

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Commission Launches Modernization of)	MB Docket No. 17-105
Media Regulation Initiative)	
)	

REPLY COMMENTS OF GATESAIR INC.

GatesAir Inc. (“GatesAir”) hereby submits these Reply Comments in response to the Commission’s Public Notice initiating a review of its rules applicable to media entities,¹ and in support of the proposal to modify Section 74.1231(i) of the Commission’s rules to allow FM booster stations to originate programming.² For 95 years, GatesAir has been the architect of market-leading solutions for radio and television broadcasting, leveraging the best use of wireless spectrum to maximize performance for multichannel, mission-critical services. In particular, GatesAir has been instrumental in the development and production of new FM booster technologies that enable radio broadcasters to maximize their market-wide signal penetration while reducing or eliminating the interference that traditionally has been inherent in co-channel FM booster operations. As such, GatesAir is well-positioned to comment on the obsolete nature of the FCC’s rule prohibiting independent transmissions by FM booster stations.

The existing prohibition on independent transmissions by FM booster stations is a relic of the past, dictated not by any compelling policy rationale, but rather by engineering limitations at

¹ See *Commission Launches Modernization of Media Regulation Initiative*, Public Notice, FCC 17-58, MB Docket No. 17-105 (rel. May 18, 2017) (the “*Public Notice*”).

² See Comments of Shainis & Peltzman, Chartered, MB Docket No. 17-105 at 5-6 (July 3, 2017) (“FM Booster Comments”).

the time the FCC adopted its FM booster rules that prevented boosters from making independent transmissions without interfering with either their primary station or other stations. As with many of the rules that are the subject of this proceeding, however, technological advances have rendered the original justification for the prohibition on independent transmissions by an FM booster station moot. Moreover, the public interest benefits of allowing hyper-local programming on FM booster stations are well documented, both in the FM Booster Comments and in Docket No. RM-11659.³ Accordingly, the Commission should modify Section 74.1231(i) of its rules to permit original broadcasting on FM booster stations.

I. Technical Advances No Longer Restrict FM Booster Operations to Simultaneous Transmissions.

The interference concerns behind the Commission's long-standing restriction on originating programming on an FM booster station are no longer present today. When the FCC adopted its FM booster rules in 1970 (which included the present restriction on independent transmissions), it was concerned about interference to the primary transmitting station, to other radio stations, and to television stations operating on channels 6-13.⁴ At the time, booster sites were designed with relatively high antenna heights to fill in areas where a station's main signal was blocked by terrain. This use of tall towers created the opportunity for interference—both with the originating station and other stations in close geographic proximity.

In recent years, GatesAir and Geo-Broadcast Solutions introduced MaxxCasting, which uses a network topology and GatesAir's Flexiva™ transmitters and Intraplex® SynchroCast®

³ See, e.g., Comments of Harris Corporation, Broadcast Communications Division (predecessor to GatesAir), *In the Matter of Petition of Rulemaking of Geo Broadcast Solutions, LLC to Permit Origination of Programming on FM Booster Stations*, RM No. 11659 (May 23, 2012).

⁴ See *Operation of Low Power FM Broadcast Translator and Booster Stations*, Report and Order, 35 FR 15383-01, 15384 ¶ 3 & 15386 ¶ 20 (Oct. 2, 1970).

systems to provide targeted, over-the-air radio broadcasting that expands market coverage in a more effective manner than traditional signal booster technologies. MaxxCasting minimizes or eliminates interference with both a station's primary, co-channel, signal and with the signals of boosters associated with other stations operating near the FM booster station. Last year, radio station WXRV(FM) in Boston successfully deployed the first commercial MaxxCasting system, using four low-power transmission sites to expand coverage to approximately 4.5 million listeners in the Boston metropolitan area.⁵ The MaxxCasting system has a proven track record of allowing radio stations to expand their signals without causing interference previously associated with FM boosters, and thereby solving the technical concerns underlying the prohibition on independent programming.

II. The Public Interest Benefits of Permitting Independent Transmissions on FM Booster Stations Are Well-Documented.

The FM Booster Comments and the record in Docket No. RM-11659 establish the strong public interest benefits of allowing broadcasters to generate independent transmissions on their FM booster stations, including more targeted emergency information and warnings, hyper-local news information and public service programming, and new opportunities for commercial broadcast stations to generate income. The only present barrier to recognizing these public interest benefits is the FCC's outdated regulation prohibiting independent transmissions by FM booster stations. Once this prohibition is removed, stations with existing MaxxCasting systems will easily be able to deliver local emergency, news, and commercial programming, and many other stations will be likely to follow suit soon after.

⁵ See Adam Jacobson, *Got Holes? This Technology Fills In Signal Gaps*, Radio+Television Business Report (Nov. 8, 2016), <http://www.rbr.com/geobroadcast-wxrv-1108/>.

III. Conclusion

For the foregoing reasons, we urge the Commission to modify Section 74.1231(i) of its rules to remove the unnecessary and outdated prohibition against independent transmissions by FM booster stations thereby allowing these stations to originate programming.

Respectfully submitted,

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/s/

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