

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the Matter of:)
)
Amendments of Part 73 and 74 to Improve) MB Docket 19-193
the Low Power FM Radio Service Technical)
Rules)
)
Modernization of Media Regulation Initiative) MB Docket 17-105

COMMENTS IN SUPPORT OF ELIMINATING TV6 PROTECTION

1. Four Rivers Community Broadcasting Corporation, Bux-Mont Educational Radio Association and Penn-Jersey Educational Radio Corporation, collectively (Commenters), are filing these comments in support of the proposed elimination of the Commission's TV6 protection rules (47 CFR § 73.525) and (47 CFR § 74.1205) as proposed in the above-captioned proceedings.

2. The Commenters are licensees of various noncommercial educational FM (NCE) stations in the Philadelphia, Pennsylvania, region currently impacted by the TV6 protection rules.¹

3. The TV6 protection rules were the result of FCC Docket 20735 from the early 1980's. This docket resulted in the adoption of 47 CFR § 73.525 and later 47 CFR § 74.1205. The rules were premised upon protection of TV6 analog (NTSC) television reception and were a compromise resulting from laboratory tests using television sets manufactured at the time and the sets' ability to reject strong adjacent FM signals. These TV sets were NTSC. Full power TV6 stations transitioned to digital a decade ago in 2009. Yet NCE stations still labor under an anachronistic application of the rule to Digital TV6 reception. Indeed, NCE channels 201 – 220 are not even permitted for FM translator use in markets with a TV6 station.

¹ Four Rivers Community Broadcasting Corporation is the licensee of WBYH(FM), WBYO(FM), WBYX(FM), WBZC(FM), WEVW(FM), WLHI(FM), WZXE(FM), WYTL(FM), WZMV(FM), WZXB(FM), WZXH(FM), WZXM(FM), WZXN(FM), WZXQ(FM), WZXY(FM), WZZD(FM), and WZZH(FM). Bux-Mont Educational Radio Association is the licensee of WLBS(FM) and WRDV(FM). Penn-Jersey Educational Radio Corporation is the licensee of WDVR(FM) and WPNJ(FM).

4. Section 73.525 of the Commission's rules failed to take into consideration alternative methods of TV6 viewing. Under the rule, all viewers were presumed to be watching directly over the air. No consideration was made for viewers over cable systems. And the rule certainly never contemplated satellite distribution such as DirectTV or DishNetwork. It certainly did not consider streaming alternatives to TV6 reception. Because of these considerations, or lack thereof, the rule was, and remains, overreaching and unduly inhibits NCE stations technical operations.

5. In the DTV era there is no need for these rules. The DTV signal is more robust than NTSC, and TV receiver design has far improved since the 1980's. Additionally, the Commission allows collocated adjacent DTV stations in the same market. NCE stations are essentially adjacent stations to DTV6 stations.

TV6 STATIONS ARE ADEQUATELY PROTECTED UNDER 47 CFR § 73.318

6. Commenters believe that 47 CFR § 73.318 would adequately address any TV6 interference issues regarding protection to the reception of DTV6 stations. Section 73.318 of the Commission's rules assumes that the FM 115 dBu contour and the area inside is "blanketed" thus triggering obligations by the NCE FM station to satisfy all complaints within it.

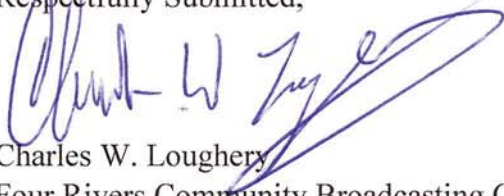
7. Commenters also believe there is value in continuing to permit NCE stations in TV6 markets, particularly those operating on Channel 201, and at greater distances from the TV6 transmitter site, to use higher vertical polarization power levels than horizontal. Section 73.316(a) of the Commission's rules does not currently permit this although 47 CFR § 73.525 currently does. We propose that the Commission modify 47 CFR § 73.316(a) to read: "It shall be standard to employ either horizontal or vertical polarization" or in the alternative allow NCE radio stations in markets with a DTV6 station to propose and operate with higher vertical ERP than horizontal at their sole discretion.

PROPOSED SUNSET DATE SHOULD NOT APPLY WHERE THE TV6 STATION HAS TRANSITIONED TO DIGITAL

8. Commenters believe that the proposed sunset date of July 13, 2021 should not apply where the affected TV6 station has already transitioned to digital. Why wait? NCE stations have suffered unnecessarily from inferior technical facilities for many years because of these outdated TV6 protection rules. Commenters propose that an NCE applicant for new or modified facilities where a TV6 station has transitioned to digital, would be entitled to an automatic waiver of 47 CFR § 73.525 and 47 CFR § 74.1205 prior to July 13, 2021.

9. Commenters respectfully urge the Commission to eliminate both 47 CFR § 73.525 and 47 CFR § 74.1205 because both rules have served their purpose and it is time to eliminate them.

Respectfully Submitted,



Charles W. Loughery
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Bux-Mont Educational Radio Association, President
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October 21, 2019