

**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**

Beasley Media Group Licenses, LLC (“Beasley”) hereby files these reply comments to support comments submitted by the National Association of Broadcasters (“NAB”) in the above captioned Notice of Inquiry (“NOI”). The NOI requests comment on a proposal in a Petition for Rulemaking filed by SSR Communications, Inc. (“SSR”) to adopt a new class for FM stations located in Zone II—Class C4—which would be between Class A and Class C3.<sup>1</sup> In particular, Beasley agrees with the NAB’s conclusion that the creation of a new C4 FM radio classification would result in further congestion of the already congested FM band and create an increased risk of interference to FM translator stations.<sup>2</sup> Furthermore, Beasley also opposes SSR’s proposal that an FM station operating at sub-maximum facilities could be involuntarily designated as subject to interference protection under Section 73.215 of the Commission’s rules because the proposal would harm existing stations, impact LPFM opportunities, and limit future innovative and spectrum-efficient uses.<sup>3</sup>

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<sup>1</sup> *Proposals for a New FM Broadcast Class C4 and to Modify the Requirements for Designating Short-Spaced Assignments, Notice of Inquiry, MB Docket No. 18-184 (Aug. 13, 2018) (“Notice”). SSR proposed that Class C4 stations have an ERP that exceeds 6 Kilowatts, a maximum ERP of 12 Kilowatts and a reference HAAT of 100 meters.*

<sup>2</sup> *Comments of the National Association of Broadcasters, MB Docket No. 18-184 (Aug. 13, 2018) (“NAB Comments”).*

<sup>3</sup> *See Joint Statement of Beasley Broadcast Group, Inc, Bryan Broadcasting Corp., Clear Channel Communications, Inc., Delmarva Broadcasting Co., Merlin Media License, LLC, and Radioactive, LLC, RM Docket No. 11643 (Oct. 28, 2011) (Submitted as part of the record of Notice on Aug. 13, 2018) (“Joint Statement”).*

**I. Creating A New Class C4 Would Result In Significant Harm To FM Translators And Increase Congestion In The FM Band.**

Several Class A licensees who could benefit from the creation of an intermediate C4 classification between Class C3 and Class A have filed comments in support of the NOI.<sup>4</sup> As NAB explains, however, these commenters ignore the substantial harms that the Class C4 proposal could cause for the FM service generally and for FM translator licensees specifically. In the *Notice*, the Commission asks whether, given the maturity of the FM service, an increased density of signals resulting from Class A stations upgrading to C4 would contribute to a higher “noise floor” overall while only modestly benefitting individual stations.<sup>5</sup> In Beasley’s view, the answer to this question is a resounding yes. Beasley agrees with NAB that the FM band is already congested, and that the C4 proposal would “undermine the Commission’s commitment to safeguard the technical integrity of the FM band.”<sup>6</sup>

The creation of Class C4 would also negatively impact FM translator licensees. Pursuant to the Commission’s AM Radio Revitalization initiative, thousands of new FM translators have been authorized for use by AM stations and hundreds of applications for cross-service translators are pending. As NAB points out, for many AM broadcasters the use of these translators has been the difference between staying on the air and shuttering service.<sup>7</sup> Beasley strongly agrees with NAB that upgrading numerous Class A stations to Class C4 could jeopardize numerous FM translators that were carefully engineered either by degrading service or causing the translator to interfere with an upgraded station.<sup>8</sup>

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<sup>4</sup> See e.g. *Comments of Southern Stone Communications, LLC*, MB Docket No. 18-184 (Aug. 13, 2018); *Comments of Holladay Broadcasting of Louisiana, Inc.*, MB Docket No. 18-184 (Aug. 6, 2018).

<sup>5</sup> *Notice* at 6.

<sup>6</sup> *NAB Comments* at 2.

<sup>7</sup> See *id.* at 3.

<sup>8</sup> See *id.* at 4.

The drastic increase in the number of FM translators has resulted in interference problems that the Commission is currently attempting to address in a separate rulemaking.<sup>9</sup> The introduction of a new Class C4 would unnecessarily complicate the agency's ongoing efforts to address the increased number of interference complaints and improve the procedures for processing such complaints.

The proposal to create a new Class C4 has the potential to undermine one of the lynchpins of the Commission's AM revitalization efforts—the use of cross-service FM translators—and impair the substantial investments by numerous broadcasters including Beasley in FM translators by greatly increasing the likelihood of interference to full service stations. Beasley agrees with NAB that the Commission should reject SSR's proposal to permit Class A stations to upgrade to a new Class C4.

## **II. The Commission Should Reject Any Proposal That Would Involuntarily Designate a Facility as a Section 73.215 Facility.**

The NOI also requests comment on the proposal, which was included in the Petition For Rulemaking filed by SSR, that an FM station that proposes to upgrade its facilities could invoke a show cause proceeding under which neighboring stations operating at sub-maximum parameters could be involuntarily reclassified under Section 73.215 of the Commission's rules and be subject to interference protection based on operating parameters rather than the maximum class protection provided to FM stations under the Commission's rules. In 2011 after SSR filed its Petition, Beasley submitted a Joint Statement with several other broadcasters strongly opposing this requested change. This Joint Statement has been incorporated into the record of the NOI, but Beasley herein reiterates its opposition to this proposal and supports the comments filed by NAB and iHeartCommunications which detail the negative impacts the proposal would

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<sup>9</sup> See *id.*

have on the FM service.<sup>10</sup> SSR's proposal would require a station that did not maximize its facilities within thirty days to involuntarily accept designation as a 73.215 facility. This proposal ignores the countless reasons why a station may be operating at a sub-maximum level. For instance, a station may be operating at a sub-maximum level but may be in the process of undertaking efforts to improve its signal or to upgrade equipment. For the reasons set forth in the Joint Statement, Beasley believes that any proposal to involuntarily designate a facility as a Section 73.215 facility would unfairly harm existing stations, prevent innovation, harm LPFM stations, impede necessary relocations, and undermine station values.<sup>11</sup>

### **Conclusion**

For the reasons set forth above, Beasley respectfully requests that the Commission reject the proposal to create a new C4 classification for FM stations located in Zone II and the concomitant proposal to force stations that are operating at sub-maximum facilities to be involuntarily subjected to the more limited interference protections under Section 73.215 of the Commission's rules.

Respectfully Submitted,

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<sup>10</sup> See *NAB Comments* at 5-8; *Comments of iHeartCommunications, Inc.*, MB Docket No. 18-184 (Aug. 13, 2018) at -7.

<sup>11</sup> See *Joint Statement* at 8.