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

In the Matter of:	)	
	)	
Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference	)	**18-119**
	)	
	)	

COMMENTS OF THE LOW POWER FM ADVOCACY GROUP (LPFM-AG)

Herein, please accept the comments of the LPFM Advocacy Group (LPFM-AG) regarding Docket 18-119. LPFM-AG represents the interests of the licensees of LPFM stations.

1- **RM-11810 Priority Over This Proceeding**

In accordance with section 5 of the Local Community Radio Act (LCRA) requiring FM translators and LPFM to be *"equal in status,"* LPFM-AG, respectfully, requests that the dire interference issues and need to repair the LPFM service, as defined in the RM-11810 petition for rulemaking *and related comments,* are addressed before this proceeding goes forth. Due to recent dramatic changes in FM spectrum due to AM Revitalization (AMR), LPFM radio stations, in the nation's lowest power FM service, have suffered massive numbers of reported fringe and service signal losses and reduced transmitter site moving abilities should changes in their local spectrum force facilities to change. There has already been a tremendous amount of fringe signal loss due to recent FM translator *moves, new stations and station modifications* as a result of AMR. Further, in Docket MB 18-184, a proposal for allowances for potentially hundreds of Class A stations to double their power to 12,000 watts, the LPFM service will experience even *more interference* and secondary status burdens to adjust their broadcast facilities. According to the LCRA, FM translators and LPFM stations are required to be *equal in status.* This is currently not the case. LPFM does not have the fundamental trait of *equal status,* the *equal right to exist.* RM-11810 comments and reply comments merit long contemplation before

administration of more *benefits, authority and status* is awarded to FM translator licensees. There was never a mandate from Congress to eliminate the LPFM service, however, constant changes in FM translator rules, and those proposed with the addition of a Class C4 service, are a *perfect storm* for just that. The LCRA recognizes the value that the LPFM service brings it's listeners and doesn't make allowances that should enable any secondary service to have an advantage over the other. We, respectfully, request that the Commission review and consider RM-11810, *associated comments and reply comments* before going forth with Docket 18-119; a proceeding that further proposes a higher level of signal protection for FM Translators, while ignoring a truly suffering LPFM service.

2- **Form Letter Listener Complaints**

It's not uncommon to read the complaints in interference proceedings and find it obvious that the personal "complaint" has been created for the "complaining listener" in a "form-letter-style," "fill-in-the-blanks" prepared document. All they had to do was *agree and sign.* Apparently, the listener could not be easily motivated to complain about their own interference experience. Each form-complaint is worded properly so they fall within Commission guidelines in the complaining process, however, *specific* negative listener experience is not typically relayed. The listener has simply just written their name and signed their name to a document, possibly prepared by the complaining station itself.

A true listener complaint should not be accepted if the listener hasn't felt compelled enough to complain in their own words. In the real world, it's easy to get someone to sign something to help a local radio station. The process of accepting "form letter" style complaints violate the spirit of interference protection. When there is the possibility that a person could sign a form letter while being disingenuous, for whatever reason, then the acceptance of complaints should hold much less weight. If a complaining broadcaster instructs an employee to collect complaint forms at a remote broadcast in the "affected interference area" and the employee feels obligated to work to the employer's wishes, a new question of complaint validity has to be brought forward. Proper listener complaint processes should either be unsolicited, the direct result of an on-the-air message about the subject or in response to a legitimate news story about the subject. Encouraging complaints by soliciting for just signatures on a prepared form, for whatever reason, should not result in complaints that hold weight in a Commission interference complaint process. Like the complaint desk at most major corporations, if the consumer is

unhappy, you will get complaints. There is no need to solicit them.

3- **Protected Signals vs Popularity Regulation**

Licensed contours, and no more, should be the only acceptable “complaint service area” for the origination of primary *(full power FM)* to secondary service *(FM translator and LPFM)* interference complaints. Complaints about interference beyond protected contours should not be accepted. FM spectrum has recently been made scarce. We must carefully notice the changes to the 2018 FM spectrum due to AM Revitalization (AMR) and, also, include that there are 2018 options for listening to fringe signal stations over the internet when evaluating real-world interference. Today, with streaming radio and mobile phones, there is no longer serious public interest to cast a “complaint accepting” contour zone beyond protected signal limits. Efforts to do so do not end with an interference protection result. Instead, complaint processes are sometimes pursued by licensees who choose to use their primary service status to needlessly remove or displace a secondary service station like an FM translator or LPFM, sometimes well beyond the complainant's protected contour, not for interference to an actual population of real listeners, but for their own reasons. Unless a demonstration of *how an interfering station could interfere* is filed*,* along with convincing evidence, the complaint should be denied. Distant low powered secondary services bear the biggest risk in an interference complaint process. Displacing or silencing a vulnerable secondary station should be a higher hurdle for any complaining station than current complaint processes allow. There is no reason to deny any station to serve the public because someone, 20 miles beyond the fringe signal, can receive a distant signal with something other than a typical, consumer grade FM antenna, especially in 2018 when many stations can easily serve those distant listeners with live audio streamed over the internet and on mobile phone apps. Licensed signal contour maps, carefully prepared at broadcast facility creation or the last facility change, should already prove to overcome interference and should be considered sacred, with the burden of convincing interference proof lying on the complainant. A showing of listener complaints should not be required. To do so, is actually *popularity regulation.* Interference is interference even if no one complains. A technical decision based on a station’s popularity should not be made. This, in essence, gives licensees with better program directors a better chance of defending their signals from interference, as they will be naturally better at capturing active listeners. It also takes away broadcast opportunity from failing stations, with poor program directors or station formats and less active, responsive listeners to complain when interference is had, resulting in a

competitive unfairness as due to poor programming, they are likely to have to accept even more interference due to an inability to make a case, via the current popularity regulation, required by current Commission process. It becomes even *harder* for them to capture listeners who may complain when interference is experienced. Including listener complaints in any proceeding should be optional and not a deciding factor for any action. To make them part of the process allows weaker stations with lower Nielsen Ratings to be more at risk of suffering interference due to a lack of potential listener complaints than well-programmed, higher rated stations who might have more active, responsive listeners due to the type of programming they broadcast or the qualities and responsiveness of the demographic that programming targets.

We, respectfully, request that the Commission, first, carefully consider the issues raised in the RM-11810 proceeding, especially the comments and reply comments, prior to moving forward with this proceeding. LPFM has sacrificed more than any service for the success of AM Revitalization. It now needs its own Congressionally mandated *status* protections. We also propose that the Commission consider removing all weight given to "listener complaints" in all interference proceedings and, to no longer accept complaints of interference from primary stations to secondary stations about service beyond licensed, protected service areas.

Respectfully submitted,

LPFM-AG
Post Office 422
Taylors, SC 29687
(864) 707-1015

Dave Solomon, Executive Director

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