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Marlene Dortch, Secretary
Federal Communications Commission
455 12th Street SW
Washington, DC 20554

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Background:

The following reply comments are being filed in Docket 18-119 on behalf of Press Communications, LLC. We should note Press Communications holds 6 FCC authorizations for FCC licenses, 5 of which are Class A stations and one AM translator. All but one such license is within the Monmouth Ocean, NJ market, the 54th largest in the nation with a population of over 1.2 million people.

The Monmouth Ocean market is what is commonly referred to as an imbedded metro, meaning it is wholly contained within a larger market, in this case New York City. The northern half of the market (Monmouth County) is in the New York Metro, the balance (Ocean County) resides in the New York DMA. The market is roughly 70 miles long by nearly 40 miles wide. Only one directional B1 is licensed to the very southern portion of the market. The balance of the eight FMs are Class As with six of the eight licensed for a maximum of 3 kw or less. None of the stations licensed to the market come close to covering the entirety of the market. Indeed, some areas of the two counties receive no “protected” service from local stations licensed to the market as is proposed in the NPRM. Nor are the commuting routes used by residents on their way to work. Against this backdrop, translator proponents are clamoring to greatly reduce what limited coverage these stations are able to provide with their meager facilities.

This would not be a problem had prior commissions adhered to the fair and equitable standard espoused in Section 307(b) of the Act years ago. Allocating Class B stations, with a range of 40 or so miles (65 km), would more than cover the market and its commutation routes. But we know that is not what happened as we outlined in our previous comments. Nor can it happen

under existing constraints. Indeed, four of the stations in Monmouth Ocean market, including two of Press Communications' stations, spill half or more of their signals over the Atlantic Ocean, further depriving residents in the market of local service. The market also has 3 AM stations, two Class Bs and one Class D. All three AMs have filed for and received CPs or licenses for an FM translator of varying power.

Discussion:

At the outset, we note that The New Jersey Broadcasters Association has filed comprehensive reply comments in the Docket. As we are in agreement with the conclusions as set forth in the NJBA replies, and as a member of the Association, we support and agree with the same. But I will reiterate the situation prior Commissions have created in Monmouth Ocean and other markets within the state.

Section 307(b) has no "*sell by*" date¹. It speaks in the present tense. Respectfully, Press suggests that before examining how to further allocate and redistribute what little spectrum remains available in the state, we might first look at comprehensive broadcast priorities. Without question, preserving the bond of service between existing full power radio broadcasters and their listeners is a mutual bond that has been established over many decades.

The FCC is well familiar with the lack of local television broadcasting in the New Jersey. Indeed, New Jersey is one of only three states without at least one, dedicated in state television market with the usual compliment of news focused network affiliates. This lack of state and locally focused coverage has, and continues to be, a topic of discussion and the subject of an amendment to the Act for nearly 40 years (See Section 331(a)). More recently it has been subject of several law suits to bring improved local service to the state.

Over the years, the void created by the lack of local television service has been filled by local New Jersey radio, this despite its overall poorly allocated and meager facilities. This being said, we strongly argue against any attempt to limit the ability of New Jersey radio broadcasters challenge interference from translators unless the recommendations as set forth in the NJBA replies are adopted.

In our view, the current interference "crisis" that is eating up valuable resources at the Media Bureau is unfortunately a problem that might have been forestalled prior to the veritable quandary facing the FCC. Translators were not much of a problem from the time of inception back in 1970 pretty much through 2004. That is, up until the flood gates opened to translator

¹ 307(b) Allocation of Facilities: In considering applications for licenses and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission *shall* make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair efficient, and equitable distribution of radio service to each of the same.

applications. By some estimates over 13,000 translator applications were filed, many for “non-comms”, which were not even required to pay filing fees. Dubious translator “mills” were created simply with the intent to gather as much spectrum as possible. Sadly, other than on technical grounds, little attention was paid to highest and best use of the available spectrum. To be sure, spectrum is a finite and valuable resource (if in doubt look not farther than rational for and the results of the recent spectrum auction). Parameters for what translator uses would best serve the public interest, such as opening specific windows for AM revitalization, should have been established *a priori* to the translator application process.

As an example, what is the point of using analog FM translators to rebroadcast HD 2 and HD 3 programming streams. The use of analog translators defeats the very purpose of having listeners adopt HD radio technology, be it for separate programming streams or purported improved sound quality, if audiences can receive the same programming with existing FM radios. It does, however encourage stations to purchase encoders if only to, in effect, create “new” stations in the market using additional spectrum with analog translators.

Which begs the question, if HD translators are, in essence, to be protected much the same as full power broadcasters (i.e., as proposed, outside full power stations’ 54 dbu contours) why should they not be compelled to follow the same rules and fulfill the same obligations as full power licensees? Consider, absent interference, translators can be licensed for as much as 250 watts with no limitation on height. According to 73.211(a)(1)(i), a Class A station can maintain its status with as little as 100 watts.² As a further point of discussion, should these additional HD 2 or 3 translator licenses be counted toward station caps as they, unlike fill-in or AM translators which passively rebroadcast main channel licensed analog programming, are in effect licensed to transmit a separate digital programming service?

Recommendations:

Clearly, in reading many of the comments filed by both sides of the issue at hand the Commission finds itself in a bind. The situation is a classic example of trying to fit 2 pounds of product in a one pound bag. At some point, all parties in interest, particularly the FCC, by necessity, must recognize the existing FM band has little capacity for further use by translators without destroying long developed existing patterns of listenership, which supports the advertising supported system full power licensees have long depended on to provide the high level of public service listeners have come to rely on.

When the FM band was established in 1946, the nation had less than 140 million residents. Today we have over 325 million. So while the population has more than doubled, the amount

² 46 CFR 73.211 Power and Antenna Height requirements (a)(1)(i) The minimum ERP for Class A stations is 0.1kw.

of available FM spectrum has remained static. It is no wonder the Commission is under pressure for increased use of translators and LPFMs.

Well over a decade ago, I, as then president of the company, made a suggestion to our consulting engineer, Jack Mullaney, that as the nation converted to digital television the Commission should, in its long-range planning, seriously consider using a portion of the less desirable low band VHF television spectrum for a more efficient digital FM service. That suggestion became a proposal to repurpose channels 5 & 6 to FM broadcasting post auction and repack. Whether it be 5 & 6 or any combination of two low band channels, 12 Mhz, with digital technology and 100 khz spacing, could easily address the many inequalities currently embedded the allocation scheme we now live with. Adoption could also provide for a separate band for LPFM and translator service. With ever more opportunities for streaming services to the home, car or work what FM radio needs for the future is protected digital facilities that fully cover their respective markets and commutation patterns while overcoming the ever-increasing noise floor. In short, we don't need more stations, what we do need are facilities that can better compete with the growing number of nearly universal digital streaming choices available to the public. Only then can we ensure the public will continue to receive and enjoy high level local service radio broadcasters take pride in.

Low band VHF at last count had only 61 licenses assigned compared with roughly 300 pre-digital conversion. We respectfully argue this is not efficient use of spectrum. Using a portion of the band for digital FM would be. We see what has happened after years of neglect in addressing the needs of AM broadcasters. We certainly do not want that to happen to FM. Fortunately, this Commission has implemented FM as Plan B for AM. But that begs the question, what is Plan B for FM if we continue down the path of AMization of the FM band? We have lost a decade in making plans for a meaningful change in the FM band and how it is allocated to meet present day needs and those of the future . But past inaction is no excuse for not taking action today. There is no time like the present in planning for the future of FM radio. Only then will the FCC achieve the goals, and fulfill its mission, as set forth in Section 307(b).

Respectfully submitted

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