

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In re:

**COMMISSION LAUNCHES
MODERNIZATION OF
MEDIA REGULATION INITIATIVE**

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MB Docket No. 17-105

To: Office of the Secretary

Electronic Filing

Comments of Geo Broadcast Solutions, LLC

Geo Broadcast Solutions, LLC ("GBS") by its attorneys, submits its Comments with respect to the July 3, 2017 Comments of Shainis & Peltzman, Chartered ("S&P") filed in the above-referenced Docket. In support, GBS submits the following in support of the S&P proposal.

S&P seeks modification of Section 74.1231(i) of the Commission's rules to allow FM booster stations to originate programming. S&P, in its Comments, discusses the significant public interest benefits which would be derived from modification of the rule. In general terms, implementation of the S&P proposal would enable FM stations to provide targeted "hyperlocal" programming directed to specific portions of their service area, thereby furthering the Commission's longstanding localism goals. The proposal would also provide an effective means whereby small businesses can reach highly localized audiences in a cost-effective manner. The financial health of the radio industry would be benefitted by modification of the rule. It will also be an effective vehicle to create and stimulate job growth in all areas of the economy.

Background

On April 4, 2012, GBS filed a Petition for Rulemaking (RM-11659). In that Petition, modification of 47 C.F.R. § 74.1231 was sought to allow for booster stations to originate programming. The request appeared on an April 23, 2012 Public Notice. See *Public Notice, Consumer and Governmental Affairs Bureau Reference Information Center, Petitions for Rulemaking Filed, Rpt. No. 2949*. A number of comments were filed, all in support of the Petition. The Petition remains pending.

On July 22, 2013, the Media Bureau, through the office of the Chief, Audio Division, conducted meetings to discuss a multitude of issues attendant to the GBS proposal. See attached Agenda.

At the conclusion of the meeting, the Chief of the Audio Division commented that he desired to see the results of a further test. In this regard, the request was to perform testing in a mobile environment.

On May 27, 2016, Alpha Media Licensee, LLC ("Alpha") was granted an Experimental Authorization to conduct further testing of the GBS technology at station WIIL(FM), Union Grove, Wisconsin. The testing was performed on an intermittent basis between September 15, 2016 and December 14, 2016. GBS assisted Alpha in conducting the tests.

Methodology

Four (4) temporary FM Booster sites with seven (7) GM boosters were constructed. Noncommercial announcements were broadcast on the booster stations while simultaneously broadcasting different programming on the main station. This created a ZoneCasting "Zone" in downtown and northeast Milwaukee. The urban test area posed unique challenges to the system design due to multiple sources of signal reflections.

The results were significant. Based upon the test routes driven and analysis conducted by GBS, when separate programming was initiated in the Zonecasting Zone, interference was received in the transition area only during the brief time programming was separate. By placing multiple close-by low-height transmission "nodes" and back-to-back antennas, GBS was able to reduce the interference in the transition zone between differing program materials in most cases to well under fifteen (15) seconds, in the mobile environment. It is submitted that this amount of interference can be characterized as *de minimus*.

Public Interest Benefits

The S&P and GBS proposals would promote one of the core values of the Communications Act of 1934, as amended—Localism.

The S&P and GBS proposals would directly support the Commission's goal of promoting local service. It would enable a station to target disparate information to listeners simultaneously in various parts of a stations service area. For example, a station could target an emergency warning (i.e., a road closure, flood, fire, tornado or other important information) where it would have the most immediate and direct impact to the listeners in the directly affected locale. The ability of stations to utilize this technology in times of natural disasters (e.g. Hurricane Katrina) would have significant public interest benefits.

The proposals would not only give stations the ability to target announcements to specific geographical locales, but it would also allow stations to tailor news and public affairs programming to geographic areas. For example, stations would be able to broadcast emergency warnings targeted to specific areas. Weather alerts, road closures, downed electric lines and AMBER alerts could be geographically targeted. Religious programming could be tailored to be received by different denominations. Political advertising could be geographically targeted to

maximize its value and ease the financial burden on political candidates. Moreover, it would allow stations to target programs to geographic areas in a foreign language. Stations could tailor information to specific listeners and not be forced to use a "cookie cutter" approach to the dissemination of news and public affairs programming. Radio can be truly responsive to the needs of its listeners and able to address a more diverse listener base. Radio would be able to more effectively acknowledge and address in a meaningful manner the different and diverse individuals and groups located within its service area.

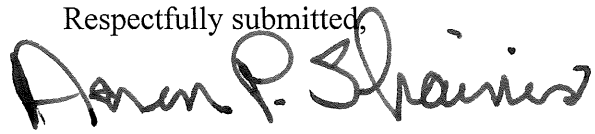
Immediate Course of Action

It should be noted that the GBS April 4, 2012 Petition for Rulemaking has been the subject of a Commission Public Notice and a July 22, 2013 industry attended meeting. The results of three (3) different tests have been submitted to the Commission. The results demonstrate that the technology works.

The Commission's May 18, 2017 Public Notice, FCC 17-58, establishing MB Docket No. 17-105, established a July 5, 2017 Comment Date and an August 4, 2017 Reply Comment Date. The Attachment to the Public Notice lists the "principal rule parts that pertain to media entities and that are subject of this review." The part of the rules governing boosters was included. It is submitted that the aforementioned notice is tantamount to a rulemaking. Accordingly, it is submitted that the Commission is not obligated to initiate a rulemaking to modify Section 74.1231(i). Furthermore, the Administrative Procedure Act, 5 U.S. Code § 553, ¶ Par 4(a), provides that publication in the Federal Register is unnecessary where the agency finds that notice is "...unnecessary..." It is submitted that in the instant case Federal Register publication is unnecessary since the public has had multiple opportunities to submit Comments. See Rural Health Care Support Mechanism, Docket No. 02-60, FCC 17-71, released June 7, 2017.

In view of the foregoing it is urged that the Commission expeditiously modify Section 74.1231(i) of the rules consistent with the proposals submitted by GBS and S&P.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Aaron P. Shainis". The signature is fluid and cursive, with the first name "Aaron" being more prominent.

Aaron P. Shainis
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Agenda For FCC Meetings Regarding Geo Broadcast Solutions Proposal

DATE: July 22, 2013

LOCATION: Federal Communications Commission
445 12th Street, S.W.
Room 4-B516 (4th Floor - South Conference Room)
Washington, D.C. 20554

TIMES: Morning Session: 10:00-12:00
Afternoon Session: 1:30-3:30

I. MORNING SESSION

Policy, Business, Competition Issues

- A. Background with Respect to Development of Geo Broadcast Solutions Technology
- B. Basic Description of How Booster Program Origination Concept Will Work
- C. Implementation Issues
- D. Limits on Permissible Self-Interference Inherent in the Proposal
- E. Analysis of Business Issues for Broadcasters Implementing the Technology Including Licensing Fees and Restrictions
- F. Markets That are Likely to Benefit From Use of the Technology
- G. Public Safety Benefits That Will Result From Implementation of Geo Broadcast Solutions Technology
- H. Public Affairs

II. AFTERNOON SESSION

Engineering Issues

- A. Summary of Results of Experimental Authorizations Granted by the Commission, Including Test Reports - Reviewed by Commission Staff and Attached to Petition For Rulemaking
- B. Discussion of How the Technology Works
- C. Information Regarding How Systems Are Likely to Be Configured
- D. Implementation Issues: Reliability of System in Minimizing Interference
- E. Potential Impact on Digital/HD Broadcasts
- F. Value of Additional Testing