

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

In the Matter of)	
)	
Proposals for a New FM Radio Broadcast)	MB Docket No. 18-184
Class C4 and to Modify the Requirements)	
for Designating Short-Spaced Assignments)	

REPLY COMMENTS OF ALPHA MEDIA LLC

Alpha Media LLC (“Alpha”) is pleased to submit these Reply Comments in response to the above-referenced Notice of Inquiry (the “NOI”).¹ As the licensee of over 225 radio stations, encompassing all eight FM station classes,² Alpha appreciates the Commission’s continued efforts to improve the broadcast service and modernize or modify its rules and policies in ways that allow broadcasters to innovate or compete more effectively in the marketplace. However, two of the proposals put forth in the NOI – specifically, the introduction of a new FM station class and modification of section 73.3573 of the Commission’s rules³ – would do more harm than good. The Commission should reject these proposals as ill-conceived notions that would further clutter the radio dial and hamstring FM stations from improving their facilities in the future.

In the NOI, the Commission asks for comment on a proposed amendment to its rules that would create a new Zone II FM station class – “Class C4” – wedged between Class C3 and

¹ See *In re Proposals for a New FM Radio Broadcast Class C4 and to Modify the Requirements for Designating Short-Spaced Assignments*, Notice of Inquiry, MB Docket No. 18-184 (rel. June 5, 2018).

² FM stations are currently divided into eight classes – Class A, Class B1, Class B, Class C3, Class C2, Class C1, Class C0, and Class C.

³ 47 C.F.R. § 73.215.

Class A.⁴ Given the degree to which the FM band is already utilized, Alpha agrees with the National Association of Broadcasters that now “is not the time for the Commission to introduce a new universe of Class C4 stations....”⁵ Alpha has experienced firsthand the problems congestion of the FM band can bring. In the past eighteen months alone, listeners of many of Alpha’s stations – including WCPR-FM in D'Iberville, MS; WIIL(FM) in Union Grove, WI; WRXQ(FM) in Coal City, IL; WXLN(FM) in Waukegan, IL; WERV-FM in Aurora, IL; and KTPK(FM) in Topeka, KS – have contacted the stations to complain about new or worsening interference issues. Adding another class of FM station would only increase congestion and “undermine the Commission’s commitment to safeguard the technical integrity of the FM band to ensure the listeners can receive interference-free, undistorted radio service.”⁶

SSR Communications, Inc. asserts in its comments that “there is no chance of increased interference” under its proposal because “*absolutely no prohibited contour overlap*” will be allowed.⁷ As the Commission itself recognizes, however, contours are allocation tools, not delineations of listenability.⁸ Thus, the presence or absence of contour overlap does not necessarily correlate to whether a listener will experience interference from another station.⁹

⁴ NOI ¶¶ 12-18.

⁵ National Association of Broadcasters, Comments (August 13, 2018) at 2 (“NAB Comments”).

⁶ NAB Comments at 2.

⁷ SSR Communications, Inc., Comments (August 13, 2018) at 5 (“SSR Comments”) (emphasis in original); *see also id.* at 7 (“As stated earlier, there would be no chance for additional interference between FM Class C4 facilities and other services, as no contour overlap will be created as a result of full implementation of the MB 18-184 proceeding.”).

⁸ *In re Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference*, Notice of Proposed Rulemaking, MB Docket No. 18-119, FCC 18-60 ¶ 27 (rel. May 10, 2018).

⁹ *See also In re Amendment of Section 73.215 of the Commission’s Rules related to Contour Protection for Short Spaced FM Assignments*, Petition for Rulemaking by SSR Communications, Inc., RM-11643, Joint Statement of Beasley Broadcast Group, Inc., Bryan Broadcasting Corporation, Clear Channel Communications, Inc., Delmarva Broadcasting Company, Merlin Media License, LLC, and Radioactive, LLC (October 28, 2011) at 13 (“That

Moreover, the density of signals resulting from upgraded stations would contribute to an increase in the “noise floor” upon which all FM stations must operate and degrade the quality of broadcast reception for stations across the country. Ultimately, introducing a new FM station class could lead to the proliferation of “many small and interference-ridden signals,” resulting in the “‘AM-ization’ of the FM band.”¹⁰

Alpha further submits that, contrary to SSR’s position that its proposal utilizes only “previously-unused, available bandwidth,”¹¹ much of the bandwidth upgrading stations would consume is currently occupied by FM translators.¹² Indeed, Class A stations upgrading to Class C4 could imperil the existence of FM translators, including those recently authorized by the Commission pursuant to its efforts to revitalize AM radio.¹³ As a secondary service not entitled to interference protection from full-power stations, translators rely on the flexibility to change channels when interference from a full power station cannot be otherwise resolved. Introducing a new FM station class necessarily reduces the number of channels available to translators seeking to move, and could force some translators off-air altogether. Even translators able to

interference within protected service areas can occur notwithstanding the lack of predicted contour overlap is evident when contour overlap rule-compliant FM translators cause interference to neighboring full power stations.”).

¹⁰ iHeartCommunications, Inc., Comments (August 13, 2018) at 5 (“iHeart Comments”).

¹¹ SSR Comments at 5.

¹² Indeed, the number of translators has increased tremendously in the past two decades. In 1990, there were approximately 1,850 FM translators. By 2017, that number had increased to approximately 7,575. NAB Comments at 3.

¹³ *See, e.g.*, Revitalization of the AM Radio Service, Second Report and Order, 32 FCC Rcd 1724 (2017). In its comments, Educational Media Foundation notes that “With the FM band becoming more congested, any increase in power by one station has the potential to preclude other opportunities on that band in the area surrounding the newly upgraded facility. With the adoption of a C4 class of station, one of the principal concerns will be interference with FM translators. In studying the effect of upgrades of Class A stations in a representative sample of areas in which EMF has translators, it appears that approximately 10% of our translators may be subject to new interference from upgraded Class A stations.” Educational Media Foundation, Comments (August 10, 2018) at 3.

continue operating may have to reduce power or undergo other technical changes resulting in reduced coverage areas.

The NOI also asks for comment on SSR's proposed amendment to Section 73.3573 of the Commission's rules that would require a "sub-maximum" station to be involuntarily designated as a Section 73.215 facility if it is unable or unwilling to maximize its facilities upon the filing of a "triggering" application by another broadcaster.¹⁴ A station designated as a Section 73.215 facility would receive interference protection based on its actual authorized operating parameters rather than the maximum permitted parameters for its station class.¹⁵ Alpha joins the NAB and others in strongly opposing this proposal.¹⁶

First, the Commission adopted its current policy of protecting all stations as if they were operating at maximum permitted height and power for their class to ensure that stations are able to improve their technical facilities over time.¹⁷ It may take a station several years to accumulate the financial resources necessary to upgrade, or changing marketplace conditions may cause a station to include an upgrade in its long-term plans when a more immediate upgrade is not necessary. The Commission's policy also provides stations with a certain degree of flexibility for transmitter relocations.¹⁸ Such flexibility is particularly important now given the broadcast television repack that "leaves unsettled whether any given radio station will need the flexibility

¹⁴ NOI ¶¶ 9-10.

¹⁵ *Id.* ¶¶ 1, 8-10.

¹⁶ NAB comments at 6; *see also, e.g.*, iHeart comments at 2.

¹⁷ NAB comments at 6.

¹⁸ iHeart Comments at 3.

afforded by Section 73.207 spacing protection due to a forced relocation during the TV repack.”¹⁹

Second, the timeframe within which a station would be required to decide whether to maximize its facilities upon the filing of a triggering application – 30 days – is absurd. Broadcasters operate with sub-maximum facilities for myriad reasons, both “voluntary” and “involuntary.” For example, a station may purposely operate at sub-maximum levels while it generates the revenue needed to afford maximum facilities. Alternatively, a station could be operating with sub-maximum facilities due to restrictions imposed by a local zoning ordinance. In the case of the former, a station may need longer than 30 days to determine whether to up-end its business plans and seek maximum facilities. In the case of the latter, a station may need more than 30 days to assess whether it would be theoretically possible to obtain a variance or other authority that would allow it to upgrade, and if so, whether it should invest the time and resources necessary to do so.

Finally, SSR’s proposal would fundamentally – and detrimentally – shift the balance of power within the radio marketplace. Instead of a sub-maximum station being able to determine for itself whether and when to improve its service in response to business or marketplace conditions, SSR’s proposal gives the station’s competitor the power to do so. Stations involuntarily locked into their current facilities would forfeit the opportunity to respond to shifts in their audiences or otherwise operate in the public interest as they see it. Indeed, SSR’s proposal “would essentially turn broadcasters’ plans on their head by making them contingent on the needs and timetable of their direct competitors.”²⁰

¹⁹ *Id.* at 4.

²⁰ NAB comments at 8.

Alpha submits that SSR's proposals to introduce a new station class into the already congested FM band and to amend Section 73.3573 of the Commission's rules so as to involuntarily constrain the ability of FM stations to improve their facilities would be deleterious to the public interest. Alpha strongly opposes both proposals and urges the Commission to close this proceeding after the comment period has concluded.

Respectfully submitted,

ALPHA MEDIA LLC

By: _____/s/_____
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