

### **Notice of MB 18-184 / FCC 18-69 Ex-Parte Presentation**

On Thursday, February 14, 2019, between 10:30 AM and 5:15 PM, Matthew Wesolowski of SSR Communications, Inc., and Carl Haynes of Commander Communications Corporation, Inc. met in person with Albert Shuldiner, James Bradshaw, and Rodolfo Bonacci of the Audio Division of the Media Bureau, as well as Erin McGrath of Commissioner Michael O'Rielly's office, Elizabeth McIntyre of Commissioner Jessica Rosenworcel's office, Evan Swarztrauber of Commissioner Brendan Carr's office, and Michael Scurato of Commissioner Geoffrey Starks' office. Both Wesolowski and Haynes attended the February, 2019 Open Commission Meeting as well.

Each staff meeting included an inquiry as to the status of the current MB 18-184 / FCC 18-69 “FM Class C4” proceeding, the Comment and Reply Comment periods of which concluded in September, 2018. Audio Division staff indicated that comments were still under review and that further action may be several months away, given the enormous work load currently before the Media Bureau on other concurrent issues, such as the FM translator interference rulemaking. Otherwise, staff members of the individual Commissioners signaled that the proceeding was still active and that a definitive outcome, such as the progression of the MB 18-184 / FCC 18-69 Notice of Inquiry to a formal Notice of Proposed Rulemaking, would be dependent on the input of the Audio Division and Chairman's office.

At each meeting, Wesolowski and Haynes also requested an update on the Commission's stance towards an alternative and pending waiver-based application filed in July, 2018 by WRTM-FM (BPH-20180716AAC), the grant of which would result in a technical facility mirroring that of a proposed “FM Class C4” station classification. Audio Division staff indicated that grant of such a waiver would not be the preferred route in implementing such engineering changes, given that a parallel rulemaking, MB 18-184 / FCC 18-69 is still active, but that it could be granted in the event that the positive outcome of the MB 18-184 proposal had reached a “near certain” status, or if individual Commissioners favored that alternative path in lieu of the formal NPRM process. Most Commissioner staff signaled a willingness to consider the WRTM-FM waiver as a viable alternative to approach a formal MB 18-184 NPRM, given that it would provide immediate relief to stations seeking such. One Commissioner advisor casually suggested that a “pilot program involving ten stations filing for waiver requests” could be appropriate for the Commission to evaluate the effectiveness of the concept, though did not infer that such an action should actually be taken at this time. As the waiver-based approach contained within the WRTM-FM application would protect FM translator and Low Power FM stations, Wesolowski and Haynes advocated that it would satisfy some of the stated, yet wholly unsubstantiated concerns raised within the broader MB 18-184 / FCC 18-69 record.

In addition to a request of full consideration of the WRTM-FM waiver-based application, Wesolowski and Haynes asked that all of the Commissioners consider voting affirmatively on the release of a MB 18-184 NPRM.

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