



March 4, 2020

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Notice: GN Docket No. 16-142; RM-_____;
MB Docket No. 19-193; MB Docket No. 17-105;
MB Docket No. 03-185

Dear Ms. Dortch:

Pursuant to Section 1.1200, *et seq.*, of the Commission's Rules, National Public Radio, Inc. (“NPR”) hereby notifies the Commission of the following *ex parte* presentation in the above-referenced proceedings. On Monday, March 2, 2020, Joni Lupovitz, Senior Director for Public Policy, Amanda Huetinck, Counsel, and the undersigned met with the following Commission personnel: Al Shuldiner, Tom Hutton, and Irene Bleiweiss from the Audio Division, and Barbara Kreisman, Shaun Maher, Mark Colombo, Kevin Harding, and Andrew Manley from the Video Division. The discussion addressed each of the above-referenced proceedings as summarized below.

Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard, GN Docket No. 16-142; Amendment of Section 73.626 of the Commission’s Rules to Facilitate the Deployment of Single Frequency Networks, RM-_____

In recognition of the public interest benefits of improving TV service coverage, NPR reiterated that it generally does not oppose expanded use of distributed transmission systems by digital television stations, provided doing so does not cause harmful interference to adjacent spectrum users. NPR noted, in particular, that (1) reserved-band FM noncommercial educational (“NCE”) stations are particularly vulnerable to interference from immediately adjacent DTV Channel 6 stations and (2) analysis of ATSC 3.0 transmission technology since the Commission’s 2017 Report and Order in the proceeding indicates the ATSC 3.0 emission mask may not adequately protect reserved-band FM NCE stations because ATSC 3.0 transmissions occupy additional bandwidth compared to ATSC 1.0 transmissions. NPR further observed that the interference risk is particularly heightened at the perimeter of a DTV station’s coverage area. If the rulemaking petition proceeds to a notice of proposed rulemaking, NPR urged the Commission to require DTV Channel 6 stations to use additional signal filtering like it has for DTV Channels 14 and 17.

Amendment of Parts 73 and 74 to Improve the Low Power FM Radio Service Technical Rules, MB Docket No. 19-193; Modernization of Media Regulation Initiative, MB Docket No. 17-105

NPR expressed its general support for the NPRM, especially the proposed elimination of Section 73.525 of the Commission's rules as obsolete and unnecessary. As previously demonstrated by NPR testing, DTV receivers are highly resistant to reserved FM NCE interference. Sunsetting NCE FM stations' obligation to protect DTV6 stations from interference would have direct benefits for public radio stations, allowing them to expand their public services to more listeners.

Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations, MB Docket No. 03-185.

NPR reiterated the points made in its recently filed comments and reply comments that the continued offering of analog FM radio services by LPTV stations beyond the digital transition is barred by the Communications Act, Commission Rules, and longstanding federal communications policy. The so-called "Franken FM" services are not "ancillary or supplementary services" as even the operators of these services generally concede, and Commission rules do not permit LPTV stations to operate independent analog aural and digital visual transmitters to offer analog FM services. Using 6,000 kHz spectrum allotments to offer 200 kHz FM radio services is also a grossly inefficient use of scarce radio-frequency spectrum; it fails to address the glaring lack of available spectrum for FM radio stations; and it wastes an important opportunity to promote the diversification of broadcast ownership. Even if legally permissible, authorizing the continuation of Franken FM services would require a substantial regulatory initiative to assure adequate reception of LPTV6 DTV services and avoid interference to adjacent reserved-band FM NCE stations.

Finally, NPR noted that Commission cannot and should not "grandfather" current Franken FM operations. In addition to posing an ongoing threat of interference to adjacent NCE FM service and to reception of the LPTV station's own video service given the lack of appropriate technical rules, allowing the continuation of these analog services would deprive the public of access to a multitude of bona fide FM radio services wherever a grandfathered Franken FM station currently operates.

Please direct any questions you may have to the undersigned at 202.513.2050.

Sincerely,

Gregory A. Lewis /s/

Gregory A. Lewis
Deputy General Counsel

Cc: Al Shuldiner
Tom Hutton
Irene Bleiweiss
Barbara Kreisman
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