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*In the matter of:*

C4 service class and proposed changes to §73.215  
LPFM proposed technical changes  
Media Modernization

MB Docket 18-184  
MB Docket 19-193  
MB Docket 17-105

Albert Shuldiner, Division Chief, Audio Division  
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Alex Sanjenis, Media Advisor for Chairman Ajit Pai  
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Evan Swartztrauber, Media Advisor for Commissioner Brendan Carr  
Kate Black, Media Advisor for Commissioner Jessica Rosenworcel  
Michael Scurato, Media Advisor for Commissioner Geoffrey Starks

Greetings from Riverton:

I have had a chance to review the "3 dB Compromise" proposed by Matthew Wesolowski of SSR Communications in respect to MB Docket 18-184.

As stated before, the position of REC Networks (REC) is that we remain concerned about the added noise floors towards LPFM stations and a very small risk of §73.809 displacement as a result of the upgrades of existing Class A FM stations in Zone II to the proposed C4 class of service. However, Class C4 would provide some deep rural Class A FM stations with a slightly farther reach as well as improved building penetration within their current Class A service areas. As REC is about spectrum and not solely about LPFM, many of the "mom and pop" Class A stations outside of the urbanized areas do function as "community" radio stations.

A point of contention remains around the proposals to allow for protections to the "class-maximum" service areas to be encroached through the redefinition of §73.215 to permit the use of actual contours instead of class maximum contours in respect to stations seeking an upgrade in class. The buffer zone concept proposed in August by SSR would extend out the incumbent's interfering contours by 3 dBu. This concept is in the right direction as it will further reduce the number of Class A stations that could use the §73.215 proposed carve-out in order to upgrade. This buffer zone would continue to provide incumbent stations with some flexibility to make changes.

REC remains concerned that any Class A to C4 upgrade that is accompanied by a facility move towards urbanized areas could have impacts on the future of LPFM stations including new stations, especially considering that we may have another LPFM filing window a few years down the road. Also, now with the potential of a full-service NCE window even sooner, there may be some additional impacts on new NCE stations on Channels 218, 219 and 220 or to commercial stations on channels 221, 222 and 223 based on the timing of the NCE window and the rule effect of Class C4. REC does feel that the window for primary NCE stations in the reserved

band will take place before the implementation of Class C4. Therefore, this will result in a slight decrease of Class C4 opportunities (with or without §73.215 enhancement).

REC ***staunchly*** opposes, in all situations, the Commission's concept of allowing the redefinition of §73.215 to permit wholesale upgrades involving service class combinations *other than* A to C4 as well as the use of the redefined §73.215 anywhere in Zones I and I-A. Due to the use of service class to define minimum distance separations, the wholesale class upgrades would further eliminate the availability of 100-watt LPFM channels, including in communities where they are needed the most. Any use of a redefined §73.215 service contour, regardless of whether or not the additional 3 dBu is added to the incumbent interfering contour should be limited only to Class A to C4 upgrades and not upgrades involving other service classes.

REC notes that the Petitioner (SSR Communications) and REC are in agreement that the implementation of the redefined §73.215 should not be used for anything other than Class A to C4 in Zone II.

We continue in our position that in the event if the Commission approves the C4 service class, that §73.807(a) be amended to include the minimum distance separations between LPFM stations and Class C4 stations to be the same distances as those for LPFM to Class A protection on co- and first-adjacent channels. This will assure that channel availability for LPFM stations is not impacted (despite increased noise floor).

It remains REC's position that in the event that the Commission moves forward on the Class C4 proposal, that the Commission also moves forward in MB Docket 19-193 on an upgrade LPFM service class of 250 watts at 30 meters HAAT using the concept proposed by REC in RM-11749 (*not the one proposed in RM-11810*). The ability for LPFM stations to upgrade from "LP-100" to "LP-250" would be controlled by secondary spectrum demand and additional "foothill" provisions proposed by REC and supported by some full-service broadcasters such as Educational Media Foundation would assure that upgraded LP-250 stations would not interfere with full-service stations, especially in places like California where "foothill effect" could result in large lobes on interfering contours. REC would also propose to place on LP-250 upgrades an additional provision that would require a §74.1203(a) style of interference remediation handling in the event of interference of an upgraded LPFM facility and if interference is determined, then the LPFM station would be required to go back to LP-100.

We also note that a version of LP-250 without the additional interference protections was originally proposed by the Commission in the *Fourth Notice of Proposed Rulemaking* in MM Docket 99-25 (27 FCC Rcd 3315 *et seq* (2012) at ¶¶ 48-51). At the time, the Commission determined that the creation of a LP-250 service would not violate the *Local Community Radio Act*. (See MM Docket 99-25, *Sixth Report and Order*, 27 FCC Rcd. 15402 (2012) at ¶ 206, also LCRA Pub L. 111-371, 124 Stat. 4072 (2011)) but due to disagreements between groups that were not actually supporting LPFM stations (instead, they opposed urban LP-250 in favor of LP-10 hobby microstations) and the organizations such as REC Networks and Prometheus Radio Project, whom actually work with LPFM stations (that support LP-250 "wherever it can fit"), the Commission decided to not pursue the issue further (See *Id.*).

REC is no longer pursuing the version of LP-250 described in RM-11810 which utilized a "hybrid" of contours and "LP-10" distance separation, thus opening up a need to reinterpret the LCRA but instead, still actively seeks the creation of an LP-250 service using the more simplified and less controversial method in the *Fourth NPRM* and later re-proposed in RM-11749 but with additional interference provisions that address the issues encountered as a result of the

expansion of FM translators in the recent *AM Revitalization* efforts. We will include a copy of the revised LP-250 concept in an appendix to this letter.

Since REC only supports the implementation of LP-250 through upgrade from LP-100 (as the establishment of LP-100 stations could “gauge” the spectrum demand), we do not want to compromise the timeline for filing windows. Therefore, it is REC’s position that the Commission take up the issue of the ability for LP-100 stations to upgrade to LP-250 as a *Further Notice of Proposed Rulemaking* in MB Docket 19-193. This will generate a new set of comments from all parties, both opposed and in favor and have those comments focused on LP-250. The issues experienced by LPFM stations as noted in RM-11749 have not changed and they still exist. REC feels that without the distraction of the question of the retention of the LP-10 service as there was in the *Fourth NPRM*, we will get a record that is more fairly focused on the expansion of LPFM to include LP-250. This will also put into consideration imposing additional protections, like those used for FM translators for interference remediation which was suggested in RM-11810 for the upgraded facilities.

Both SSR and REC do have things in common. Mainly, we are developing creative ways of improving our services, especially to those in suburban and rural areas through the creation of Class C4 (and a very limited §73.215 redefinition) in the commercial space and through the creation of LP-250 in the community radio/LPFM space. The deployment of these services would help more efficiently utilize spectrum and improve radio service, including the ability to receive the Emergency Alert System while continuing to protect existing broadcast services.

On behalf of REC Networks, I ask that the Media Bureau reopens the discussion on LP-250 and is very careful on the proposal for Class C4 and the scope of a modified version of §73.215 in any upcoming *Notice of Proposed Rulemaking*.

Respectfully submitted,

/S/  
Michelle Bradley  
Founder  
REC Networks

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Attachments

**REC REVISED LP-250 PROPOSAL**

250 watts ERP at 30 meters HAAT (7.1 km contour), secondary service, subject to the LCRA.

**Upgrades Only – Initial filing windows will be for LP-100 only**

LP-250 stations will only be available as upgrades to authorized (granted) LP-100 stations and construction permits. Class changes between LP-100 and LP-250 should be permitted to be handled minor changes.

**Distance Separation**

LP-250 minimum distance separations for co-channel would be the same as LP-100 for co- and first-adjacent channels. “Full-spaced” recommended distances, second-adjacent channel distances and distances to FM translators would increase. LP-250 stations operating at 101 watts ERP or greater would also be required to protect intermediate frequency (I.F.) channels:

Class	Co-channel		First-adjacent channel		Second adjacent channel	I.F. channel
	Required	Fully spaced	Required	Fully spaced		
D	29	26	16	15	7	3
LP100	29*	29*	16*	16*	None	None
LP250	31	31	17	17	None	None
A	67	92	56	56	30	6
C4	67	97	56	61	35	8
C3	78	119	67	67	41	9
B1	87	119	74	74	47	9
C2	91	143	80	84	54	12
B	112	143	97	97	68	12
C1	111	178	100	111	74	20
C0	122	193	111	130	85	22
C	130	203	120	142	94	28

\* - During an initial window following the implementation of LP-250, the requirement to LP-100 to LP-250 should be the same as LP-250 to LP-250 to accommodate each station having a fair chance to upgrade.

**Puerto Rico:**

Class	Co-channel		First-adjacent channel		Second adjacent channel	I.F. channel
	Required	Fully spaced	Required	Fully spaced		
A	80	111	70	70	43	9
B1	95	128	82	82	54	11
B	138	179	123	123	93	19

**FM Translator:**

Service contour size	Co-channel		First-adjacent channel		Second adjacent channel	I.F. channel
	Required	Fully spaced	Required	Fully spaced		
>13.3	44	67	30	37	22	None
7.3-13.3	37	51	23	27	15	None
<7.3	31	30	17	18	9	None

**Canada:**

Canadian station class	Co-channel (km)	First-adjacent channel (km)	Second-adjacent channel (km)	Third-adjacent channel (km)	Intermediate frequency (IF) channel (km)
A1 & Low Power	54	33	22	20	4
A	74	53	42	40	6
B1	86	65	54	52	9
B	101	79	68	67	12
C1	122	101	90	88	19
C	132	111	100	98	26

**Mexico:**

Mexican station class	Co-channel (km)	First-adjacent channel (km)	Second- and third-adjacent channel (km)	Intermediate frequency (IF) channel (km)
Low Power	33	19	10	3
A	48	34	26	6
AA	53	38	30	6
B1	73	57	46	9
B	101	79	68	12
C1	96	83	74	19
C	116	102	93	26

**Additional protection requirement for LP-250 stations**

An LP-250 application will not be accepted if the co-channel or first-adjacent channel interfering contour of the proposed LP-250 station overlaps however an LP-250 station may decrease power to as low as 101w @30m HAAT (5.7 km service contour) in order to prevent overlap. Directional patterns should be allowed but we are not going to push this issue. Directional antennas should be permitted to demonstrate a lack of contour overlap for a short-spacing between two or more LPFM stations and only if all LPFM parties mutually agree. No short-spacing to other facilities. LP-250 applications will require a contour study just to demonstrate that there would be no contour overlap.

**Interference**

LP-250 stations would have an additional tier of interference protection requirements that is not in the LP-100 service. LP-250 stations may face objections and complaints from incumbent stations using the same handling policy that recently went into effect for FM translators. Therefore, if an incumbent station can demonstrate interference, the LP-250 station may be required to reduce power or downgrade back to LP-100. See §74.1203(a) for details on this rule.