

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554**

In the Matter of)	
)	
Status of Competition in the)	MB Docket 18-227
Marketplace for Delivery of)	
Audio Programming)	

COMMENTS OF THE HIGH-FREQUENCY PARTIES

The *Public Notice* in MB Docket 18-227 requests comment on “whether laws, regulations, regulatory practices or demonstrated marketplace practices pose a barrier to competitive entry into the marketplace for the delivery of audio programming ... [and] concerning the extent to which any such laws, regulations or marketplace practices affect entry barriers for entrepreneurs and other small businesses in the marketplace for the delivery of audio programming.”

The Commission’s Rules do pose barriers to entry and unnecessarily restrict the licensing and delivery of programming by International Broadcast Stations.¹ These rules originated in a period when the government utilized or countenanced privately owned, high-frequency (HF, 3-30 MHz) broadcasters as voices against foreign adversaries.

The rules prohibit stations directed primarily to U.S. audiences. They impose detailed language, announcement, advertising and recordkeeping practices, require monitoring of foreign market particulars, and mandate a minimum DSB transmission power level that is excessive for domestic service and textual and image content.

These and certain other obsolete restrictions are overdue for review and revision or deletion.

¹ 47 C.F.R. 73, Subpart F.

73.701 Definitions

Rule 73.701(a) currently limits International Broadcast Stations to *transmissions...intended to be received directly by the general public in foreign countries.*

Whatever their wartime heritages, today's International Broadcast Stations are independent media and not instruments of U.S. foreign policy.

Licenses should be free to design, equip and operate their stations to primarily serve domestic U.S. audiences, foreign audiences, or any combination of these. A name change to High Frequency Broadcast Service (HFBS) would better represent this service.

73.731 Licensing requirements

Rules 73.731(a)(1) and (2) require the applicant for license to show that *there is a need for the international broadcasting service to be rendered* and that program sources are available. They offer no guidance on showing of need; moreover, we can assume that an applicant has program sources, or the station would transmit nothing -- an absurd result.

73.751 Operating power

Since 1939², the FCC has required at least 50 kW for DSB transmission³ and consequent costly infrastructure investments. The more limited power needed for domestic service, and the advent of efficient textual AM⁴ modes argue for reducing the minimum required power and lowering this significant barrier to entry.⁵

² John Schneider, *Wartime Voices: Early Shortwave Broadcasting on the West Coast*. Retrieved August 27, 2018 from <http://www.theradiohistorian.org/wcsw/wcsw.htm>

³ 47 C.F.R. 73.751(a).

⁴ The Voice of America began transmitting text and imagery via AM audio on the HF bands in 2013. VOA broadcast such programs until 2017 when they became an independent service. The listener uses an HF receiver and computer or phone to demodulate and display the digital content. 100% decode can be obtained with far lower signal-to-noise ratios than with voice audio. Signals so low-powered and buried in noise and interference as to be imperceptible by ear can fully reproduce textual news, information and photos.

⁵ An HF station at 1 to 10 kW could cover a wide swath of U.S. territory, for example using 6 MHz by day and 3 MHz at night. Privately owned HF stations in Europe such as Radio 292 on 6070 kHz (Germany) have demonstrated the feasibility of this concept.

73.758(a) Digitally modulated emissions

This rule authorizes *datacasting*, but only in the context of Digital Radio Mondiale (DRM) modulation. The FCC should clarify that datacasting is not limited to DRM, but is permitted using any suitable method such as the amplitude modulation of a carrier by audio tones.

73.781 Logs

This rule conflates Station and Program logs. It places unnecessary and antiquated requirements on the licensee. HFBS stations should maintain Station Logs for technical and regulatory compliance purposes as is normal practice in AM, FM and TV broadcasting. In contrast, program logs listing program titles, categories, languages, network and sponsor names and the like should not be prescribed by rule, but left up to licensee discretion.

73.781(a)(1) and 73.787 Station identification

The requirement of Rule 73.781(a)(1) to log every station ID is not imposed on other types of stations and serves no useful purpose. HFBS stations should be expected to identify without having to make innumerable log entries for these brief and routine statements.

Rule 73.787(a) should be conformed to Rule 73.1201(a)(2), which requires identification *hourly, as close to the hour as feasible, at a natural break in program offerings*. There is no reason to hold HFBS stations to a different and inflexible standard.

Rule 73.787(b) requires station IDs, “oral continuity” and other remarks to be made with *international significance (language particularly) which is designed for the foreign country or countries for which the service is primarily intended*.

This vague rule abridges licensee discretion and is impractical to enforce. Stations should ID in English, and offer content in English and/or other languages as they deem necessary.

73.788 Service; commercial or sponsored programs

Rule 73.788(a) provides that *any program solely intended for and directed to an audience in the continental United States does not meet the requirements for this service*. Rule 73.788(b)(1) drastically limits the content of advertising copy and sponsor identifications. These rules are prime candidates for deletion, as they prohibit dedicated HF domestic programming on no articulable public interest basis.

Rule 73.788(b)(2) requires licensees to ascertain whether advertised products or services are *regularly sold or promoted for sale* in foreign countries. The rule provides no criteria for documenting or evaluating these licensee efforts or for independently verifying foreign marketing practices.

Additional obsolete content restrictions in 73.788 include sections (b)(3) and (4), which concern tourism, fairs and attractions; and (b)(5) which limits the directivity of advertising.

Conclusion

The Commission should re-examine and modify or remove rules which impose costs and suppress the potential of privately owned HF broadcast stations.

Respectfully submitted,

THE HIGH-FREQUENCY PARTIES



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