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In the matter of:

Amendment of Part 74 of the Commission's Rules Regarding  
Translator Interference

MB Docket 18-119

Albert Shuldiner  
Division Chief, Audio Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

***Ex parte presentation***

Dear Mr. Shuldiner:

I have had a chance to review the draft *Report and Order* that the Commission will be considering in the May Open Meeting. I do feel that we need to have a clarification on the determination of the 45 dBu outer limit in particular situations, especially where it regards Southern California, which is a primary area of interest for REC Networks (REC).

In 1962, when the Commission created the baseline for what would be the current FM service classes, it addressed the issue of existing stations of great height and power.<sup>1</sup> These are FM stations, which were located in Zones I<sup>2</sup> and the newly created Zone I-A, which covers California south of 40 degrees north latitude.<sup>3</sup> In Zones I and I-A, the Commission defined Class B as being 50 kW ERP and 500 feet height above average terrain (HAAT).<sup>4</sup> In addressing the Class B FM stations which exceeded the Class B maximums, the Commission "did not conceive that it would be in the public interest to perpetuate the advantage enjoyed by these super-maximum stations, if it meant a restriction on the provision of needed facilities and optimum development of this medium" and that the Commission would not consider reducing these "super-maximum Class B facilities" to the class maximum but at the same time, only protecting them to their the general mileage specifications, or on other words, their class maximum.<sup>5</sup>

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<sup>1</sup> - See *First Report and Order*, Docket No. 14185, 40 FCC 662 (1962) ("*First R&O*").

<sup>2</sup> - See *Id.* at ¶39.

<sup>3</sup> - See *Id.* at ¶¶ 42 & 45.

<sup>4</sup> - See *Id.* at ¶53. With the eventual conversion to the Metric System (see 94 FCC 2d 182 (1983) at ¶84), the definition was changed to 50 kW ERP at 150 meters HAAT.

<sup>5</sup> - See *Id.* at ¶96.

As a result of this determination on super-powered Class B stations in the non-reserved portion of the band, the distance separations for full-service FM services in §73.207 are based on a standard Class B facility of 50 kW at 150 meters HAAT. In 2000, when LPFM was created, the required minimum distance separations from LPFM stations to Class B stations was based on 50 kW at 150 meters HAAT.<sup>6</sup> In the Digital Audio Broadcasting proceeding, the Commission would make service rules specific to Class B super-powered stations to address interference concerns by recalculating ERP to class maximum in order to determine digital output power.<sup>7</sup>

With that said, this brings up the status of super-powered, grandfathered Class B stations in this proceeding. While these super-powered Class B stations comprise of less than two percent of licensed FM stations<sup>8</sup>, they are much more prevalent in California. In the Los Angeles/Orange County market alone, there are many of these stations:

Call	Channel	HAAT (m)	Super-powered KW	Service contour distance (km)	45 dBu contour distance (km)	kW at Class-maximum
KRRL	222B	887	42	109.4	134.6	0.88
KCBS-FM	226B	1074	27.5	108.6	133.4	0.6
KXOS	230B	917	18.5	99.8	125.1	0.82
KTWV	234B	863	52	111.4	136.8	0.93
KLOS	238B	954	61	115.6	141.3	0.76
KAMP	246B	915	21	101.3	126.6	0.83
KYSR	254B	360	75	87.7	110.2	8.3
KKLA	258B	902	10	92.4	117.6	0.85
KKLQ	262B	889	5.4	85.4	109.7	0.88
KRTH	266B	955	51	113.5	138.9	0.76
KSCA	270B	863	4.8	83.5	107.4	0.93
KIIS-FM	274B	902	8	90	114.9	0.85
KOST	278B	949	11.5	95.1	120.4	0.77
KBIG	282B	928	65	115.8	141.9	0.8
KKGO	286B	880	18	98.4	123.9	0.9
KPWR	290B	925	25	103.8	128.9	0.81
KLVE	298B	914	29.5	105.6	130.7	0.83

As a class-maximum, these stations would have an average (54 dBu) service contour distance of about 65.7 km and an average 45 dBu contour of about 88 km.

The 45 dBu contour for KBIG at super-power covers over 16 million persons and 60,875 square kilometers where in comparison, at class maximum, the 45 dBu contour covers 14.9 million

<sup>6</sup> - 47 C.F.R. §73.807(a). Note that super-powered Class B stations in the reserved band (channels 201 through 220) were not a part of the *First R&O* proceeding and are protected to their comparable service class based on average size of service contour. No full-service station is protected greater than a standard Class C facility by LPFM stations. See *Id.* Note to paragraphs (a) and (b).

<sup>7</sup> - See *Digital Audio Broadcasting Systems and their Impact on the Terrestrial Radio Broadcast Service*, 25 FCC Rcd 1182-1203 (2010). (“*IBOC Order*”)

<sup>8</sup> - See *Id.* at Note 39.

persons over 20,183 square miles. In the case of KBIG, 99.8% of the Los Angeles, CA Metro Market (Los Angeles and Orange Counties) is within the class maximum 45 dBu contour. By utilizing the outer limit based on super-power, the outer limit extends to cover the entire Ventura/Oxnard and San Bernardino-Riverside markets as well as portions of the Bakersfield, Victor Valley and San Diego metro markets.

It is REC's position that consistent with the *First R&O*, that super-power FM stations should not perpetuate the advantage enjoyed by super-power Class B stations if it means a restriction on the provision of needed new facilities and optimum development of the medium. This 1962 policy was meant as a way to strike a balance between maintaining the status-quo at existing FM stations while assuring that the status-quo was not impairing the development of new services.

With that said, REC requests that on the final *Report and Order*, the Media Bureau should clarify the outer limit for translator interference, when it involves an incumbent super-powered Class B station operating in the non-reserved band, whether the 45 dBu contour being considered as the "outer limit" is the "class-maximum" 45 dBu based on 50 kW at 150 meters HAAT, consistent with the *First R&O* and various policy decisions made since 1962 or if the outer limit is based on the 45 dBu contour at super powered facility parameters. REC supports the class maximum 45 dBu contour as the outer limit in this case as it would be consistent with other policies on super-powered stations.

Respectfully submitted,

/S/

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## KBIG Los Angeles, 45 dBu outer limit

