**Comment RE: RM-11810 '**[**LPFM Petition for Rulemaking by RecNet**](http://recnet.net/fcc/lpfm2018prm.pdf)**'**

**From: Jon Hall - Operator of WKMZ-LP & 97.9 WREN-LP**

I would like to thank Michelle Bradley of RecNet.com for the work that she has done in preparing the Petition for Rulemaking that has been accepted by the FCC as proceeding RM-11810. As the operator of an LPFM radio station I do support this proceeding. RM-11810 allows for LPFM improvement within the Local Community Radio Act of 2010 (LCRA) requirements. Per that document, LPFM stations were to be treated like translators. Unfortunately, the LPFM plan as implemented for the 2013 filing was developed with the idea that LPFM stations would not have the engineering ability to protect co, first and second adjacent channel stations thus the incredibly large extra 20 mile protection built into the LPFM area to allocate. This was never needed. As with other issues that may arise with the construction of any FCC licensed facility improper construction should have simply been addressed in the rare case that there was a problem. At least this proceeding would reduce that overprotection to the minimum which is possible per the LCRA. In the realm of treating LPFM stations as translators from an RF perspective, directional antenna use should be allowed as well which RM-11810 provides for. LPFM stations should not have to play 'second fiddle' to translators or boosters. Nor should the be able to displace these stations.

With regard to all translator, booster, and LPFM stations, there should be the verification that these antennas are made by reputable manufacturers and that they are installed properly. It should also be required that directional FM antennas are installed with mounts that insure that they stay in the licensed physical position on the transmitting tower or structure (tower). We have the case where a full power translator has a directional antenna seems to move some in extreme wind conditions which do occur at times on the Blue Ridge Mountains where this translator is located. I know that full power stations must document their directional antenna installations with their application to be licensed. I assume that is still the case. ALL stations including the lower powered ones alluded to here should be required to document the antenna which they are using and have a licensed civil engineering company site the antenna as to proper location and direction on the tower with a multipoint mount to prevent that position from changing. That is not something a broadcaster should consider an undue burden!

In addition to our own experience, I would note the article, 'Small Signals In A big Signal World' By Cris Alexander on page 3 of the June 13, 2018 RADIO WORLD magazine. Mr. Alexander is the Director of engineering for Crawford Broadcasting. On page 4 Mr. Alexander notes this:

*"Working at shared sites, I found that there is quite a bit of "funny business" going on in the translator world - antennas that do not match what is specified on the license, antennas pointed the wrong way, and even directional patterns that are reversed.*

*How do those licensees get away with this kind of thing? It's simple; Nobody complains, and the FCC's local enforcement folks don't have the manpower or recourses to go around checking this kind of thing in the absence of an interference complaint."*

While I do realize that there are staffing issues I do have one simple suggestion which would help greatly. There should be the requirement to attach both a photo of the full antenna structure with the translator, booster, or LPFM directional antenna. There should also be a close up photo of the installed antenna. An FCC engineer should view required certifications and the photos. Some problems would be quite obvious when viewing these photos. Improperly installed antennas with regard to mounting and polarization (where required), and at least generally, the use of the antennas as claimed in the License to Cover document would be easy to spot. Whether there are complaints or not, interference issues should be avoided. This is a way to do at significant due diligence 'on the cheap'!

There are further technical licensing issues as related likely to both translators and LPFM stations. That is the use of FCC type approved transmitters. There are a plethora of illegal FM (and AM too) transmitters readily available on Amazon and ebay. While I suspect that most stations do use type approved transmitters, some don't. I get Google Ad Sense ads from Amazon on websites for Chinese made Sainsonic FM transmitters. They claim in the ads to be for 'LPFM' service and to be FCC type approved with the FCC ID number 2ABT5AX05B7C. This is pure fraud. While few people would use this transmitter for real, licensed LPFM use, it is potentially quite damaging as Amazon, notably, advertises it as 'legal'. Unfortunately some people do think they are legal based on this deception. There are a multiplicity of FM transmitters with powers up to thousands of Watts advertised on eBay and Amazon. None which I know have FCC Type Approval. Why the Commission chooses to do nothing about this is beyond me. A couple of letters and a and the prosecution of Sainsonic (who is involved with other, legal matters before the Commission) would at least let honest people know that these units are illegal for US use! I would also note that additional 'LPFM Certification requirements be discontinued. If 'Type Approval' is enough for a 50 kW transmitter, I would hope that it was adequate for the 250-500 Watt level transmitters used by most licensed LPFM stations.

The original proposal for an LPFM service for 1,000 Watt commercial stations with a 328 meter Height Above Average terrain (HAAT) antenna height. The idea was an meant to be a response to provide a local broadcasting service post the Communications Act of 1996 relaxation of ownership rules. The NAB and major broadcasters fought this 'tooth and nail' and then some. Unable to kill the service we got what we have today; eventually. A service which is just able to survive in many cases - which was the idea from the perspective of big broadcasting. While the improvements afforded by RM-11810 offer some helpful relief, there should be an additional class of LPFM station added considered for the future. This would be much as Class A is for LPTV stations. My suggestion would be stations which are allowed to operate as the equivalent of a 'fill in' translator with up to 250 Watts of power. This would keep this class of license within that granted for translators. It would also allow LPFM stations to finally operate as 'real radio stations' while still being what most people would call 'Low Power'.

Many markets today have lots and lots of full radio stations. In many of those markets, most of these stations simply repeat programming from a distant network or simply play music and commercials with little else in the way of programming. On my annual vacation trip to Myrtle Beach, about the only radio worth listening to are small AM and FM stations that nobody told to quit. They actually frequently have human beings in their studios! The big FM stations simply play music, liners, commercials, and, oh yes, a 'hilarious' promo for their four man morning show on Monday. For some reason these stations wonder why their listeners are using Pandora and Spotify while claiming that they need more and more spectrum to compete with these services.

I do not understand why LPFM stations should have some of the requirements which they are encumbered with. Why as an LPFM board member can I not personally own a translator or other service provided that those services are not comingled? Why could we not take control of an AM or another LPFM station which would go off the air otherwise were it be offer to us? Why are we limited to one LPFM station when huge broadcasting companies can own hundreds of much more powerful stations? I do understand limits but we do need ways to survive and it is difficult to understand the 'purity' of LPFM ownership regulations. As I recall the original LPFM ruling was to allow one organization to own up to 10 LPFM station. That is not to say that I am asking for no requirements in this area. Without LPFM stations there would be little training opportunities for new broadcasters. In many cases an LPFM may be the only truly locally owned and operated station local radio which a community may have. None of this is to say there should be unmitigated changes but I do believe that some relaxation would be reasonable and of value.

I do strongly disagree RM-11810 in one regard: that is the tightening of LPFM ownership transfer compensation. As proposed the rules would tighten what funds could be retrieved from a sale to simply that of the 'depreciated vale of broadcast equipment'. Per accounting rules I believe that would mean that you got nothing for a transfer after five years as the equipment value would now be nil. On this point, we have equipment which was manufactured between 1998 to present. None of it was valueless or at least the previous owner required us to pay for it! Even a marginally constructed LPFM station would cost at least 8,000 one that is built as a 'real radio station' costs more like $25-35,000. Most of this equipment will have significant value even years from now. This section is completely ignoring the costs or legal and engineering fees, the cost of developing programming which I assure you amounts to hundreds of hours for the 'real radio station' LPFM model, and then there is the matter of 'goodwill' developing a model which attracts a constituency of listeners. 'Goodwill ' is something which you will find on any valuation or a business or organization. It should certainly be reasonable to be able to recover these costs. Not to be able to do this is an extreme level of 'rent seeking'. I would hope that this section would be modified. Some organizations may actually be forced to take their station off the air so that they may at least recover the actual current market value of their equipment rather than, essentially, donate it to a new owner. I would also note that the costs for rent, tower space, utilities, and the like are roughly $ 15,000 per year. With the exception of the extra power for a higher power transmitter our costs are not terribly dissimilar from a full power station. If a station is in danger of losing its construction permit, I do believe that transferring to a new potential operator is quite positive. I do believe that they should be able to recuperate costs directly involving the obtaining of the permit and other costs such as that for normal broadcast equipment with were purchase explicitly for the station build.

The LPFM service should be local in nature. That is one of its most important values. I do believe that a transfer of ownership should only occur to another organization within a specified distance of the transmitter site. My suggestion is 20 miles (32 km). If the transmitter site is to be moved then that distance should be 20 miles from the new location. I do not know fully how to codify this but the station should not be sold to a new owner who is simply going to connect the station to a programming service. We have a church in our area who simply has their station satellite delivered. They don't even broadcast their own Sunday service or anything else locally to my knowledge. Local programming is important for LPFM station and frankly it should be important for all stations regardless of power or type of service. Radio stations operating as jukeboxes 24-7 are not going to be successful in the current radio and alternative to radio options.

In summary, RM-11810 will offer more opportunities to serve their community's with an improved signal through a modest but needed power increased. For us, the window to move channels would be most useful to get off of the frequency of the FM translator with the 'drifting in the wind' antenna. Per RM-11810 additional interference protection are actually added to protect other broadcasters. It also in no way calls for the displacement of any translators in favor of LPFM. It will definitely allow for more LPFM stations in urban areas where there stations may be able to service small communities located within the large community. An upgrade and frequency change would be welcome and would help get us off of our very crowded channel. While as a current LPFM operator I won't be participating in it but I welcome a new round of LPFM station applications and hopefully at least on round for LPFM stations to obtain translators. I would hope that that translator window would come before the new public LPFM window so that we and other stations may be able to obtain one translator should a frequency be available.

Thank you for your time and consideration!

Sincerely,

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