

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

In the Matter of:

Proposals for a New FM Radio Broadcast
Class C4 and to Modify the Requirements
for Designating Short Spaced Assignments

)
)
)
)
)
)
)

MB Docket No. 18-184

COMMENTS OF JEFF SIBERT

I. Introduction

The following comments are submitted by myself, Jeff Sibert, regarding the Notice of Proposed Rulemaking in MB Docket 18-184. I am the president of Park Public Radio, which holds the license for Low Power FM (LPFM) station KPPS-LP. I also provide engineering services to a number of LPFM and Non-Commercial Educational (NCE) licenses.

The Commission has proposed the addition of a new class (C4) which would allow stations to operate at 12 kW at 100 meters Height Above Average Terrain (HAAT). The Commission has also proposed additional flexibility to full power stations who propose operation under 73.215 to no longer have to overprotect some stations that are operating below their maximum class parameters for at least ten years. I am in opposition to elements of this change which would have a negative effect on the LPFM service.

II. LPFM services could be harmed by the addition of a C4 Class

It is clear that the LPFM service is an over-regulated service, especially when it comes to interference protections towards Full Power stations. Rather than using contour protections as is the case with all other classes of stations, LPFM stations must rely on a strict mileage separation, which

includes a 20 km buffer beyond the area that would result in interference being caused to a full power station.

The addition of a C4 class would result a large number of Class A stations being able to increase power by 3 dB (from 6 kW to 12 kW at 100 meters HAAT, or equivalent). This action may harm LPFM and secondary services by increasing the noise floor and the amount of incoming interference. Many LPFM stations already experience a lot of co-channel interference due to the small number of channels that were available in most cities during the 2013 window. Many prospective LPFM operators had a choice of only a very few number of poor channels due to the overly restrictive 73.807 spacing criteria. Many are now faced with interference and short-spacings from new FM translators stations granted as part of the AM Revitalization windows. If the Commission allows Class A stations to upgrade to Class C4 there will once again be additional interference. Some LPFM stations that are struggling now due to interference many simply not make it.

At a minimum the Commission should consider allowing LPFM stations to protect Class C4 stations as if they were Class A stations. Due to the 20 km buffer that exists between LPFM and Full Power stations, prescribing Class A protections will still not result in prohibited interference, but rather just a lessening of the 20 km overprotection that LPFM stations are required to provide. As long as the Commission uses the 73.807 Class A spacings towards Class C4 stations it will not result in new short-spacings between LPFM stations and upgraded Class C4 stations.

I do feel there is merit in allowing struggling class A stations to increase power, but it should not be done at the expense of LPFM stations who provide a very useful community service and have been waiting patiently for the FCC to act on a power increase for this service. Perhaps the Commission could also simultaneously act on REC Networks pending rulemaking proposal (RM-11810) or one of the other 250 watt upgrade proposals currently on file, so both Full Power and Low Power stations could benefit at the same time.

III. The proposed changes to 73.215 will be disastrous to LPFM and other secondary services

The Commission proposes to allow Full Power stations to utilize 73.215 towards any other Full Power station that is below class maximums and has not upgraded their facilities in at least ten years.

While I do support actions that do increase the efficiency of the FM band, there is far too much potential downside to secondary services such as LPFM stations who would be greatly harmed by this proposal. Many secondary services (both LPFM and FM Translator stations) exist due to holes that occur in the full power table of allocations. They operate on a non-interference basis to full power stations. LPFM stations specifically provide locally produced programming that in many cases serves under represented audiences that would not be financially in the interest of a Full Power broadcaster.

If this proposal is implemented, many full power stations would be allowed to upgrade to the next higher class as they would no longer need to overprotect other stations that have been operating below their maximum class for many years. This will result in both an increase in the noise floor and a number of LPFM stations becoming short-spaced. Many of the problems that LPFM stations face due to lack of available sites will be exacerbated as they quickly find they are short-spaced to one or more stations and may be unable to move to a different site. Since LPFM stations are unable to propose directional antennas, few if any alternate sites may be available. When a landlord chooses not to renew a lease, will the LPFM station be forced to cease broadcasting because they are short-spaced and unable to propose an alternate site? It is relatively simple for FM Translators and Full Power stations to move as they have the ability to use contour protection and directional antennas, but LPFM stations still do not have this flexibility.

If the Commission does move forward with this proposal, LPFM stations should be protected from the worst consequences. Specifically, Full Power stations should be denied the upgrade if it would result in displacement of the LPFM or if the LPFM station would receive so much interference as to be nonviable. Full power stations should also be required to assist LPFM operators with finding a new frequency or making changes to their facilities which would minimize the impact that the full

power station causes. Finally, the FCC should allow LPFM stations to propose directional antennas or contour protection towards any Full Power station which upgrades and creates a short-spacing situation under 73.807, waiving the spacing tables in 73.807 towards Full Power stations that upgrade under this new 73.215 regime. This will allow LPFM stations some flexibility to propose new sites as needed to continue broadcasting. Since the short-spacing would be created subsequent to the LPFM being initially authorized, it would not implicate the Local Community Radio Act.

The Commission should not move forward with this or any of the proposals in this NPRM without first acting on the REC Networks Proposed Rulemaking RM-11810 which would provide LPFM stations a fighting chance against increased interference and encroachment by Full Power and FM Translator stations who are benefiting from recent rulemaking proceedings (18-119 and 18-184). To do otherwise would further doom many LPFM stations who are struggling and unable to legally do anything about it. Full Power FM stations and FM Translator stations are benefiting from changes to the rules at the expense of LPFM stations. When will LPFM stations benefit? Or is the Commission going to continue to ignore the pleas of LPFM broadcasters over the interests of larger and more powerful interests who have a vested interest in seeing LPFM stations fail?

IV. There really is only one solution

Over the past several years it has become apparent that there really is only one solution to resolving the competing interests between Full Power FM, AM, FM translators, and LPFM operators who are all vying for the same scraps of spectrum that are left. A large part of why all these operators are fighting is due to the differing rules that exist between all three flavors of FM broadcasting (FM translators, Commercial Full Power FM, Non-Commercial Full Power FM, and LPFM). They all have different technical rules that create conflict with one another. As the Commission proposes rules that help one type of operator, the other operators object because it will cause harm to their operations.

The only solution that I see available is to combine all the services into one single service, using a single set of technical rules. LPFM and FM Translator stations should instead be reclassified as Class D stations operating under part 73, with spacing rules matching those of FM translators under part 74. All stations should use contour protection towards one another, and those stations that meet certain public interest and local origination requirements should receive increased protection. The specifics of how this would work is beyond the scope of this proceeding, but if the Commission is serious about leveling the playing field for all operators, it needs to create a single set of rules that everyone can abide by. I would look forward to seeing a Notice of Proposed Rulemaking that would achieve this goal.

V. Conclusion

LPFM operators would suffer from the proposals in this NPRM without the Commission adequately addressing the increased interference and short-spacing concerns. The Commission should move forward on RM-11810 and address all three proceedings (RM 11810, MB 11-119, and MB 11-184) at the same time so that all parties will benefit. As a longer term goal, the Commission should address disparities between all the various FM services and work to create a unified set of rules that all operators would abide by.

Respectfully Submitted,

/s/

Jeff Sibert
August 13, 2018