

Bryan Broadcasting License Corporation
2700 Rudder Freeway, Suite 5000
College Station, Texas 77845

April 5, 2018

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: Notice of Ex Parte Communications
MB Docket No. 13-249

Dear Ms. Dortch:

Ben Downs, Vice President of Bryan Broadcasting License Corporation, the licensee of multiple radio stations in the Bryan-College Station area of Texas, had several meetings at the FCC on April 3, 2018. Mr. Downs had the following meetings:

1. A meeting with Evan Swarztrauber, Policy Advisor to Commissioner Carr
2. A meeting with Alison Nemeth, Media Advisor to Chairman Pai
3. A meeting with numerous representatives of the Audio Services Division of the Mass Media Bureau including Albert Shuldiner, James Bradshaw, Lisa Scanlan, Thomas Nessinger, Jerome Manarchuck and Son Nguyen.
4. A meeting with Commissioner O'Rielly and Chief of Staff Brooke Ericson.

David Oxenford of Wilkinson Barker Knauer LLP also attended these meetings.

In each of these meetings, Mr. Downs discussed the current AM revitalization proceeding and the potential for conflict between the protection of nighttime service for Class A AM stations and the desire that Class D AM stations have to operate at night at more than a nominal power level. He recognized that this was a difficult problem for the Commission to resolve. He suggested a means to help ameliorate the conflict between these Classes of AM stations.

That alternative method involves the use of translators. Since so many Class D stations have received FM translators to rebroadcast their signal, and as these translators provide service even during nighttime hours when the Class D AM station is off the air or operating at reduced power, these FMs have become very important to these operators. Mr. Downs suggested that the Commission allow these stations (and perhaps other AMs as well) to surrender their AM licenses

and transfer their primary status that they have as AM licensees to the translator, giving that translator primary status as a new class of primary FM station. The migration of primary status from the AM to the translator would only be allowed to occur if the translator has been built and operating for a substantial period of time (e.g. a year or two), without being subject to any interference complaints.

This proposal would help reduce congestion the AM band as Mr. Downs believes that a substantial number of the over 850 Class D AM stations would be willing to take this trade. By eliminating many of these AM stations, the conflict between Class A and Class D stations also would be minimized. Many AM stations migrating to what are now their FM translators would also be able to enjoy a financial benefit from the sale of their transmitter sites as many AM sites have become more valuable as real estate than as part of an AM station.

Mr. Downs also discussed the specific proposal made in the Revitalization of AM Radio proceeding to require that AM licensees that received an expanded band allocation and constructed that expanded band station, and continued to operate both their original core band AM and the expanded band station pursuant to a waiver request filed many years ago, cease that dual operation. Mr. Downs provided a showing of the formats of the 22 pairs of AM stations that currently continue to operate both of the AM stations, and demonstrated that a majority of these stations have niche formats unlikely to continue if one of the channels has to be surrendered. Moreover, the interference concerns that motivated the surrender of the core band stations are no longer as important, as noise from all sorts of new digital devices has become a much greater source of AM interference than these stations ever were. Mr. Downs suggested that these stations be allowed to continue their dual operations – at least until some point after the next AM window when the licensees of these stations can file for new facilities that would allow these stations and their unique formats to continue to operate. Turning in these stations would remove their usefulness on the AM band and result in a loss of service to minority communities .

Also discussed in less detail was Mr. Downs belief that resolution of complaints about interference to FM translators needs to be resolved by objective engineering standards, not by subjective complaints. Listener complaints may trigger an FCC investigation, but the resolution should be something objective on which licensees can rely to make business and investment decisions. Mr. Downs also expressed a desire for a long-term solution for AM issues through AM digital operations as the only existing means of overcoming the significant background noise that has developed in the AM environment from many modern electronic devices.

A map showing the location of the standard band component of paired AMs and their formats is attached as Exhibit 1. An outline of Mr. Downs talking points on the expanded band issue is attached as Exhibit 2. An outline of his talking points on giving primary status to FM translators in exchange for the surrender of a Class D license is attached as Exhibit 3. And a PowerPoint presentation used to provide background on the AM interference issues in the discussions with Mr. Swarztrauber is attached as Exhibit 4.

Marlene H. Dortch, Secretary
March 5, 2018
Page 3

Respectfully submitted,



Ben Downs

cc: Commissioner O'Rielly
Brooke Ericson
Evan Swarztrauber
Alison Nemeth
Albert Shuldiner
James Bradshaw
Lisa Scanlan
Thomas Nessinger
Jerome Manarchuck
Son Nguyen

Enclosures

EXHIBIT 1



EXHIBIT 2

The Flagship of Aggie Athletics

BRYAN BROADCASTING

Preservation of Core and Expanded Band Pairs Pending a Filing Window

Unique, niche service

- Of the 24 remaining pairs only two are simulcasting
- 27 stations program minority or non-English language programming
- 6 are Christian teaching or Christian talk stations
- The remaining formats are music, sports, talk, or are undetermined

Lack of alternate sources of minority/foreign language programming

- Were these stations to be deleted it is unlikely other AM stations would reformat to restore this minority programming to the air
- It is even more unlikely an FM station would reformat
- OTA radio is likely the only no-charge source for these formats

Much has changed since the expanded band was opened in the 1990s

- Any interference caused by these stations has been overwhelmed by the cell phone revolution, home computers, and flat screen televisions
- There is a greater need for the diversity that niche service stations provide

Regulatory Solutions

- The stations are currently charged separate regulatory fees thus they could simply be relicensed as standalone AMs
- These stations could be surrendered after licensees file for existing or new AM licenses in the next AM auction



EXHIBIT 3

The Flagship of Aggie Athletics

BRYAN BROADCASTING

Next steps

Direct improvements to the AM Band

Reduction of co-channel and 1st adjacent interference

- Protect and Encourage Class D licensees to surrender their licenses.
 - **Transfer** Class D primary status to the paired cross band translator
 - A year without any interference complaints
 - Maintain existing licensed translator facilities
 - Any subsequent moves would require existing contour protection
- Could clear as many as 850 daytime stations from the band
- Would allow licensees to monetize real estate
- Provide benefit to Class A AM stations
- Reduce pressure to pull back nighttime protected contours

Reduce effect of growing noise floor

- Convert AM band to digital
 - It is the only solution to resolve the overwhelming noise of 100s of million smart phones and digital devices
 - Hybrid digital would be preferable – but some stations can't install it
 - Receiver penetration remains an issue
 - FCC mandate is the only way to guarantee receiver penetration

Develop a quantitative definition of translator to full-power interference

- Listener originated (anybody can originate) but
- Followed by licensee quantification
- Allow major change rules for the translator in order to resolve



EXHIBIT 4

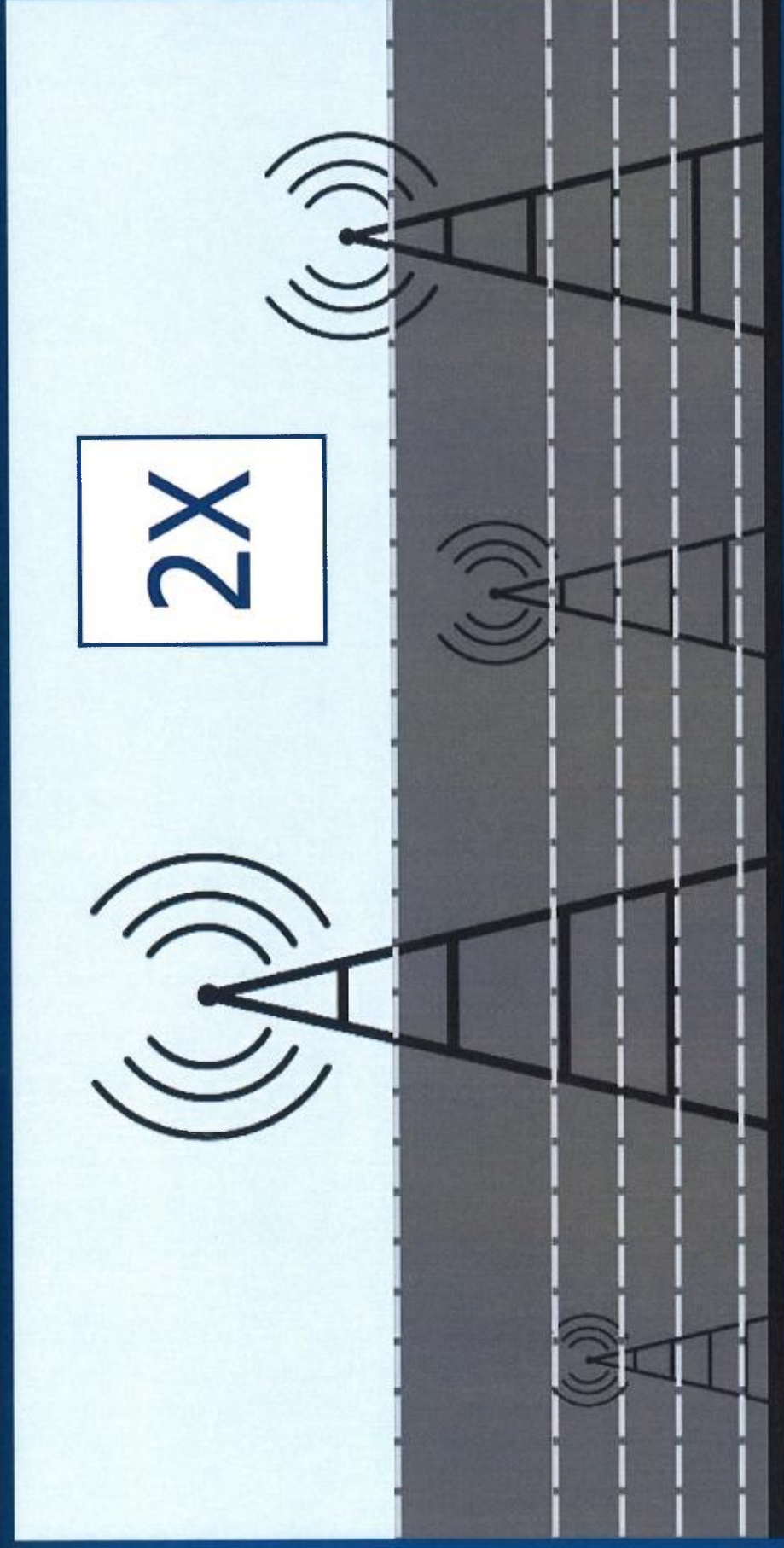
- **Class A Station.** A Class A station is an unlimited time station (that is, it can broadcast 24 hours per day) that operates on a clear channel. Min 10 kilowatts (kW)/Max 50 kW.
- **Class B Station.** A Class B station is an unlimited time station. Min 250 watts/Max 50 kW. If the station is authorized to operate in the expanded band (1610 to 1700 kHz), the maximum power is 10 kW.
- **Class C Station.** A Class C station is an unlimited time station that operates a local channel. Min 250 watts / Max 1 kW.
- **Class D Station.** A Class D station operates either *daytime, limited time, or unlimited time with a nighttime power less than 250 Watts* NOTE: If a station is an existing daytime-only station, its class will be Class D.

Our AM Stations

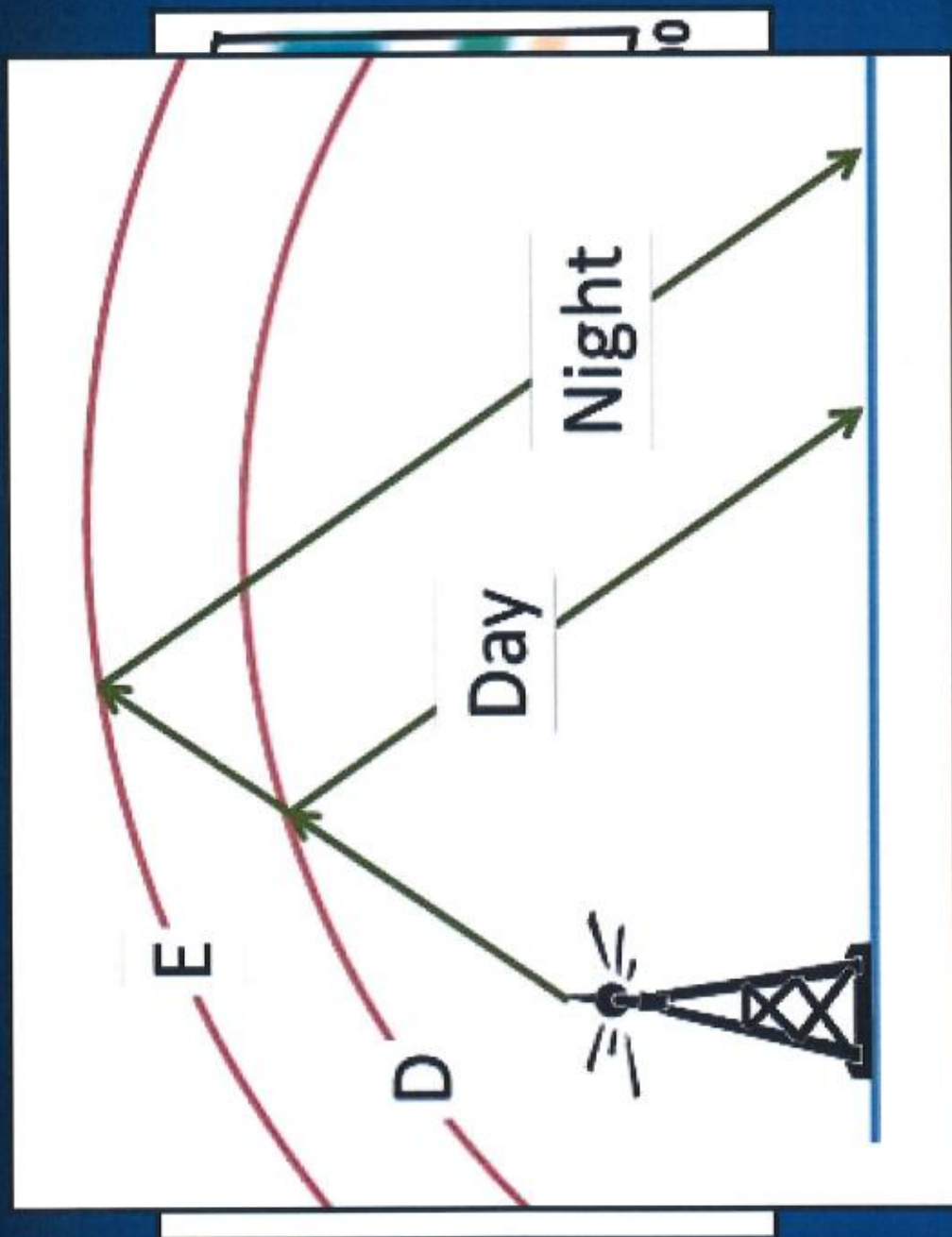
WTAW 1620:	Class B 10000/1000
KZNE 1150:	Class B 1000/500
KWBC 1550:	Class D 1500/50
KAGC 1510:	Class D 500/0

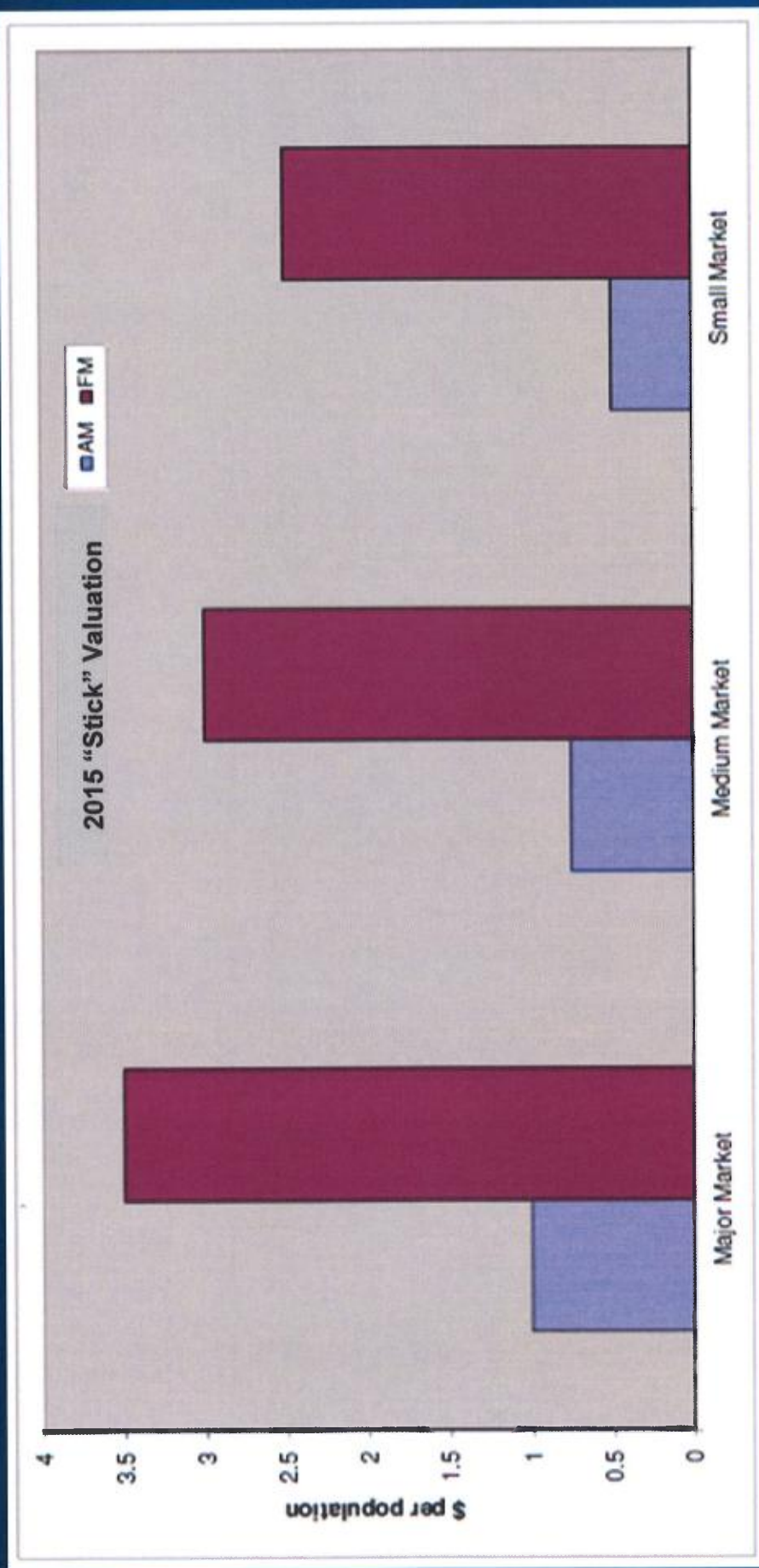


Example of Noise Floor's effect on AM



Background + CFL + iPhones/iPads + LED + Computers





What The FCC Has Completed

- Window 1: (2016) Temporarily allowed the move of existing FM translators up to 250 miles to pair with an AM station.
- Window 2: (2017) New FM translator for AM class C/D then A/B stations.

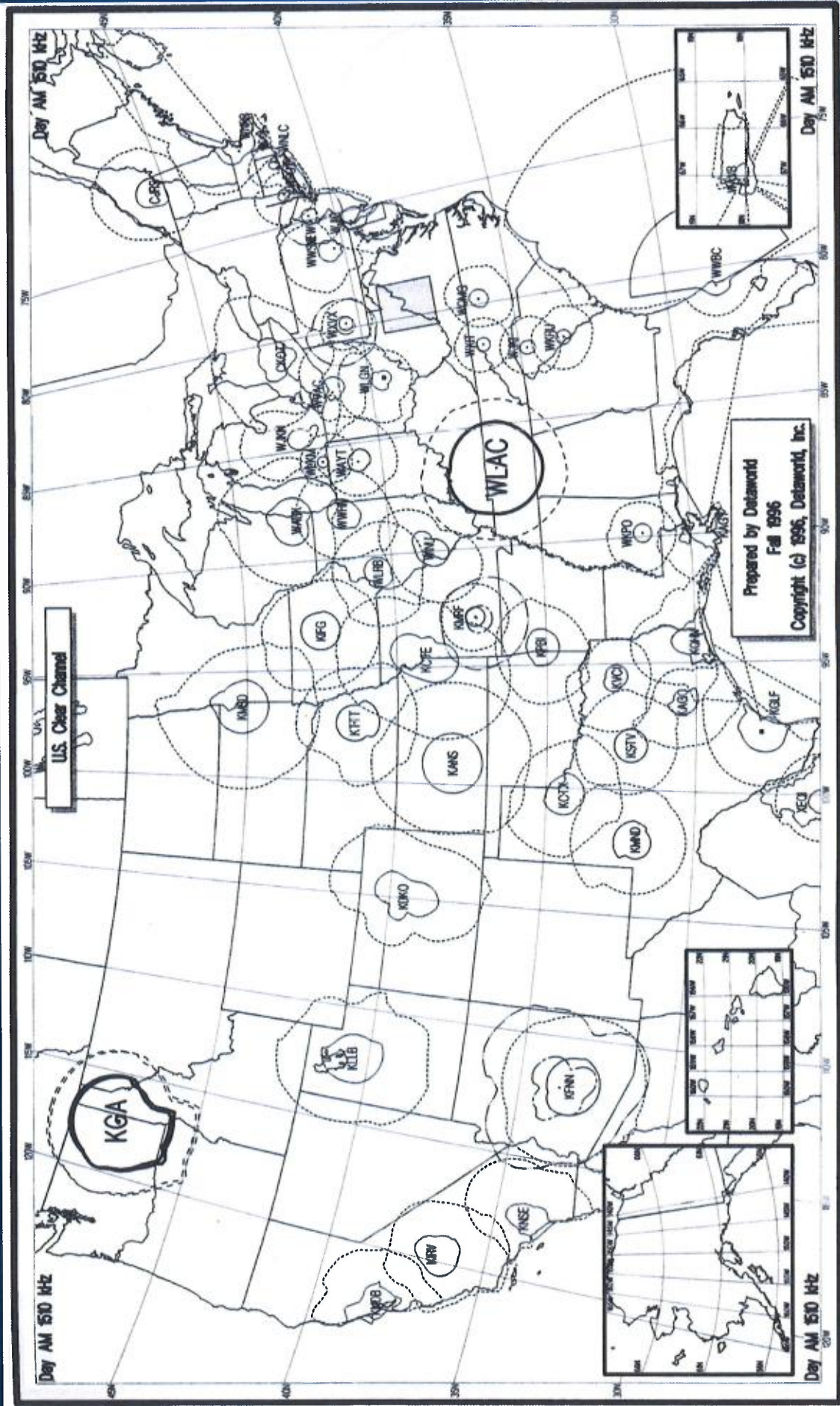
Rules for AM to FM Translators

- Within 25 miles/2mV from paired AM
- 250 Watts maximum
- No maximum height
- Must duplicate programming of paired AM
- Must remain associated with paired AM

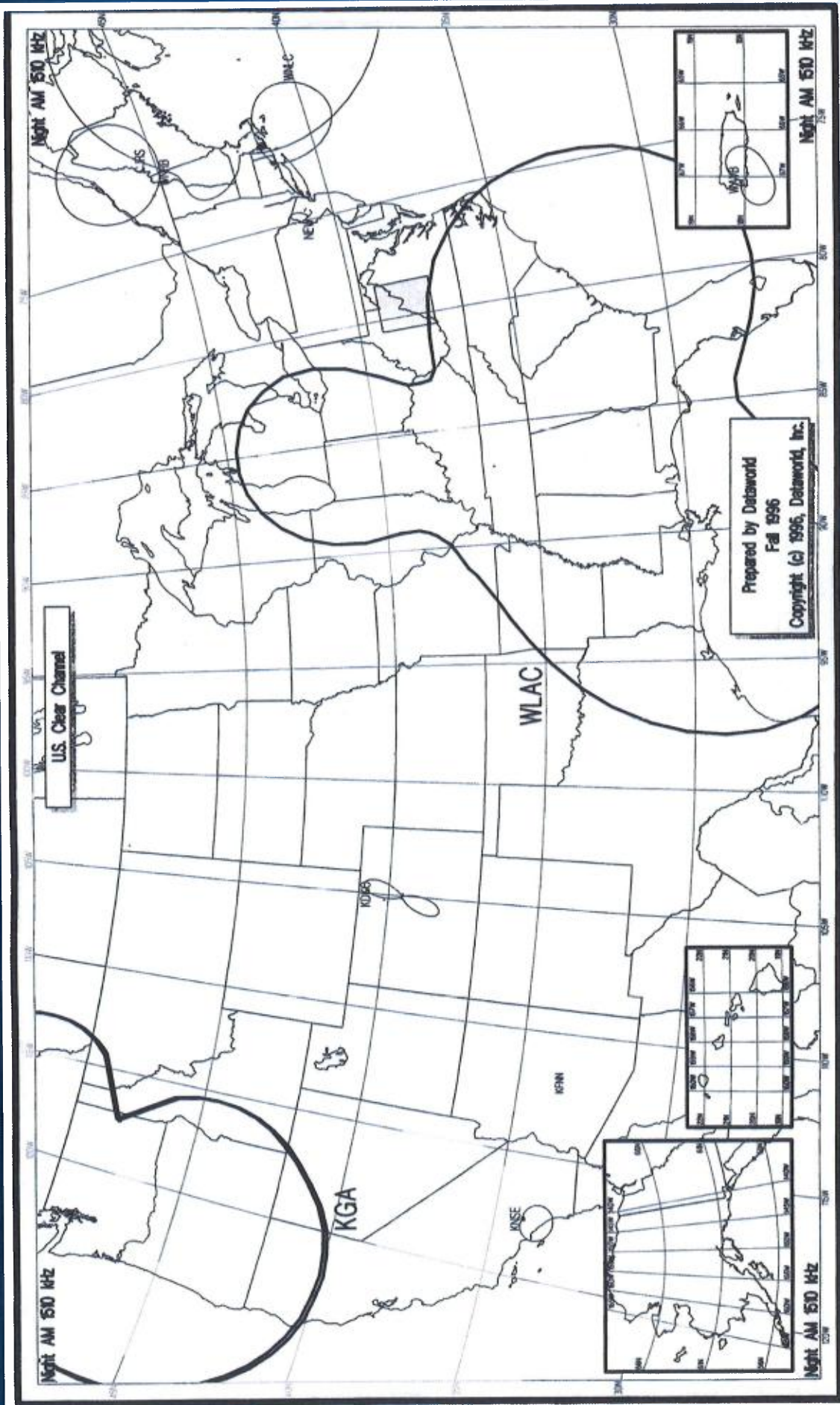
Translators are Secondary Service

- Cannot interfere with a listener (subjective)
- No engineering showing needed
- Must turn off translator pending resolution
- Difficult to predict due to subjectivity

Daytime Coverage 1510



Nighttime Coverage 1510



Next Steps

- Propose to transfer primary status from AM to Translator
- Propose Digital Operation
- Provide FCC with authority to set receiver standards

Primary Status Provides Protection

Surrender AM License and transfer
primary status from AM to FM translator.
(to clean up AM band)

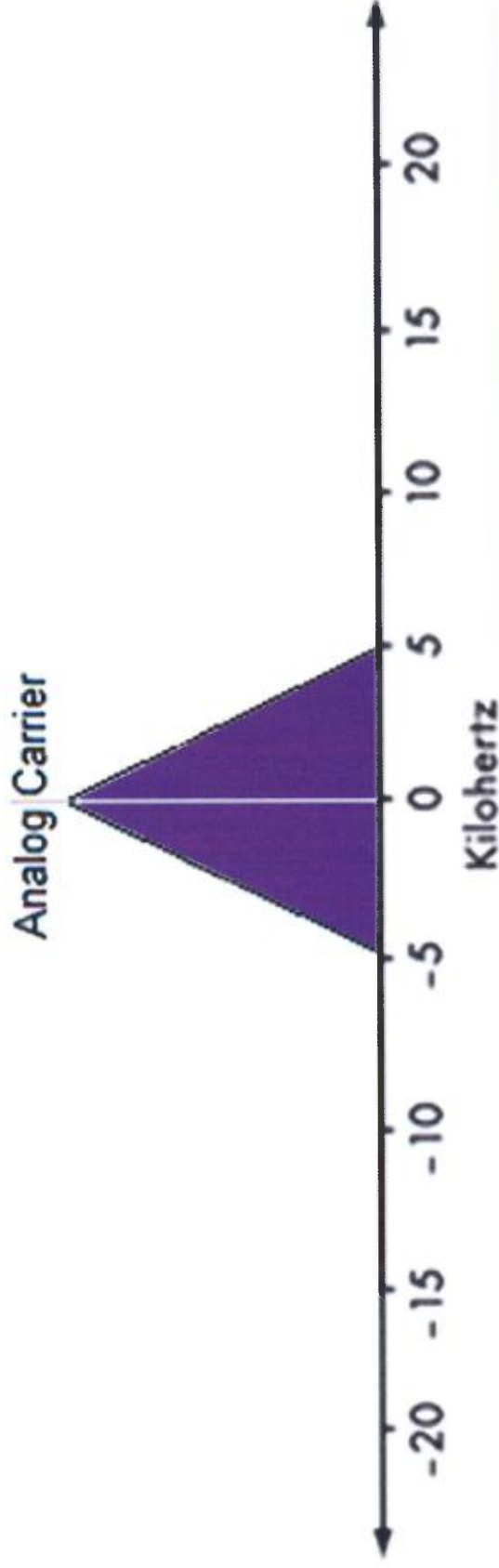
Requirements:

- One year with no interference complaints
- Existing site
- Existing transmission facility
- Surrender AM station license



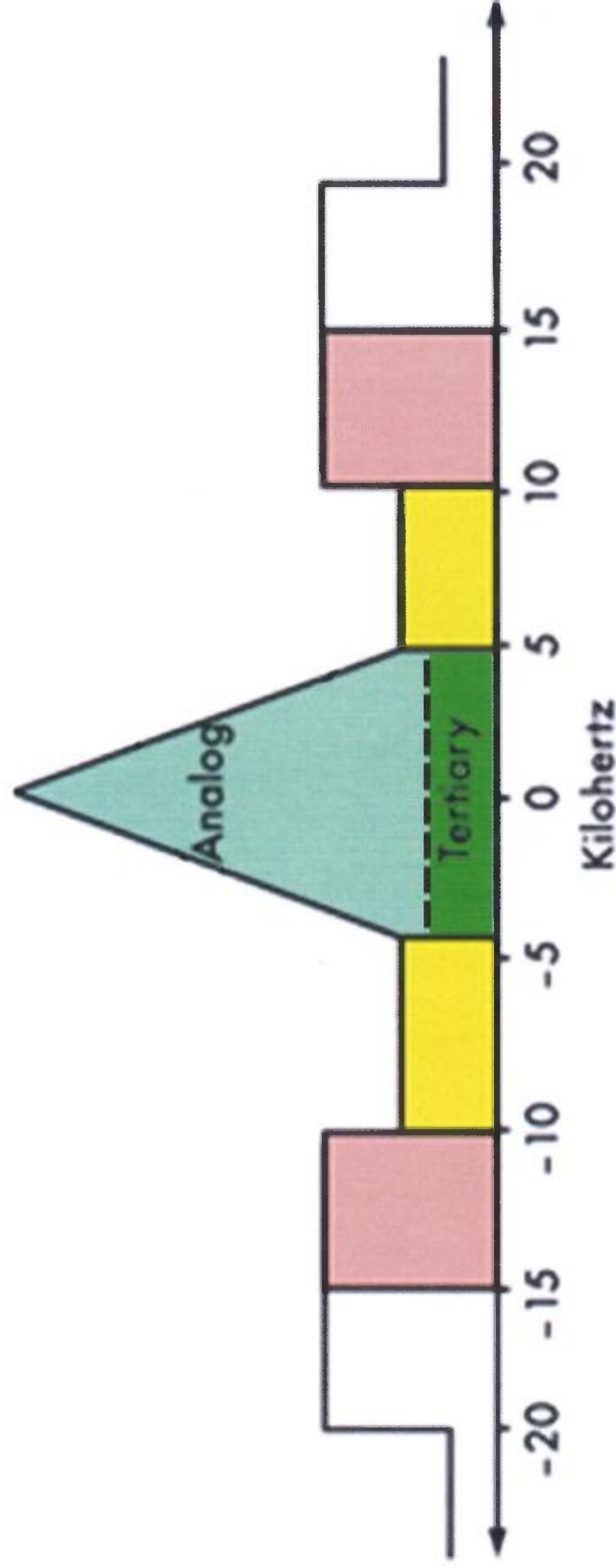
AM Analog to AM Digital

Current Day Analog



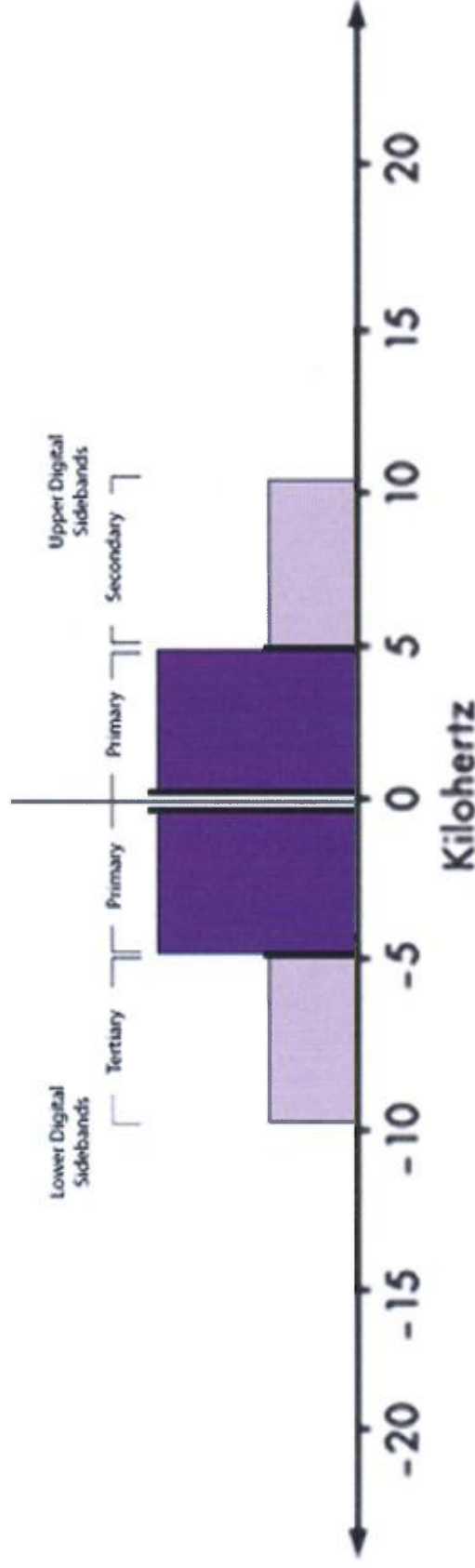
AM Analog to AM Digital

Current Day Hybrid HD Radio



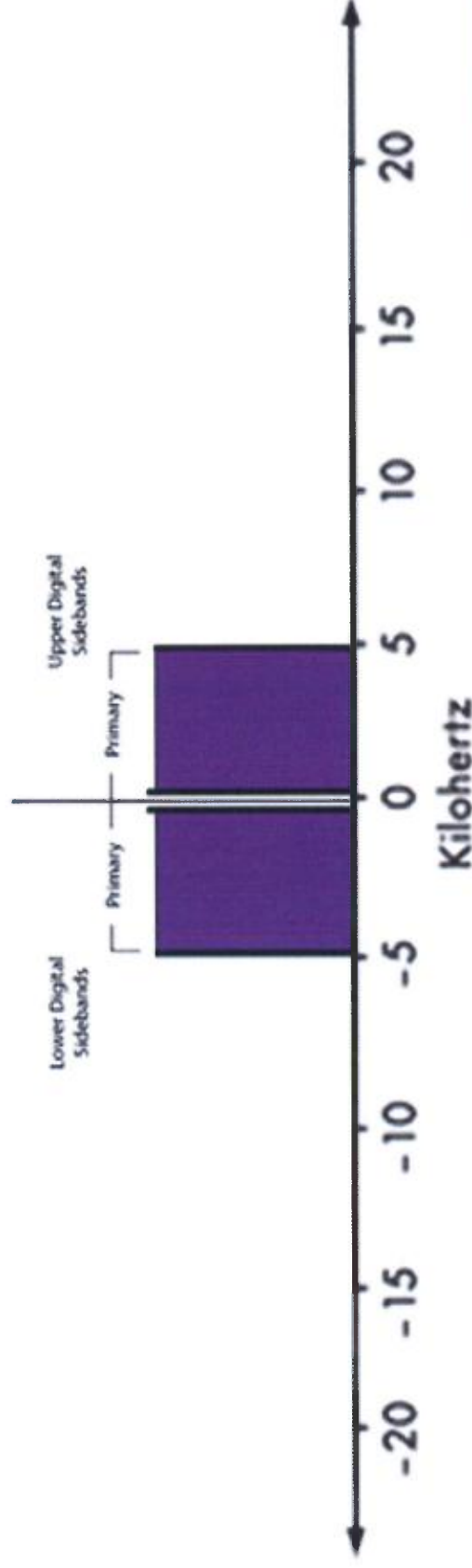
AM Analog to AM Digital

Full Digital with Data Channels



AM Analog to AM Digital

Full Digital Audio with no Data Channels



Expanded Band License Return

- WTAW-1620 & KZNE-1150 paired
- 48 stations to turn in 24 licenses
- 2 Simulcasts/ 92% all have original content
- 27 of 50 broadcast minority and/or non-English programming
- Decision has not yet been made
- *This interference is no longer an issue*