

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	
)	
FM Translator Interference Rules)	RM-11786 & RM-11787
)	
)	
To the Commission)	

REPLY COMMENTS OF SAM BROWN

As in most NPRM's the Commission is faced with a classical *dilemma*. Though frequently misused, this word is not merely a synonym for a *problem*, but specifically is the type of problem in which there are competing mutually-exclusive seemingly-good solutions. The comments in these closely-related NPRM's reflect this dichotomy, with most advocating a solution almost entirely favouring either FM stations or translator operators.

As a matter of introduction, I am respectfully filing these comments personally in the public interest, based upon my experiences as a former commercial radio station owner, radio employee, broadcast engineer, operations manager of a national radio news network (UPI Radio), political observer, longtime radio hobbyist, ham radio licensee, present-day broadcast consultant, lifelong devoted listener and close observer of radio. The views expressed here do not represent any specific client, and are intended only for the betterment of broadcasting generally and the streamlining and addition of common-sense to regulations:

1. One point of agreement among nearly all who comment is support for the NAB's proposal that translators be allowed to move to any available frequency as a minor change for the mitigation of interference. Many observe accurately that frequency changes typically help both parties to the case, and thus should be made easier and more flexible in these cases. This is true.
2. Several commenters have suggested that one side or the other of this issue helps bring particular types of programming to communities, but this approach has problems. The first is that either the FM station asserting an interference complaint or the translator may have content that is more unique, more useful to an under-served minority, or more local. This will vary by case and will often involve competing value. In the Philadelphia case brought by Aztec, it is true that the market has disproportionately little Spanish-language FM programming, but it is also true that WVLT is the only commercial station in the region with any significant music content with large appeal for an age 55+ audience. Both stations are involved in the community and have notable amounts of local programming. Secondly, the First Amendment precludes most forms of regulation based on content.
3. Miller Media Group suggests, quite sensibly, that a time limit be imposed on complaints of interference from translators. A 120-day limit for starting the complaint process seems reasonable. This would protect "heritage" signals which have been popular outside their protected contours, while preventing abuses where interference is alleged only for competitive reasons by distant stations with no ties to the communities which the new translators could serve. It would also help AM stations' willingness to invest in translators and programming, since they would not be subject in perpetuity to the unexpected whims of nearly anyone on the frequency. Additionally, it would reduce the instances of these adversarial proceedings that take up the greatest amount of commission resources. At minimum, if nothing else is changed, this recommendation should be implemented!
4. The NAB suggests a multi-complaint standard. This may work in some cases, but as proposed would give disproportionate protection to larger stations or those with larger legal and logistical resources. This could make any interference complaint difficult for religious, public, minority, or small business FM

licensees, even if they are providing useful to service to the affected communities and even if they or the listening public might suffer significant harm from the addition of a translator removing part of their service areas. The verification aspect and potential for long complex legal proceedings at any time (even if a translator has been on-air for an extended period without issues) could put an additional administrative burden on the Commission.

5. The Aztec standard represents the other extreme of simplicity, but has an even greater potential to deprive communities of established and popular broadcast voices, and could irreparably damage some stations which have thrived on service to and revenue from locations just outside their protected contours.

6. Several commenters have proposed specific contours for translator interference complaints. But again, we have extremes. Prohibiting interference in the 40dB μ contour was proposed; this could shut down a substantial portion of existing translators and would set a standard making new translators nearly impossible to establish. At the other end of the spectrum, and universal 60dB μ threshold for translator interference complaints would allow interference within the protected 54dB μ range of Class B stations, and otherwise present the problems noted in item 5, above.

Conclusion:

Thus, it is proposed that a time-limit be imposed and a contour-based system be used.

a. It is reasonable to say that no station has a reasonable basis for interference complaint outside its predicted 40dB μ contour, so we should disallow these as a basis for limiting the service of translators.

b. 50dB μ seems to be the typical threshold of the “scan” function on most car radios, and is also near the low end of the strength needed for perfect or nearly-perfect in-car listening. For this reason, translator interference complaints outside the 50dB μ , but inside the 40dB μ should be considered under the strict standard of scrutiny that the NAB proposes for all such complaints.

c. Between the 50dB μ and the protected contour, the present standard of “no interference” should remain.

d. Translator interference complaints outside the protected contour should not be allowed if the translator has been continuously operating for at least 120 days.

e. Translator interference complaints outside the protected contour should not be allowed if the signal is already unusable in the same location because of other licensed FM stations, or translators that have been operating for at least 120 days.

f. Subsequent facility changes by the translator or station create a new 120 day interference-complaint window in any receiving location where it can be reasonably shown that either has increased its signal, subject to items a, b, c, and e above.

It is hoped that such a set of rules, though complex at first glance, would ultimately balance the legitimate interests of public-service, FM licensees, and translator operators while reducing the number of interference complaints requiring adjudication.

Thank you for your consideration.

Respectfully submitted,



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