

Kern did apply for a small radio station in Mettler, California in 2007, but it was not sustainable because the tiny 60 dBu coverage was 20 miles south of Bakersfield. There was also attempt to apply for a Low Power FM station for one of the two LPFM channels open in Bakersfield, but we made a mistake on the LPFM application and it was dismissed (the FCC has rules within Section 73.830(c) does not allow LPFM applicants to amend their applications, unlike every other service, which can amend nunc pro tunc). The LPFM channels were eventually taken by new translators.

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\(^1\) Studio-waived KVPR from the Fresno radio market is re-broadcasted here via satellite.
Kern has attempted to pursue all routes possible to find a way to start a station to represent Bakersfield’s diversity. From our own experience, the FCC’s preference towards allowing duplication of content and rebroadcasting of content from far away places, locks-out opportunities for new and diverse entries. If the FCC limited these type of rebroadcast stations, there would be room available on the band for hyperlocal services. There currently is no further room left on the local broadcast bands to pursue Bakersfield’s first local public radio station.

**Current FM Band In Bakersfield**

NAB is wrong to assume that diversity has proliferated since the 1990s on the airwaves due to the increase of licensed channels. That assumption overlooks consolidation, and most of the newly-licensed channels being used for duplication uses. Here is the FM band in Bakersfield. Rebroadcasted programming via satellite, duplicated programming, or redundant programming is highlighted in yellow:

**Bakersfield FM Dial**

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88.3 KAXL  GREENACRES  Religious CA 88.3
88.7 KBLV  TEHACHAPI  Religious satellite rebroadcast EMF
89.1 KPRX  BAKERSFIELD CA  Satellite NPR rebroadcast Fresno
89.3 K207DJ LAKE ISABELLA  Religious satellite rebroadcast Calvary
89.5 KAIB  SHAFTER  Religious satellite rebroadcast EMF
89.7 K209DN MCFARLAND  Religious satellite rebroadcast KCZO Texas
90.1 KTOX  BAKERSFIELD  Spanish satellite rebroadcast Fresno
90.7 K214ED BENA  Religious satellite rebroadcast Calvary
90.9 KGZO  SHAFTER  Religious satellite rebroadcast Nueva Vida Camarillo, CA
91.3 KEAR  BAKERSFIELD CA  Religious satellite rebroadcast Family Radio
91.7 KFHL  WSCO CA  Religious satellite rebroadcast Keene, Texas
91.7 K219LN KERNVILLE CA  Religious satellite rebroadcast Calvary
92.1 KQKZ  BAKERSFIELD  Top-40
92.3 K222DH DELANO  Rebroadcast of KAFY (AM)
92.5 KMYX-FM ARVIN CA  Spanish Language (Campesina Network; Phoenix, Yuma, Tri-Cities WA, Salinas, CA, Visalia, CA, Las Vegas)
92.7 KQQH  WASCO CA  Spanish Language
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93.1 KKXX-FM SHAFTER CA  Top-40
93.3 K227DD LAKE ISABELLA Religious satellite rebroadcast KWTD
93.7 K229CD BAKERSFIELD CA  Rebroadcast of KCHJ (AM)
94.1 K1SV BAKERSFIELD CA  Top-40
94.5 KBF-E-LP BAKERSFIELD CA Religious
94.9 KXTT MARICOPA CA  Spanish Hits Rebroadcast from Oxnard
95.3 KLLY OILDALE CA  Top-40 from iHeart
95.7 K239BB BAKERSFIELD CA  Rebroadcast of KAFY (AM)
96.1 K241CI BAKERSFIELD CA  Rebroadcast of KERN (AM)
96.5 KPSL-FM BAKERSFIELD CA Spanish Language
96.9 KEBT LOST HILLS CA Spanish Language
96.9 K245CJ BAKERSFIELD CA Religious satellite rebroadcast EMF
97.3 KRJK LAMONT CA Country
97.7 K2NZ-FM SHAFTER CA  Rebroadcast of 1560AM Right Wing Talk
98.5 KDFO DELANO CA  Classic Rock (iHeart Radio)
98.9 KHHT METTLER CA  Urban Contemporary
99.3 KKBK BAKERSFIELD CA  Oldies (Alpha Media)
99.7 K2S9CA CALIENTE CA Religious satellite rebroadcast Calvary
 (Idaho)
100.1 K261CO BAKERSFIELD CA Religious satellite rebroadcast Visalia
 KDUV (FM)
100.3 K26BP CONNER CA  Rebroadcast of KAFY (AM) La Favorita
 Network
100.5 KMQA EAST PORTERVILLE Spanish Language
100.9 KHNU BUTTONWILLOW CA Spanish Language
101.1 K266CG BAKERSFIELD Relroadcast of KGEO (AM)
101.5 KGFM BAKERSFIELD CA Adult Contemporary
101.9 KYAD-LP BAKERSFIELD CA Religious
102.1 KZFE FORD CITY CA Off the air
102.5 K273CB BAKERSFIELD CA  Rebroadcast of KGSV (AM)
102.9 KIWI MCFARLAND CA Spanish Language
103.5 KREM-LP BAKERSFIELD CA  Religious
103.5 KSUG-LP BAKERSFIELD CA (No Signal into Bakersfield)
103.7 K279CZ LAKE ISABELLA Rebroadcast of KVLI (AM)
103.9 KBDS TAFT CA  Top-40
104.3 KBGF MCFARLAND CA Spanish Hits
104.7 K28A0 OILDALE CA Religious satellite rebroadcast EMF
104.9 KFBA-LP BAKERSFIELD CA  N/A Doesn't get into Bakersfield
104.9 K285GK EDISON CA Religious satellite rebroadcast EMF
105.3 KBF-FM DELANO CA  AC (iHeart Radio)
105.7 K289CN BAKERSFIELD CA  Rebroadcast of KLHC (AM)
106.1 KRAZ ENSACRES CA Alternative (iHeart Radio)
106.5 KEAL TAFT CA Spanish
106.7 K294DK BAKERSFIELD CA  Rebroadcast of KJPG (AM)
107.1 KCMR BAKERSFIELD CA Country
107.9 KUZZ-FM BAKERSFIELD CA  Rebroadcast from 550 AM - Country
Amazingly, 49% percent of FM facilities are either duplication of programming or rebroadcast of programming from outside the market. If you include iHeart Radio -- which is moving to towards centrally-programmed programming, and Spanish-language networks (highlighted in Green), the number above edges to 59%.

This content duplication / rebroadcast/relay /translator duplication from outside the market has become an accelerating epidemic choking-off diversity, localism, and new-entrant broadcasters. It has also homogenized radio in Bakersfield into Top-40/other popular, Spanish-Language, Religious, Country, and a couple rock and talk stations.

**Conclusion**

Kern knows first hand that duplication of programming, redundant translators, and satellite rebroadcasting networks have stifled local programming, diversity of programming, and new broadcast entrants. NAB supplies no evidence to support its viewpoint that duplication would be in the public interest--only the broadcaster’s interest. Furthermore, the repeal of the main studio rule and broadcast consolidation only asserts this programming diversity problem is only going to get worse in the future.

Kern recommends that the duplication rule be expanded:
• FCC should have an audit concerning translator duplication rule. Section 74.1232(b).
Also, FCC should add a “translator need/duplication” question on a translator construction permit form.

• Without the main studio requirement, broadcast stations should have to disclose their content origination point, and whether there is program duplication in the market. This is very much in the public interest.

• Limits on rebroadcasting and duplication should be established. If not, all programming one day will be from outside the broadcast market. This is not in the public interest.

• The overlap areas of full service stations should be extended, as radio tuners are vastly more sensitive nowadays.

• AM cross service translators should be a temporary fix because it is a huge ineffective programming duplication. AM stations should move to an extended FM band.

Submitted by,

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