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February 13, 2018

In Re: MM Docket 99-25, MB Docket 17-105, RM-11749, RM-11727.

Mr. Chairman and Commissioners:

It is my understanding that the Commission is seriously considering bring forward to a notice of proposed rulemaking (NPRM) in relation to adding a new class "C4" FM service to the parts of the country within FM Zone II. The creation of this service class would bring some benefits to a small number of Class A FM stations, many family and/or minority-owned that are already operating at near full Class A facilities to be able to better cover their community of license and the areas surrounding it. Since Class A is a "catch-all" service class for any FM station with a service contour less than 28.3 kilometers, I have found that there are many FM stations that are not running anywhere near a full Class A facility, likely for reasons spanning from economic ability, community need, short-spacing or international requirements. Therefore, the number

of Class A stations that can or would be willing to borne the expense of upgrading would be on the lower side.

While I am very concerned about the increased noise floor and interference to a potentially number of Low Power FM (LPFM) stations (as well as FM translators, including those awarded in the 2016 through 2018 AM Revitalization opportunities), I do feel that overall, Class C4 can help those rural full-service FM stations that are in a position to do the upgrade.

With that said, I do feel that any NPRM for Class C4 should be more of a “community radio revitalization” NPRM which also includes changes that would not only help community-focused full-service FM stations in rural areas but also community-focused low-power FM (LPFM) stations in rural, suburban and urban areas.

In 2014, REC Networks filed a *Petition for Rulemaking (RM-11749)*, which asked for the Commission to reconsider the ability for many LPFM stations to be permitted to increase their facilities to 250 watts at 30 meters height above average terrain (HAAT). In 2012, the Commission had already determined that an increase to 250 watts can be done in accordance with the Local Community Radio Act (LCRA)¹. RM-11749 would allow existing LPFM stations that are already over-protecting full-service FM facilities to address the issues of building penetration and other reception issues within their 3 ½ mile service areas. Unlike the poorly-written and dangerous LPFM proposal written shortly after RM-11749, the REC “LP-250” proposal is fully compliant and consistent with the will of Congress in the LCRA and retains LPFM as a non-commercial educational secondary service.

In addition, REC had made some additional recommendations in MB Docket 17-105 which could maximize the viability of existing LPFM stations in rural, suburban and urban areas. This includes allowing LPFM stations to use directional antennas to protect FM translators and to expand their service while remaining in compliance with the international agreement with Mexico. We also proposed a §73.215-like solution that will help LPFM stations have more flexibility in location while remaining to protect full-service FM stations in a manner that even exceeds how FM translators protect full-service FM stations. All of these changes are compliant with the will of Congress as outlined in the LCRA.

Now that the FM translator filing windows have been completed and new construction permits are already being issued. We must now turn our attention to the next filing opportunity for

¹ - Pub L. No. 111-371, 124 Stat. 4072 (2011). See also *Creation of a Low Power Radio Service, Fourth Notice of Proposed Rulemaking*, (“Fourth NPRM”) 27 FCC Rcd. 3315 (2012) at footnote 125. We note that LP-250 was proposed in that proceeding, but it was done under the context of a rural-only solution, a concept promoted by a group that was not actively involved in LPFM and was trying to advance an agenda of 10 watt stations. In RM-11749, consistent with the Prometheus Radio Project and Common Frequency in the Fourth NPRM, we supported LP-250 with no geographic restrictions other than those required by international agreement. The availability of LP-250 without regard to rural county status is still a common objective of LPFM advocates who actually work with the service.

organizations to file for new Low Power FM licenses. Section 5(2) of the LCRA states that licenses for new FM translator stations and new LPFM stations are distributed based on community need. In 2013, a community need for new LPFM stations was addressed and in 2017 and 2018, we as a community addressed a need to improve the AM broadcast service, especially in rural areas where this revitalization was desperately needed. Now, it's the top of the second inning and LPFM is back at the plate. REC is already receiving community interest from organizations interested in starting another LPFM window. Over the course of this year as the dust settles on Auctions 99 and 100, we will review the potential for new LPFM availability as well as the ongoing availability for existing LPFM stations to increase to our proposed LP-250 service.

I am willing to work with you and each of your staffs to help move community radio forward. LPFM stations remain a very important link to the communities that they serve and anything we can do to help these stations out can be appreciated. I live on the Maryland Eastern Shore and am willing to travel to DC if necessary to meet face-to-face on this.

Thank you for your time. If you or your staff have any further questions, you may contact me direct at 202 621-2040 (*direct line for FCC Staff calling from 202-418 phone numbers*).

Respectfully,

/S/

Michelle Bradley
Founder
REC Networks

CC: Michelle M. Carey – Bureau Chief, Media Bureau
Albert Shuldiner – Chief, Audio Division
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Matthew Wesolowski – Author of RM-11727

KEY POINTS OF RM-11749

- Introduces a new LPFM class of service at 250 watts at 30 meters height above average terrain (7.1-kilometer service contour).
- Addresses the ongoing issues with building penetration that LP-100 stations are currently encountering within 3 miles of their stations.
- For co-channel and first-adjacent channel full-service stations, uses the same distance separations as LP-100 utilizing the overprotective “buffer zone” that was put into the rules in 2000 when LPFM was created.
- Address interference by LPFM stations in “foothill” areas.
- A method of “automatic upgrade” for qualifying stations similar to that used for the Class A 3 to 6kW upgrade.
- Address the large number of §73.870(a) waivers for moves over 5.6 kilometers.

KEY POINTS OF REC COMMENTS IN MB DOCKET 17-105

- Offer a §73.215-like solution for LPFM stations to operate from locations that would be “short-spaced” under the current rules.
- Address the disparity caused by the use of distance separation by LPFM stations and prohibited overlap used by FM translators.
- Address the massive overprotection to channel 6 TV stations by LPFM stations operating in the reserved band.
- Expand the use of directional antennas in LPFM.
- Restructure assignment and transfer rules to address “failing” stations.
- Codification of FM boosters for LPFM and FM translator stations.
- Address the large number of §73.870(a) waivers for moves over 5.6 kilometers.
- Removal of the “-LP” from LPFM call signs.
- FM translator protections to LPFM stations (add second adjacent channel).
- All changes done in compliance with the Local Community Radio Act.