Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 74.1201 et seq. to Allow RM No. 11858
for FM Broadcast Booster Stations and FM Broadcast
Translator Stations to Originate Programming

STATEMENT IN OPPOSITION TO PETITION FOR RULEMAKING

Beasley Media Group, LLC
Cumulus Media Inc.
Educational Media Foundation
Entercom Communications Corp.
iHeartCommunications, Inc.

July 23, 2020
SUMMARY

The Joint Commenters here are broadcasters serving the public with full-service radio, FM translator and FM booster stations, who oppose the Petition for Rulemaking filed by Miller Communications, Inc. et al. (the “Petitioners”) to re-write the purpose of FM translator and FM booster stations from rebroadcasting services to majority-originating stations.

FM translator and FM booster stations are fundamentally rebroadcast services: an FM translator is defined as being “operated for the purpose of retransmitting the signals of an AM or FM radio broadcast station or another FM broadcast translator station”; an FM booster is defined as being “operated for the sole purpose of retransmitting the signals of an FM radio broadcast station.” See 47 C.F.R. § 74.1201. Plainly, the Petition for Rulemaking proposes not the claimed “limited program content origination for both booster and FM translator stations,” but instead a radical change in the definitions and purpose that would allow FM translators and FM boosters to originate programming up to 76 percent of the broadcast week.

This fundamental change in the rebroadcast service of FM translator and FM booster stations is not based on any compelling justification, or need to market test a new technology (other than the bootstrapping from the FM booster technology proposed for “zonecasting” by GeoBroadcast Solutions LLC). Nor do Petitioners suggest there would be any associated public service programming obligations, reporting requirements, content-rule compliance duties or associated public inspection file obligations for these new majority-originating services.

This proposed radical re-structuring of the classes of secondary FM services would run counter to the directive imposed by Congress on the Commission via Section 5 of the Local Community Radio Act of 2010 (“LCRA”) whereby the Commission must ensure that
“FM translator stations, FM booster stations, and low-power FM stations remain equal in status and secondary to existing and modified full-service FM stations.” Moreover, breaking the rebroadcasting bond (except for a minority 40 hours of simulcast per week) between FM translators paired with AM stations via the AM Revitalization translator windows would threaten the legal foundation upon which the Commission determined consistency with LCRA for those windows, impacting at least two non-final proceedings challenging the Commission’s AM Revitalization balancing, and throwing into question the validity of cross-service FM translator construction permits issued from those windows.

The Petitioners’ proposal would make the pressures on LPFM spectrum availability even worse by the request to expand the definition of a “fill-in” FM translator from the current linkage with the primary FM station’s protected class contour to the predicted 45 dBu contour or 25-mile (40-kilometer) radius from the primary FM station’s transmitter site. Petitioners’ misconstrue the Commission’s *FM Translator Interference Report and Order*, which did not change the protected contour of FM stations. Instead, there, the Commission adopted the 45 dBu contour/40-kilometer limit solely for the purpose of limiting actionable translator interference complaints which previously had no geographic boundary. The policy basis for tying affiliated rebroadcast services to the primary station’s protected contour is just as true today (if not more so to allow LPFM opportunities) as when stated in 1990: “We continue to believe that the most appropriate and efficient means of providing additional FM service nationwide is by creating opportunities for the establishment and development of full service broadcast stations.”

Lastly, the Petitioners proposal to designate FM translators originating programming with a four-letter call sign (starting with a “K” or a “W”), followed by an “-FX”
suffix, could potentially add over 8,000 FM translator stations chasing after advantageous four-letter call sign combinations, thereby exerting undue limitations on full-service and LPFM stations, particularly those seeking call sign changes to reflect changes in format. That proposal, like the Petition for Rulemaking’s proposals to fundamentally change secondary FM translator and FM booster stations into majority-originating services and to expand the confines of a “fill-in” FM translator, would disserve the public interest.
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STATEMENT IN OPPOSITION TO PETITION FOR RULEMAKING

The undersigned radio broadcasters (the “Joint Commenters”) hereby submit this Statement opposing the above-captioned Petition for Rulemaking (the “Petition for Rulemaking”) filed by Miller Communications, Inc. et al. (who term themselves “The Broadcasters for Limited Program Origination,” referenced here as the “Petitioners”). The Joint Commenters are well positioned to address the Petition for Rulemaking as licensees of full-service radio stations, FM translator stations and FM booster stations.

The Petitioners attempt to bootstrap a fundamental rewriting of the purpose of FM translators and FM boosters from RM-11854, which was initiated by GeoBroadcast Solutions LLC (“GeoBroadcast”), seeking rule revisions to allow FM booster stations to insert zoned programming during a small fraction of the broadcast hour distinct from that being

1 Per Public Notice Report No. 3151 (Jun. 23, 2020), interested persons have been afforded 30 days – until July 23, 2020 – to file statements opposing or supporting the Petition for Rulemaking.

2 Beasley Media Group, LLC is the licensee, through its licensee subsidiary, of 17 full-service AM stations, 47 full-service FM stations, 23 licensed FM translators (plus one construction permit), and two FM boosters. Educational Media Foundation is the licensee, directly or via subsidiaries, of one full-service AM station, 451 full-service FM stations, 387 FM translators, and nine FM boosters. Entercom Communications Corp., through its licensee entity, holds authorizations for 61 full-service AM stations, 173 full-service FM stations, 18 FM translators, and 16 (including two construction permits) FM boosters. iHeartCommunications, Inc. is the licensee, via subsidiaries, of 250 full-service AM stations (35 of which are Class D), 610 full-service FM stations, 157 FM translators, and 17 FM boosters.
broadcast by the associated full-service primary FM broadcast station. The Commission has already given radio broadcasters programming flexibility via HD channel opportunities, and for Class D (daytime-only) AM stations, nighttime programming origination via paired FM translators. To further authorize program origination above very limited inserts – for FM translators 30 seconds per hour plus emergency announcements under the current rules – for FM boosters the brief inserts proposed by GeoBroadcast – would be to rewrite completely the purpose of these secondary retransmission services, in essence creating new broadcast services. Such action would thereby run counter to the mandates of Congress and undercut the recent actions of the Commission in balancing the public service interests of full-service, FM translator, FM booster and low power FM (“LPFM”) stations.

I. The Petition for Rulemaking Proposal Would Reconfigure the Secondary FM Booster and FM Translator Services from Rebroadcasting Services in to Majority-Originating Stations

The Petition for Rulemaking advocates for “limited program content origination for both FM booster and FM translator stations” with the Petitioners going so far as to call themselves “The Broadcasters for Limited Program Origination.” Yet the Petition for

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3 The Joint Commenters here filed statements regarding the GeoBroadcast Petition for Rulemaking in RM-11854. Beasley Media Group, LLC, Cumulus Media Inc., Entercom Communications Corp. and iHeartCommunications, Inc. jointly filed a statement noting that “[w]hile this, or similar, technologies to provide for zoned broadcasting by FM booster facilities may ultimately prove valuable, the parties here caution the Commission to develop first a record of the feasibility of the technology based on further experimental authorizations before considering issuing the requested Notice of Proposed Rulemaking.” On the other hand, Educational Media Foundation supports the GeoBroadcast Petition for Rulemaking in RM-11854 to allow FM stations, on an opt-in basis, to include limited amounts of hyper-targeted programming on FM booster stations. Yet, the Joint Commenters here are in complete agreement that the Petition for Rulemaking in this proceeding, unlike the GeoBroadcast Petition for Rulemaking in RM-11854, proposes a fundamental – and fundamentally-misguided – change in the services that should be provided by secondary FM translator and FM booster stations.

4 See Petition for Rulemaking at 1-2 [¶ 2].
Rulemaking avoids the mathematical fact that an FM booster or FM translator which would be free to originate programming for 128 hours out of 168 hours per week (with just 40 hours per week reserved for simulcasting the primary station) accounts for over 76 percent of the broadcast week. Hardly what could possibly be deemed “limited” origination. The calls for protection of such majority-originating FM boosters and FM translators at the same level as full-service stations – potentially punching interference holes in the current listening areas of full-service FM stations and LPFM s, as well as limiting future modifications and new FM service – can hardly be far behind.  

While the Petition for Rulemaking suggests using the current framework of the Commission’s Part 74 rules for FM boosters and FM translators with “amendments” to allow for “limited program origination,” the amendments proposed in the Petition for Rulemaking would turn the current rebroadcasting purpose of FM boosters and FM translators on its head, essentially creating new FM services.

As a reminder, rebroadcasting the primary radio station, not program origination, is the purpose for both FM boosters and FM translators. An FM broadcast booster station is defined as:

A station in the broadcasting service operated for the sole purpose of retransmitting the signals of an FM radio broadcast station, by amplifying and reradiating such signals, without significantly altering any characteristic of the incoming signal other than its amplitude. Unless

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5 In fact, commenters have already suggested in other proceedings to protect cross-service FM translators from displacement by full-service stations, see Reply Comments of Communications Technologies, Inc. at 6, MB Docket No. 13-249 (Mar. 8, 2019), and permitting program originating translators to upgrade to protected Class A FM station status, see Comments of Jeff Sibert at ¶ 14, MB Docket 17-105 (Jul. 5, 2017). Primary-level protection from displacement is also implicit in the suggestion that AM stations could turn in their paired AM station license while broadcasting solely on an originating cross-service FM translator. See, e.g., Comments of Don Davis at 6-7, MB Docket No. 17-105 (Jul. 5, 2017), Comments of Dana J. Puopolo, MB Docket No. 17-105 (Jun. 13, 2017).
specified otherwise, this term includes LPFM boosters as defined in paragraph (l) of this section.\(^6\)

The definition of an FM translator is:

A station in the broadcasting service operated for the purpose of retransmitting the signals of an AM or FM radio broadcast station or another FM broadcast translator station without significantly altering any characteristics of the incoming signal other than its frequency and amplitude, in order to provide radio broadcast service to the general public.\(^7\)

Section 74.1231 of the Commission’s rules reiterates that FM translators are “for the purpose of retransmitting the signals of a primary AM or FM radio broadcast station or another translator station” with a “locally generated signal” (that is, insertions distinct from the primary station) allowed only for: (a) 30 seconds an hour concerning financial support; (b) emergency transmissions “no longer or more frequent than necessary to protect life and property”; and (c) programming during the hours the primary Class D AM station is not operating.\(^8\) For FM booster stations, independent transmissions are not permitted, except “for the purpose of conducting tests and measurements essential to the proper installation and maintenance of the apparatus.”\(^9\)

The Petitioners do not propose any compelling justification to subvert the rebroadcast purpose of FM boosters and FM translators, other than a generalized “in order to better serve radio audiences.”\(^10\) Yet, for these proposed new majority-originating outlets, there would be no associated public service programming obligations, no reporting requirements, no

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\(^6\) 47 C.F.R. § 74.1201(f) (emphasis added).
\(^7\) 47 C.F.R. § 74.1201(a) (emphasis added).
\(^8\) 47 C.F.R. § 74.1231(b) (emphasis added) (f), (g), (h).
\(^9\) 47 C.F.R. § 74.1231(i).
\(^10\) See Petition for Rulemaking at 3 [¶ 5].
content-rule compliance duties, no associated public inspection file and no advancement/testing of technical advances unique to the proposal.11

II. Altering the Purpose of FM Boosters and FM Translators from Rebroadcast Services to Majority-Originating Services, Further Exacerbated by Proposed Changes in the Fill-In Definition, Would Create New Services and Undermine the Balancing Determinations Made by the Commission Under LCRA for the AM Revitalization Cross-Service FM Translator Windows

The Petitioners do not address how the Commission could so fundamentally change the rebroadcast purpose of FM boosters and FM translators into majority-origination services, thereby in essence creating new FM services, without taking into account the directives of the Local Community Radio Act of 2010 (“LCRA”),12 nor without undermining the (non-final) balancing judgements authorizing cross-service new FM translator windows undertaken by the Commission in the AM Revitalization proceeding.13

Section 5 of LCRA provides:

11 The Petition for Rulemaking proposal thus differs from the Commission’s authorization of additional programming streams via HD channels in that the Commission has set up for digital operations a regulatory framework to encourage market exposure to the digital technological advance. See Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service, Second Report and Order, First Order on Reconsideration and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 10344 (2007). For in-band, on-channel digital (“IBOC”) radio, no FM spectrum was repurposed for multiple digital streams, as the IBOC digital service utilizes the FM station’s assigned channel, id. at ¶ 4; the main digital broadcast stream must simulcast the programming also aired on the analog signal stream, id. at ¶ 28; the full-service station licensee offering HD channels pursuant to time brokering “remains responsible for ensuring the fulfillment of all obligations incumbent upon a broadcast licensee,” id. at ¶ 40; and statutory and regulatory public interest requirements apply to digital radio streams, including rules governing political programming, payment disclosure, prohibited contest practices, sponsorship identification, cigarette advertising and broadcast of tape or recorded material, id. at ¶ 65.


The Federal Communications Commission, when licensing new FM translator stations, FM booster stations, and low-power FM stations, shall ensure that — (1) licenses are available to FM translator stations, FM booster stations, and low-power FM stations; (2) such decisions are made based on the needs of the local community; and (3) FM translator stations, FM booster stations, and low-power FM stations remain equal in status and secondary to existing and modified full-service FM stations.

When LCRA was enacted by Congress in 2011, FM translator and FM booster stations were limited, wholly or primarily, to rebroadcasting their primary station’s programming. By so fundamentally changing the definition and status of FM translators and FM boosters into majority-origination services from their conception as rebroadcasting services, the Commission would, in practice, be licensing “new” FM translator and FM booster stations authorized to provide new origination services, and thus the action would be subject to the LCRA Section 5 directives. It would undermine the directive of Congress in LCRA that the Commission must ensure that “FM translator stations, FM booster stations, and low-power FM stations remain equal in status and secondary to existing and modified full-service FM stations” were the Commission to adopt the Petition for Rulemaking’s proposal to elevate rebroadcasting FM translator and FM booster services to a newly formulated majority-originating status, all while LPFM proponents are anxious for additional spectrum opportunities.

Additionally, the expanded definition of a “fill-in” FM translator as proposed by the Petitioners (discussed further below), would encourage currently-authorized FM translators and FM boosters to enlarge their service contours via minor modifications, thereby squeezing out spectrum opportunities for LPFM stations, in contradiction to the LCRA directive that the Commission ensure that “licenses are available to FM translator stations, FM booster stations, and low-power FM stations.”

Furthermore, the Petition for Rulemaking’s integral proposal to break the rebroadcasting bond – except for 40 hours per week (that is, less than 25% of a 24/7 broadcast
week) – between FM translators paired with AM stations via the AMR translator windows would not only contradict the Commission’s goal to strengthen AM stations’ broadcast service to their communities by forsaking the AM stations’ programming for a majority of the broadcast week, it would threaten the foundation upon which the Commission determined that the AMR cross-service new FM translator windows were consistent with Section 5 of LCRA.14

That foundation for the AMR new FM translator windows is still under Commission review – and potential court examination – via Capstar TX, LLC, (NEW) FM Translator, Modesto, California,15 and Mega-Philadelphia LLC, W239DS, Camden, New Jersey.16 A reviewing court could determine that the radical definitional changes proposed by the Petition for Rulemaking, if adopted, would subvert the Commission’s balancing determinations when it established the AMR FM translator filing windows, specifically those designated Auctions 99 and 100. The resulting remand would throw into question the validity of cross-service FM translator construction permits issued from the AMR windows.

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14 For new FM translator stations authorized via the AMR translator windows, the Commission, to reduce the demand on the spectrum and to preserve spectrum opportunities for LPFMs, provided that such translators would be permanently linked to the AM primary station that it rebroadcast, including that the translator could not be assigned or transferred except in conjunction with the AM primary station that licensed it. See, e.g., AMR First Report and Order, 30 FCC Rcd at 12150 [¶ 12], 12196. For cross-service FM translator modifications authorized through the AMR modification windows, the linked FM translator must rebroadcast the specified AM primary station for a minimum four-year on-air period. Id., 30 FCC Rcd at 12153 [¶ 16].


Notably, in the still-pending *Modesto* and *Camden* proceedings, the Audio Division, Media Bureau, upheld the grant of new FM translator construction permits issued via the AMR new cross-service FM translator windows by confirming the compliance of the AMR Auction 100 window procedures with Section 5 of LCRA. The Audio Division explained:

In the case of Auction 83, 13,377 new FM translator applications were freely filed…. Grant of all or most of these applications would have severely depleted spectrum available to other secondary services, including LPFM. By 2011, eight years after the Auction 83 window opened, Congress enacted the LCRA, to guard against such spectrum depletion…. Auction 100 was designed to limit the number of new translator applications so as to avoid the extreme volume of applications filed in Auction 83, thus the extraordinary remedial measures employed in that auction were not required.17

In regard to the AMR new cross-service FM translator filing windows, the Audio Division further stated:

in the AMR NPRM, the Commission emphasized not just the value of AM programming generally, but specifically the value of such programming to the local communities served by AM stations. It then proposed several measures designed to revitalize the AM band generally and to assist existing AM broadcasters specifically. The latter category included a proposal to open a filing window during which AM station licensees could apply for a fill-in cross-service FM translator… Each such translator would be permanently linked to the AM primary station that it rebroadcast—the proposed translator could not be assigned or transferred except in conjunction with the AM primary station that licensed it. The Commission sought comment as to the effect of such a window on other services, including LPFM, and specifically noted its belief that “a narrowly tailored filing window for such FM translators, as proposed above, could yield significant public interest benefits with little to no detriment either to the FM translator service or to licensing opportunities for LPFM stations, especially since the filing window proposed here will follow the 2013 LPFM filing window.” Thus, the Commission not only considered the effect of the AM Revitalization windows on other secondary services such as LPFM, it ensured that the windows would open only after LPFM

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17 *Camden Reconsideration Dismissal*, 35 FCC Rcd at 184 (footnotes omitted; emphasis added).
applicants had the opportunity to secure spectrum for their proposed facilities.\textsuperscript{18}

... In short, the procedures adopted for the AMR filing windows, like those adopted following the Auction 83 filing window, were designed, first, to prioritize the LPFM filing window before opening translator opportunities to AM licensees, and second, to strike a balance between the stated goals of the AM Revitalization proceeding and the need to preserve spectrum for future applicants.\textsuperscript{19}

The wholesale re-configuring of FM translators and FM boosters from retransmitting facilities to majority-originating stations would upset the adopted “balance between the stated goals of the AM Revitalization proceeding and the need to preserve spectrum for future applicants,” putting at risk the Commission’s justifications for the AMR FM translator windows. For AMR paired AM station-FM translator combinations where the AM licensee no longer wishes to simulcast, rather than releasing the FM spectrum via license surrender, AM licensees would be incentivized to keep that FM spectrum to convert the FM translator to an additional, mostly-untethered programming outlet. Such a spectrum hold would depress LPFM opportunities. Adding in additional spectrum grabs via the expanded “fill-in” definition proposed by the Petitioners will allow AMR FM translator window grantees, along with all other FM translator permittees and licensees, to further crowd out LPFM applicants.

III. The Commission’s Current Definition of a “Fill-in” FM Translator for FM Stations Continues to Serve its Policy Goals

Commission rules currently provide that, to be deemed a “fill-in” FM translator for a primary FM full-service station, the FM translator’s coverage contour must be contained within the primary station’s coverage contour, which is defined by the primary FM station’s class – predicted 0.5 mV/m contour for commercial Class B stations, predicted 0.7 mV/m

\textsuperscript{18} Id. at 185 (footnotes omitted; emphasis added).
\textsuperscript{19} Id. at 186 (emphasis added).
contour for commercial Class B1 stations, and predicted 1 mV/m contour for all other classes of stations.  

So as to prevent full-service FM stations from profiting from the extension of their primary station’s principal competitive area via an FM translator, Commission rules provide that “[a]n authorization for an FM translator whose coverage contour extends beyond the protected contour of the commercial primary station will not be granted to the licensee or permittee of a commercial FM radio broadcast station. Similarly, such authorization will not be granted to any person or entity having any interest whatsoever, or any connection with a primary FM station.”  

To ensure the independence of non-fill-in FM translators for either AM or FM stations, FCC policy also specifies that “[a]n FM translator station whose coverage contour goes beyond the protected contour of the commercial primary station shall not receive any support, before or after construction, either directly or indirectly, from the commercial primary FM radio broadcast station. Such support also may not be received from any person or entity having any interest whatsoever, or any connection with the primary FM station.”  

The Petitioners want to change this policy of defining “fill-in” FM translators as within the protected contour of the primary FM full-service station (0.5 mV/m, 0.7 mV/m or 1 mV/m contour, depending on class) to an FM primary station’s expanded so-called “coverage area,” redefined by the Petitioners as the greater of the predicted 45 dBu contour or 25-mile (40-kilometer) radius from the primary station’s transmitter site.  

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20 47 C.F.R. § 74.1201(g), (h).
21 47 C.F.R. § 74.1232(d). The AM “fill-in area” is defined as “[t]he area within the lesser of the 2 mV/m daytime contour of the AM radio broadcast station being rebroadcast and a 25-mile (40 km) radius centered at the AM transmitter site.” 47 C.F.R. § 74.1201(j).
22 47 C.F.R. § 74.1232(e).
23 See Petition for Rulemaking at 6-9 [¶ 10].
The Petitioners justification for swapping in a 45 dBu contour/40-kilometer radius for the boundaries of a “fill-in” translator, in lieu of the respective protected contours of the associated primary FM station, reflects the Petitioners’ misunderstanding of the Commission’s goals in *FM Translator Interference*. There, the Commission *limited* actionable translator interference complaints to the complaining station’s 45 dBu contour/40-kilometer radius instead of the prior *unlimited* geographic scope (and even then allows for interference complaints past the 45 dBu contour with a waiver process). Thus, the question in *FM Translator Interference* was not what constitutes a “fill-in” translator; indeed, in *FM Translator Interference* the Commission expressly “did not seek comment on a proposal to distinguish between fill-in and other area translators” in the context of actionable complaints of interference. The distinct matter before the Commission in *FM Translator Interference* instead was whether to impose a new geographic limit to actionable full-service FM station complaints of interference from secondary services:

> After review of the data provided in the record, we conclude that setting a complaint limit at the 45 dBu contour best balances full-service, secondary service, and listener interests by providing a contour limit that encompasses the bulk of full-service core listenership while limiting complaints at the margins of listenable coverage.

Thus, quite clearly, the *FM Translator Interference Report and Order* did not alter the parameters of a “fill-in” FM translator in regard to the associated primary FM station. Policy-wise that continues to make sense. When the Commission restructured the FM translator

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25 *See id.* at n.136.

26 *See id.*, 34 FCC Rcd at 3477 [¶ 40].
rules in 1990 and distinguished between “fill-in” and “other area” FM translators, while imposing differing financial restrictions on the two types, the Commission explained that it would “permit commercial FM stations to own FM translators only where the FM translator’s coverage area is entirely contained within the coverage contour of the primary station.”

It was important to the Commission in 1990 that “to relax restrictions on FM radio broadcast station ownership of translators would conflict with our belief that the public interest is best served by maximizing service through the use of FM radio broadcast stations. We continue to believe that the most appropriate and efficient means of providing additional FM service nationwide is by creating opportunities for the establishment and development of full service broadcast stations.”

That underlying policy rationale for tying a “fill-in” translator to the primary station’s protected contour by class, and thereby limiting the expansion of FM translators, is even more true today, when the Commission is obligated also by Congress via LCRA to create opportunities for the establishment and development of LPFM stations.

IV. Assigning Four Letter Call Signs with an “-FX” for Program-Originating FM Translators, If Authorized, Would Unduly Limit Call Sign Options for Full-Service Broadcast and LPFM Stations

The Petition for Rulemaking proposes that licensees of FM translators originating programming should be allowed to request a four-letter call sign (starting with a “K” or a “W”) and followed by an “-FX” suffix, in lieu of the current letter, frequency and two-letter suffix.

Per Commission data, there are, as of June 30, 2020, 15,473 licensed full-service AM and FM

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29 See Petition for Rulemaking at 10 [¶ 13].
radio stations, 2,146 LPFM stations, and 2,144 television broadcast stations, each of which is entitled to specify a four-letter call sign (plus, as appropriate, a suffix designating the type of service).\footnote{See FCC News, Broadcast Station Totals as of June 30, 2020 (rel. Jul. 1, 2020).} Section 73.3550(m) of the Commission Rules, which would not be amended by Petitioners, would continue to require the consent of the other licensee before applying for an already used four-letter combination (provided the call signs would each have a distinct suffix). Adding potentially over 8,000 FM translator stations chasing after advantageous four-letter call sign combinations would exert undue limitations on full-service and LPFM stations, particularly those seeking call sign changes to reflect changes in format. Further, this proposal would potentially create confusion with listener ratings in non-PPM markets. Like the majority-origination proposal, the four-letter call sign proposal for FM translators should not be pursued by the Commission.

V. Conclusion

In sum, the Petition for Rulemaking would not just place the Commission on a slippery slope towards blurring the line between full-service radio stations (with their public service obligations and other regulatory requirements) and secondary FM translator and FM booster stations, it would push the radio industry headlong downhill to a newly-created, mostly unregulated, quasi-repeater/majority-originating radio service. The proposals of the Petition for Rulemaking would hinder full-service and LPFM opportunities that better serve the Commission’s goals of improving service to the public. It would undermine the Commission’s balancing obligations pursuant to LCRA. And no potential technical advancement (other than the zone broadcasting proposal of GeoBroadcast for FM boosters, which should be addressed in the less expansive RM-11854) is propelling the fundamental re-formulations of primary and
secondary services proposed by the Petitioners. Clarity of purpose, not blurring of lines and responsibilities, will best serve to maintain and grow radio listenership.

Respectfully submitted,

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