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In the matter of

**Amendment of Part 74 regarding FM translator interference**

**MB Docket 18-119**

REC Networks (REC) is a leading advocate of a citizen’s access to spectrum for both broadcast and non-broadcast purposes. REC is also a leading advocate and supporter of Low Power FM (LPFM) broadcast service supporting all segments of the service.

REC stands in support of the issues raised by the LPFM Coalition (LPFM/C) in the recently filed *Petition for Reconsideration* dated on July 15, 2019. We also disagree in part to *Petition for Reconsideration* filed by Charles M. Anderson (Anderson).

The one of the issues raised by LPFM/C that REC takes specific concern about is the use of the -20 dBu undesired to desired ratio (U/D ratio) for determining interference. This standard, coupled with the 45 dBu outer limit would mean that a station could formulate an interference complaint in areas where the new FM translator only places a 26 dBu contour. This can open the door to more fraudulent and frivolous claims against very well distant translators.

On the last page, we show a very extreme and hypothetical case. In this case, the hypothetical incumbent station is a super-power Class B station at Mount Wilson in Los Angeles. The hypothetical translator is on Interstate 15 east of Barstow (on the way to Las Vegas). The new translator is 182 km from the incumbent station. In this instant hypothetical case, if we were to have a “listener” in the community of Lenwood, just outside of Barstow. This location is just inside the 45 dBu complaint zone (based on super-power). A Longley/Rice study would show about 16 dBu at the location. The translator places a 26 dBu contour at this location. Because the U/D ratio in this case would be -19 ( $26 - 45 = -19$ ), the Los Angeles station can claim interference, despite the fact that the “listener” is 115 km away. In other words, it can be seen that this rulemaking is literally expanded every station’s protected contour to 45 dBu with everyone’s co-channel interfering contour at 25 dBu. The extreme insanity of the 45 dBu outer limit is further amplified by the Commission’s determination that super-power Class B stations would be protected based on their actual ERP and not based on the ERP appropriate to their class maximum as determined by the station’s HAAT as supported in the *First Report and Order*.<sup>1</sup>

REC disagrees with the suggestions by Anderson that the implementation of the 45 dBu outer contour (or any field strength thereof) contravenes §5 of the Local Community Radio Act of 2010.<sup>2</sup> In a letter decision in *Bread of Life*, former Audio Division Chief Peter H. Doyle concluded that the “equal in status” provision of the LCRA would bar a protection scheme that favors subsequently-filed

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<sup>1</sup> - See *First Report and Order*, Docket No. 14185, 40 FCC 662 (1962); See also *ex parte* letter from REC Networks, Michelle Bradley to Albert Shuldiner, Chief, Audio Division (Apr. 24, 2019).

<sup>2</sup> - Pub L. No. 111-371, 124 Stat. 4072 (2011) (“LCRA”).

FM translator applicants over existing LPFM stations.<sup>3</sup> The same could be argued in the other direction. It is true that there is a disparity between the FM translator and LPFM spacing rules where FM translators use contour overlap to protect LPFM stations and LPFM stations use distance separation towards FM translators. In many cases, it has been found that LPFM stations overprotect FM translators and in some cases, by as much as 10 times the land area. We also note that the LPFM interference regime in §73.809 addresses subsequent applications that are initiated by primary full-service stations that may encroach on secondary LPFM stations. In addition, §73.209(c) addresses, LPFM new and modified facilities that may create contour overlap or other interference with full-service FM stations. When deciding on the use of distance over contours for LPFM, the Commission determined that distance separation would provide the most efficient means to process a large number of applications *while ensuring the overall technical integrity of the FM service*.<sup>4</sup>

Anderson further raises the concern about the rule that LPFM stations are allowed to forward a complaint package with only three complaints and that such a limit would invite abuse by “overzealous LPFMs”.<sup>5</sup> Anderson exhibits a misunderstanding of the Commission’s decision in this proceeding as the minimum of three complaints would only apply to deep rural LPFM stations with a service contour population of less than 5,000 persons. Currently, there are approximately 370 out of the 2,181 licensed LPFM stations that this lower limit applies to. REC notes that there is at least one LPFM station, KHBG-LP in Pasadena, CA that would be required to provide an interference package of 15 listeners. Most LPFM stations must provide a package of at least six. It is also important to remember too, that nationwide, there are only a small number of FM translators which have service contours (based on ERP/HAAT combination) that are less than 5.6 kilometers and thus smaller than an LPFM station.

We note though as Anderson had not raised the LCRA issue previously in this proceeding, this would be a new issue that could not be brought up on *Reconsideration* in accordance with §1.429(b)(1) of the Rules as there has been no specific changed circumstance identified since the last opportunity to address the issue. The Commission had always suggested that LPFM stations would be eligible to seek redress under this rule and Anderson had an opportunity to address these issues earlier in the proceeding. For that reason, the Commission must dismiss Anderson’s *Petition for Reconsideration*.

It is REC’s conclusion that the arguments made by LPFM/C justify further consideration by the Commission and that Anderson lacks merit and raises new issues contrary to §1.429(b)(1).

Respectfully submitted,

/S/  
Michelle Bradley  
Founder  
REC Networks

July 18, 2019

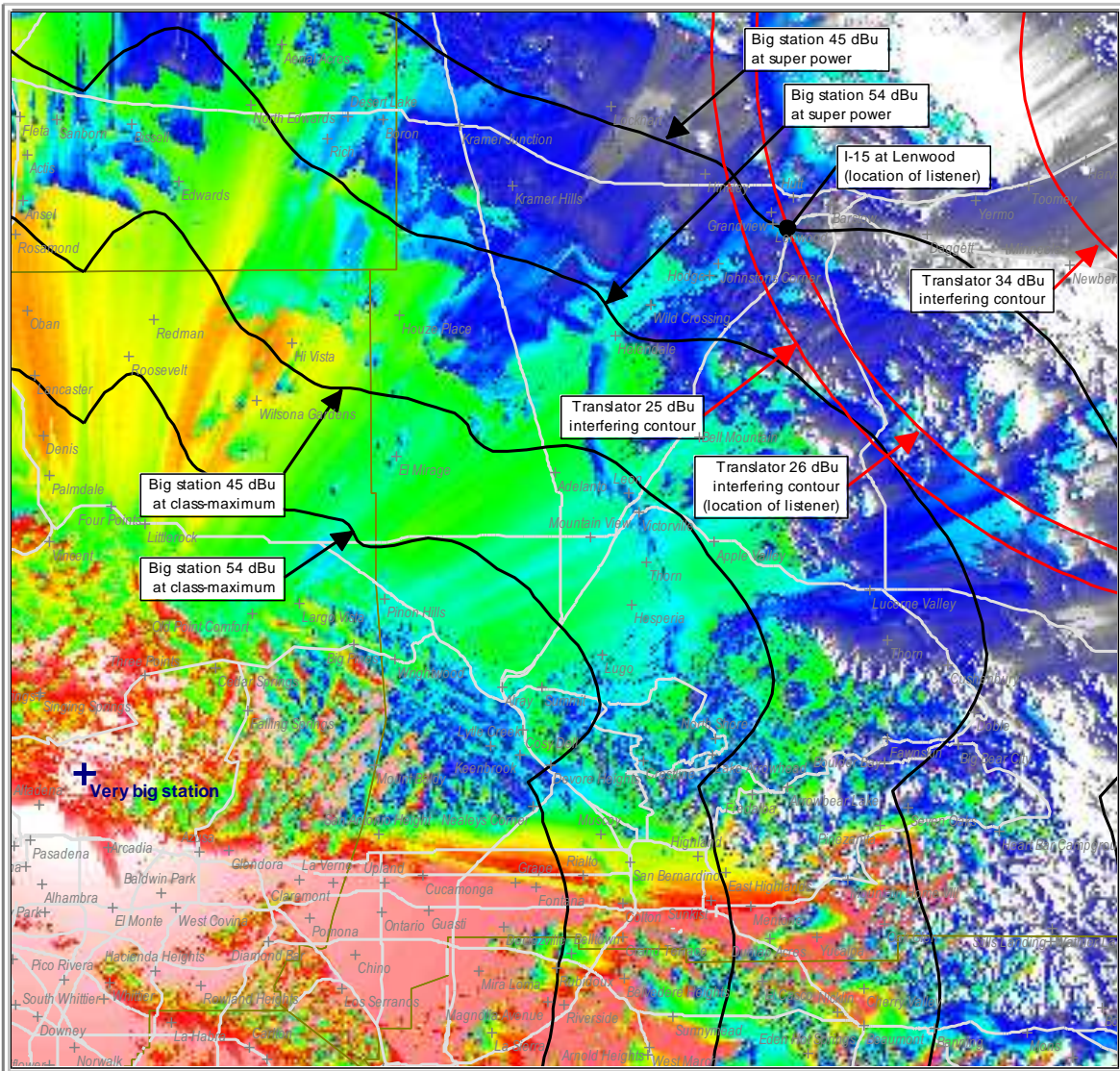
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<sup>3</sup> - See *Centro Cristiana de Vida Eterna*, Letter from Peter H. Doyle, File No. BMPFT-20161005ABT *et al.* (MB, Dec. 12, 2017).

<sup>4</sup> - See *Creation of Low Power Radio Service*, Report and Order, 15 FCC Rcd. 2205 *et seq.* (2000) at ¶ 68-72.

<sup>5</sup> - Anderson at 4.

## Super-power Class B example.



Shows how a translator over 100 miles away can be displaced.

