

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendments of Parts 73 and 74 to Improve the)	MB Docket No. 19-193
Low Power FM Radio Service Technical Rules)	
)	
Modernization of Media Regulation Initiative)	MB Docket No. 17-105

To: The Commission

**REPLY COMMENTS OF
NATIONAL PUBLIC RADIO, INC.**

Pursuant to Section 1.415 of the Commission’s rules, 47 C.F.R. § 1.415, National Public Radio, Inc. (“NPR”) hereby submits its Reply Comments in response to the initial comments on the Commission’s Notice of Proposed Rulemaking in the above-captioned proceeding.¹

NPR’s initial comments supported the Commission’s proposed sunset of the obligation of noncommercial educational (“NCE”) FM stations operating on the reserved band to protect adjacent television channel 6 (“TV6”) stations from interference.² NPR provided expert evidence confirming that the NPR studies cited by the Commission in support of its

¹ See *In the Matter of Amendments of Parts 73 and 74 to Improve the Low Power FM Radio Service Technical Rules*, Notice of Proposed Rulemaking, MB Docket No. 19-193, 17-105 (rel. July 30, 2019) (“*NPRM*”). Unless otherwise indicated, all citations to comments are to comments filed in response to the *NPRM*.

tentative decision to eliminate the interference rules remain the definitive studies on the issue of NCE FM-to-TV6 interference.³ Those studies demonstrate that the rules, which were designed as an interim solution to protect analog television receivers manufactured in the 1960s and 1970s from adjacent NCE FM interference, are no longer needed with the better performing digital television receivers now in use.⁴ NPR also confirmed that the presence of LPTV TV6 stations masquerading as FM radio stations poses no obstacle to the Commission proceeding with the elimination of the NCE FM-to-TV6 interference protection rules.⁵

Based on the initial comments, the record overwhelmingly supports the elimination of the NCE FM-to-TV6 interference protection rules, as the Commission has properly proposed, because the outdated rules are unnecessary and an impediment to broadcasting.⁶ A few divergent comments fail to offer a rational basis for proceeding any differently. The self-styled “LPFM/NCE community-radio engineer advocates” suggest a need for “more study if not experimentation” without offering any explanation of what need, study, or

² See Comments of National Public Radio at 2-7 [hereinafter, “NPR Comments”]. The relevant rules are codified at 47 C.F.R. §§ 73.525 & 74.1205.

³ See *NPRM* at ¶ 10; NPR Comments at 3-4 & Attachment A.

⁴ See NPR Comments at 2-3.

⁵ *Id.* at 5-7.

⁶ *E.g.*, Comments of Hope Christian Church of Marlton, Inc. at 1 (“Our stations have suffered for more than a decade due to inferior facilities because of these outdated TV6 protection rules.”); Comments of Four Rivers Community Broadcasting Corporation, Bux-Mont Educational Radio Association and Penn-Jersey Educational Radio Corporation at 2 (“In the DTV era there is no need for these rules.”); Comments of REC Networks at 49 (“REC supports the overall plan to eliminate this impediment to the development of broadcasting, both low-power and full-service in the reserved band.”); Comments of Jeff Sibert at 4-5 (“I fully support this position as the current rules were designed for analog TV stations and current digital receiver technology does not indicate the need for such overprotection.”) [hereinafter, “Sibert Comments”].

experimentation they have in mind.⁷ Similarly, California State University, Long Beach Research Foundation, licensee of KKJZ FM, opposed the Commission’s proposed elimination of the NCE-to-TV6 interference rules based on an apparent misinterpretation of the *NPRM* or a separate concern for TV6-to-NCE FM interference.⁸ The *NPRM* does not purport to address the universe of Commission rules “affecting the relationship” between TV6 and reserved band NCE FM stations, requiring the Commission to “address the problem head on.”⁹ And, while NPR agrees that TV6-to-NCE FM interference is a problem warranting the Commission’s attention,¹⁰ the need for more effective rules to address one category of interference does not justify deferring the elimination of other interference rules that are obsolete and counter-productive to the public interest.¹¹

Finally, although the New Jersey Broadcasters Association (“NJBA”) expressed some concern for low power TV6 stations masquerading as FM radio stations in granting LPFMs relief from TV6 protection rules, it expressed no such concern in connection with relieving

⁷ Comments of LPFM/NCE community-radio engineer advocates at 2.

⁸ Compare Comments of California State University, Long Beach Research Foundation (KKJZ) at 5 (urging the Commission not to “sunset all rules *affecting the relationship* between TV Channel 6 and FM radio stations”) (*emphasis added*) with *id.* at 2 n.5 (noting the “point of these Comments is to address the need for appropriate rules to protect FM stations from interference”) [hereinafter, “KKJZ Comments”].

⁹ *Id.* at 5.

¹⁰ See NPR Comments at 6 & n.21.

¹¹ See KKJZ Comments at 5 (“What is the solution to the problem of interference from TV Channel 6 stations to NCE FM radio stations? The Commission should address the problem head on . . .”).

NCE FM stations from TV6 protection obligations.¹² Indeed, the NJBA seems to share our concern that secondary broadcast services not interfere with full power radio broadcast stations.¹³ As a secondary service, LPTV stations must accept and avoid all primary service interference, including that of primary NCE FM stations.¹⁴ As discussed in NPR's comments, moreover, even assuming these TV6 stations provided meritorious service,¹⁵ that circumstance would not justify the gross inefficiency of using thirty times the amount of spectrum needed to offer the service.¹⁶

¹² Comments of New Jersey Broadcasters Association at 6 [hereinafter, "NJBA Comments"].

¹³ *Id.* at 1.

¹⁴ *In the Matter of Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Second Memorandum Opinion and Order, 28 FCC Rcd 14412, at 14420 (2013).

¹⁵ See NJBA Comments at 6 ("such stations are 'specifically designed to serve diverse audiences,'" citing an LPTV advocate's ex parte filing as referenced in the *NPRM* at ¶13). But see Robert Channick, *The Game is ending, but 87.7 FM will keep going*, Chicago Tribune, Dec. 5, 2014, www.chicagotribune.com/business/ct-post-game-format-1207-biz-20141205-story.html ("WGWG-LP is a low-power television station whose Channel 6 frequency delivers audio at the bottom of the FM band. It has been everything from Spanish to country to smooth jazz to alternative rock to sports in the six years since it fired up its signal in Chicago, with varying degrees of ratings success.").

¹⁶ See NPR Comments at 6-7. See also Sibert Comments at 5 ("Almost all of these stations exist solely to broadcast an analog FM service. This is an extremely inefficient use of broadcast spectrum as the Channel 6 station utilizes 6 MHz of spectrum of which only 200 KHz is utilized as a program service.").

Conclusion

For the foregoing reasons, NPR urges the Commission to sunset the TV6 interference protection obligation of NCE reserved band FM stations as the *NPRM* has proposed and the record in this proceeding overwhelmingly supports.

Respectfully submitted,

NATIONAL PUBLIC RADIO, INC.

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