

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

In the Matter of)	
)	
Amendment of Section 73.3556 of the)	MB Docket No. 19-310
Commission’s Rules Regarding Duplication of)	
Programming on Commonly Owned Radio Stations)	
)	
Modernization of Media Regulation)	MB Docket No. 17-105
Initiative)	

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.

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

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	KTQX	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

93.1 KKXX-FM SHAFTER CA Top-40
 93.3 K227DD LAKE ISABELLA Religious satellite rebroadcast KWTD
 Ridgecrest, CA
 93.7 K229CD BAKERSFIELD CA Rebroadcast of KCHJ (AM)
 94.1 KISV BAKERSFIELD CA Top-40
 94.5 KBFE-LP BAKERSFIELD CA Religious
 94.9 KXTT MARICOPA CA Spanish Hits Rebroadcast from Oxnard
 (La Mejor Network 96.7 Oxnard, 104.1 Santa
 Rosa)
 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 KBFT LOST HILLS CA Spanish Language
 96.9 K245CJ BAKERSFIELD CA Religious satellite rebroadcast EMF
 97.3 KRJK LAMONT CA Country
 97.7 KNZR-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 KKBB BAKERSFIELD CA Oldies (Alpha Media)
 99.7 K259CA CALIENTE CA Religious satellite rebroadcast Calvary
 (Idaho)
 100.1 K261CO BAKERSFIELD CA Religious satellite rebroadcast Visalia
 KDUV (FM)
 100.3 K262BP CONNER CA Rebroadcast of KAFY (AM) La Favorita
 Network
 100.5 KMQA EAST PORTERVILLE Spanish Language
 100.9 KHMU BUTTONWILLOW CA Spanish Language
 101.1 K266CG BAKERSFIELD Rebroadcast of KGEO (AM)
 101.5 KGFM BAKERSFIELD CA Adult Contemporary
 101.9 KYAD-LP BAKERSFIELD CA Religious
 102.1 KZPE FORD CITY CA Off the air
 102.5 K273CB BAKERSFIELD CA Rebroadcast of KGSV (AM)
 102.9 KIWI MCFARLAND CA Spanish Language
 103.5 KRHM-LP BAKERSFIELD CA Religious
 103.5 KSVG-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 KBQF MCFARLAND CA Spanish Hits
 104.7 K284AO OILDALE CA Religious satellite rebroadcast EMF
 104.9 KFBA-LP BAKERSFIELD CA N/A Doesn't get into Bakersfield
 104.9 K285GG EDISON CA Religious satellite rebroadcast EMF
 105.3 KBFP-FM DELANO CA AC (iHeart Radio)
 105.7 K289CN BAKERSFIELD CA Rebroadcast of KLHC (AM)
 106.1 KRAB GREENACRES CA Alternative (iHeart Radio)
 106.5 KEAL TAFT CA Spanish
 106.7 K294DK BAKERSFIELD CA Rebroadcast of KJPG (AM)
 107.1 KCWR 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-langauge 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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