

April 5, 2018

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

Re: Notice of Ex Parte Communication, RM-11727

Dear Ms. Dortch:

We are writing to strongly oppose the introduction of a new “Class C4” of FM service in between the Class A and Class C3 services. Under this proposal, Class A stations would be able to upgrade to Class C4 status and essentially double their power output. As relatively small broadcasters, we can certainly appreciate the appeal of increasing a station’s power and reaching more listeners. However, for the reasons described below, we believe the proposal should be dismissed as a short-sighted approach that may cause irreparable harm to localism, the FM band, jeopardize the important local service provided by FM translators, and impede the improvement of other FM stations.

It is a simple matter of physics that adding a new universe of Class C4 stations will increase the risk of interference on the already congested FM band. This could have serious consequences for listeners to neighboring FM stations, and cause significant harm to FM translators. More full-power FM stations will reduce opportunities for new translators, and perhaps more troubling, endanger the highly-valued, locally-oriented service provided by existing translators. As a secondary service, FM translators would be responsible for curing any interference that results from the launch of a Class C4 station, perhaps by reducing power or some other change that will reduce the translator’s service. A translator could also attempt to move to another frequency, but given congestion on the FM band, this could be impossible in some markets. This would undermine the Commission’s work to help foster the value provided by owners of translators, including localism.

Translators are an important asset for smaller broadcasters. On our FM stations, we use translators to provide critical fill-in service, or sometimes to provide attractive, niche programming on HD Radio multicast channels. In addition, many smaller broadcasters, including minorities, women and new entrants, own AM stations that, thanks to the Commission’s AM Radio Revitalization proceeding, now use translators to provide new and improved service to their local communities. For some AM broadcasters, a translator has been critical to staying on the air. The Commission should be careful not to spoil the fruits of its efforts to help AM broadcasters and their listeners by introducing a new class of FM stations that will reduce the certainty of translators.

In addition, we are extremely concerned about the proposed adoption of a so-called “triggering” mechanism. Under this system, any FM station seeking to make a minor modification could trigger a very short deadline by which neighboring FM stations that are operating at sub-

maximum facilities would be required to signal their intent to maximize operations or forever be locked into their existing level of operations. There are many reasons a station may operate at sub-maximum facilities, such as local zoning limits, the expense of towers, or FAA constraints. Such a triggering mechanism would block a station from later increasing power or maximizing their tower height to reach a growing or shifting listener base. It would also bar stations from relocating their antenna to a superior tower, or respond to circumstances beyond their control, such as a tower site owner's decision to repurpose her property. This lack of flexibility would be devastating for some FM broadcasters. We also understand that, under the proposal on file, such an option would be available to any stations seeking a minor modification, not just prospective Class C4 stations; therefore, the negative effects could be far-reaching.

Although we acknowledge support for the proposal from a number of Class A broadcasters, we must respectfully disagree with our industry brethren. As small market broadcasters, we recognize the potential benefits of allowing Class A stations to upgrade to Class C4 status. All of us would welcome the chance to expand our audience. However, on balance, we believe these perceived benefits are far outweighed by the long-term harm to localism that introducing a new Class C4 service would cause to the FM band, other broadcasters, and most importantly, listeners.

Therefore, we respectfully ask the Commission to dismiss this ill-conceived proposal, and instead direct its precious resources toward reducing the interference that already exists on the FM band. Thank you for the opportunity to share our views on this matter.

Respectfully submitted,

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