

**UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

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**Comments of Southwestern Ohio Public Radio regarding RM-11810, Amendment of Parts 73 and 74 to further implement the Local Community Radio Act of 2010 and make other improvements to the Low Power Radio Service.**

**1. Introduction**

Southwestern Ohio Public Radio (SWOPR) is the licensee of Low Power FM (LPFM) station WSWO-LP, operating on 97.3 MHz and serving the community of license of Huber Heights, Ohio. WSWO-LP has been on the air since the fall of 2004.

**2. Comments**

**2.1. Improving siting flexibility for LPFM stations**

Over the history of WSWO-LP, the station has operated at three different frequencies (97.7, 97.5, and 97.3) and three different locations. On several occasions, we have run into problems with local zoning regulations and in some cases local zoning administrators – our tower at the studio for the 97.5 facility was not approved until a certain zoning administrator left employment with the city. We explored renting on other local tower sites and discovered the rents demanded by the large tower holding companies that owned those sites were not affordable within our budget. LPFM stations need the additional siting flexibility that will be provided by this proposal in order to open up siting options that are affordable and feasible within local zoning requirements.

We support the proposal to modify the definition of a minor change to any situation where the proposed 60 dBu contour overlaps the existing 60 dBu contour.

**2.2. Opening additional channel choices for LPFM stations**

As mentioned above, since signing on in 2004, WSWO-LP has operated on three different frequencies. The first frequency change, from 97.7 to 97.5, was driven by severe co-channel interference by full power WOXY, which had made two facilities changes since WSWO-LP signed on, both times increasing the level of interference received within the WSWO-LP service contour. We had no usable coverage within two-thirds of our city of license, and were depending on a third-party-owned translator to provide most of our coverage. This change was opened up by the passage of the Local Community Radio Act. A second frequency change from 97.5 to 97.3 was made in response to the second facility move by WOXY that short-spaced us on a first-adjacent channel and placed us at risk of interference complaints, and by co-channel interference we received on the northern side of our coverage by WTGR. This change was permitted thanks to the relatively newly-permitted second-adjacent waiver process for LPFM stations, and allowed us to mostly replicate the coverage we had been receiving via translator, and replace that coverage when our usage of the translator was lost.

Both of these changes would not have been possible were it not for regulatory relief that increased the amount of channel flexibility available to us, and (in our opinion) show an example of how LPFM stations depend on channel choices to survive. Had we been forced to remain on

our initial channel, it is not a stretch to say that this station would have remained unheard throughout most of the city of license, unable to attract community support, and would have gone dark. We support the aspects of this proposal designed to open additional channel options.

### **2.3. LPFM stations need relief in dealing with short-spacing by translators**

We have noted with concern the cases that have popped up post-AM Revitalization where new translators have been short-spaced to existing LPFM stations, and directional antennas have been used to shoehorn the translator in close to the LPFM's service area, resulting in a situation where the translator (in theory) "fits" but the LPFM is now short-spaced to the translator and is severely restricted in siting if it were to lose its existing transmitter site. As discussed above, for the continued survival of the LPFM, flexibility in channel and siting is needed to deal with loss of transmitter site or the need to change channel due to the interference received from a new translator or full power station facility changes. We feel that if LPFM is supposed to be treated as a "co-equal" status to translators, then it is only fair that the ability to use contour protection methodologies should be provided to LPFM stations facing encroachment from new translators.

### **2.4. Growth path to 250 watts**

SWOPR supports, with some reservations, the proposal to create a service similar to translators with a maximum ERP of 250 watts. We are concerned with the proposal to lower the bar on interference complaints for LPFM's operating under contour protection, and feel that it could open the door to potential harassment of LPFM stations from some of the more openly anti-LPFM full power licensees. We would prefer to see interference complaint procedures remain similar to current rules regarding LPFM stations.

WSWO-LP continues to struggle with signal penetration into homes and workplaces in its primary coverage area due to the primarily single-story brick ranch style houses found in our community of license, Huber Heights. We often hear from listeners that cannot get good reception of the station in their homes or businesses but can receive our signal in their cars. Many of our listeners work at locations such as Wright-Patterson Air Force Base, where they cannot listen to our station's online stream at work due to their employer's computer usage policies. Any improvement we can make to our FM signal for better building penetration would help with at-work and at-home listening.

### **2.5. Saving LPFM licenses**

We support the proposals to allow assignment of a construction permit if the original permittee is unable to construct within 18 months, and to allow assignments of licensed stations without the three year holding period. Locally, we note that the existing restriction on transferring licenses caused the community of Wilmington, Ohio, in a nearby county to us, to lose service from their only licensed LPFM last year. The license of WALH-LP was forced to be cancelled due to the death of the station's founder and the inability of his surviving family members to transfer the station's license to a new operator.

### **2.6. Changes to LPFM construction period**

We support changes to the LPFM construction period to match the time period allowed to other stations to construct. We understand that the LPFM service was initially conceived to be a service that would be simple to license and construct – however, the reality has illustrated that is

not true. Given the difficulties that we and other stations have experienced with regard to local zoning rules and officials, tower siting, and legal battles, we feel that a three year construction period similar to other types of license should be implemented.

### **3. Conclusion**

SWOPR supports, the majority of the proposals put forth in this Petition for Rulemaking. We ask that the Commission please give this proposal its consideration in the interest of a fair playing field between LPFM stations and FM translators.

Respectfully submitted,

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