

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

In the Matter of)
Amendment of Part 74 of the Commission's Rules) MB Docket No. 18-119
Regarding FM Translator Interference)

Directed to: The Commission

REPLY COMMENTS OF PLYMOUTH ROCK BROADCASTING CO., INC.

Plymouth Rock Broadcasting Co., Inc. ("Plymouth Rock") hereby respectfully submits its Reply Comments in the above-captioned proceeding. With respect thereto, the following is stated:

As previously noted in its initial Comments, Plymouth Rock is the licensee of WPLM(AM) and WPLM-FM, Plymouth, Massachusetts. Plymouth Rock is a local owner which provides locally originated programming designed to serve local listeners. As noted in its Comments, Plymouth Rock's experience has been it that has a substantial number, even thousands, of regular listeners beyond its 54 dBu contour. Accordingly, Plymouth Rock concurs with the many commenters in this proceeding who oppose cutting off consideration of complaints of interference with a full power station beyond the 54 dBu contour, particularly when the station in question is a Class B or B1 station.

Furthermore, while those favoring translators attempt to wrap themselves in a mantle of localism, based upon fill-in status, the mere fact that a translator rebroadcasts programming aired on a local station indicates nothing about where that programming originates. Additionally, while some commenters appear quite exercised about what they view as a full power station's attempt to grab listeners beyond the service area to which it is entitled, these commenters miss

the point. These listeners have chosen the station to which they wish to listen, and it is the translator entering the market which is, in effect, telling them that they will no longer be able to make that choice but must instead hear only what the translator has chosen to rebroadcast. Moreover, in at least some areas in which a translator causes interference to a receivable signal from a full-power station, it is highly likely that the full-power station will likewise cause interference to the translator. The result will be only loss of service in such areas, since no one will be able to hear either station clearly. The fact that this loss of service is caused by a secondary facility, required not to create interference, demonstrates an improper elevation of secondary over primary service.

Plymouth Rock described in its Comments its own experience with thousands of listeners who live and/or work outside WPLM-FM's 54 dBu contour. Many of these listeners have shown their dedication to the station by participating in contests and by communicating with the station, including by sending cards and letters. Some commenters have urged the Commission to consider such evidence of listener engagement in determining whether a particular individual is to be considered as a regular listener, and Plymouth Rock would heartily agree. Instead of viewing social media connections, such as Facebook friends, with suspicion, the Commission should recognize that when a person takes time out of his or her day and takes the initiative to make any kind of connection with a broadcast station, that person is assigning value to the station's service. The fact that the listener seeks a personal connection with the station indicates not any improper collusion between the station and the listener, but rather that the listener is truly engaged and has effectively invited the station and its personalities into his or her home or workplace. Such listeners have clearly demonstrated a level of commitment to the station and therefore must be treated as regular listeners who value the station. Evidence of engagement

with the station through participation in contests or station events, or through communication by social media or correspondence, whether e-mail or regular mail, should therefore be considered as demonstrating that a person is a regular listener.

A number of comments have put forth an argument that the service of a translator should be valued more highly than that of a somewhat more distant full-power station because the translator's programming is somehow more virtuous and more local. Of course, due to First Amendment and other considerations, the perceived content of a station's programming is not an appropriate basis on which to judge a conflict between two stations. In any event, localism is not so easily determined by simply looking at the nature of a station and its transmitter location. Is a translator which provides fill-in service to a full power station which broadcasts nationally syndicated programming truly more local than a full power station from the next town over which locally originates all of its programming? Some commenters also pointed to the fact that translators may rebroadcast an FM station's HD channel as an indication that the translator offers something of high value. It should be noted, however, that some licensees simply rebroadcast the signal of one co-owned station on another station's HD channel in a different market. There is nothing illegal about this practice, and it serves the public interest by providing additional programming in the market, but there also is nothing particularly special or even necessarily local about rebroadcasting the HD channel. Only a listener can determine the relative value of each service, and different viewers will make different choices. Moreover, even if a translator is rebroadcasting a station more local to the viewer, the listener has already had an opportunity to listen to the primary station and has rejected that choice in favor of listening to the more distant station. In sum, neither a translator nor a full power station can claim to provide a more valuable

service or a more local service based solely upon its status as either a translator or a full power station.

What a full power station can state for a certainty, however, is that it is a primary service while a translator is a secondary service. Because of this distinction, translators are required to avoid interfering with the service of full power stations, but the same is not true in reverse.

Some commenters have argued that interference claims which come from areas beyond a station's 54 dBu contour must be illegitimate because there cannot be real listeners there. Both Plymouth Rock's own experiences and the many commenters with other experiences to the contrary refute that point. It is simply not true that listening stops beyond a station's 54 dBu contour, particularly among those who are fond of the station's programming.

Other commenters seem to be offended by the concept that full power stations are somehow getting listeners to which they are not entitled. These complaints take a backwards view of public service, however. One aspect of public service is to provide listeners with programming that they will want to receive. It is the listener who chooses to tune in to the station, even if the sound quality isn't always perfect. The station has no ability to lasso individuals outside its service area and force them to listen and not change the dial. It is not the place of a secondary service like a translator to come in and tell the listener that he is no longer allowed to enjoy his station of choice but must tune to something else, much like a scolding mother who commands her child to take his medicine whether he likes it or not. Established listeners should not be told that their choice of station is irrelevant, and they must learn to live with a new station on that frequency, if they can hear it, or search the dial for a different station they like almost as well.

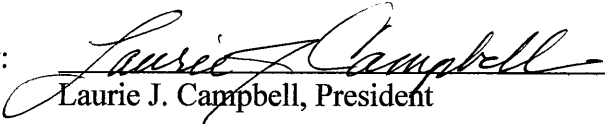
Indeed, as at least one commenter has noted, allowing continued operation of a translator which is interfering with a full-power station, even a bit outside that station's predicted 54 dBu contour, simply raises the overall interference threshold. If a full-power station's listener located just beyond that station's 54 dBu contour is also located near the edge of a translator's service area, there is no guarantee that allowing the translator to continue to interfere with reception of the full-power station will replace reception of that station with anything but garbled interference. Thus, the overall effect will be a loss of service. This sort of situation also illustrates the importance of not relying solely on the Commission's rule-based signal prediction methods but instead allowing use of prediction methods such as Longley-Rice, which are generally recognized as more accurate.

It is clear that both full-power FM stations and FM translators can provide valuable service to the public. The relative values or localism of the programs offered cannot be determined solely on the basis of whether a service is a full power station or a translator. There is one significant distinction between the two services, however: a full power station is a primary service, but a translator is a secondary service. To fail to protect a *bona fide* listener, wherever he or she may be, is to nullify the distinction between the two. Moreover, the result would be an overall increase in interference, loss of service, and denial of viewer choice. For these reasons, the Commission must protect listeners from translator interference, whether within or outside of a full-power station's 54 dBu contour. In any location, evidence of prior

engagement of the listener with the station must be considered as a demonstration that the individual is a regular listener.

Respectfully submitted,

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