

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	MB Docket 19-193
Notice of Proposed Rulemaking)	MB Docket 17-105
FCC 19-74)	

REPLY TO COMMENTS ON PROPOSED RULEMAKING

November 4, 2019

By LPFM/NCE community-radio engineer advocates.

The following are reply comments from broadcast consultants and LPFM advocates that have participated for years in LPFM rulemaking, legal pleadings, engineering and otherwise supporting new-station applications and their modification, field experience with these stations, and other routine Commission matters. Our combined experience qualifies these respectfully-submitted reply comments

Regarding FM protection of Channel 6

We agree with NPR, EMF, Hope Christian Church of Marlton, Inc, Four Rivers Community Broadcasting Corporation, Bux-Mont Educational Radio Association, Penn-Jersey Educational Radio Corporation, Jeff Twilley, Bill Sammons, and others concerning the repeal of FM protections to Channel 6.

Regarding comments of Educational Media Foundation (“EMF”) concerning “foothill effect”

EMF draws attention to perceived issues concerning a rare phenomenon referred to as LPFM “foothill effect” (i.e., when an LPFM facility is proposed on the side of a hill with high terrain on one side, and a valley on the other, for which the 60 dBu contour is skewed to one direction due to a lower-calculated HAAT, resulting with a higher effective radiation power towards the valley-side, but possible stunted coverage into the mountain-side). EMF suggests these types of stations might theoretically have the capacity to interfere with full power stations. We would like to clarify some background points regarding this matter so the Commission does not misconstrue where some commenters stand on this issue.

EMF is inexact in insinuating that it is on the same page with REC Networks (“REC”) concerning the *foothill effect* issue. EMF is imprecise to conflate concerns of *theoretical LP-250 foothill stations*, as broached by REC, and concerns of *already-permitted LP-100 foothill stations*, which only EMF is concerned about. EMF murkily appears to request more regulation concerning *already-licensed LP-100 foothill-effect stations*. Allying with REC erroneously makes it appear that REC, an LPFM advocate, and EMF see eye to eye in searching for foothill-effect limitations. **REC is specifically addressing limitations concerning LP-250 rulemaking foothill effect, not licensed LP-100 stations.**

The issue of limiting LP-100 concerning *foothill effect* was very carefully considered by the FCC multiple times, capitulating with a Commission Review decision. Within a case regarding a Los Angeles-area LPFM *foothill-effect* proposal concerning LPFM applicant/permittee *Razorcake*, EMF filed an Informal Objection, then Petition to Deny, then Application for Review, and finally a Petition for Reconsideration against the applicant regarding the matter.¹ The Commission denied each EMF pleading, issuing Letter Decision on June 30, 2006,² *Memorandum Opinion and Order* on March 22, 2017,³ and, *Order on Reconsideration* on August 16, 2017.⁴ Each time EMF attempted to resurrect identical arguments concerning perceived co-channel interference from the proposed LPFM to their full power station. In total, the Commission has rejected limitations on LP-100 *foothill-effect* stations.

Additional limitations to current LP-100 foothill effect stations and their minor modification seems apt to produce burdensome, piecemeal regulation that has the possibility of stymying simple LPFM implementation with added engineering and litigation. The *Razorcake* LPFM case was litigated for years by EMF. It was unnecessary and harmful to that LPFM applicant.

LPFM is not the only class of licenses in which the foothill effect occurs. This is regularly seen in full power stations. Full power foothill effect stations inference contours can intersect other co-channel full power station protected contours. We do not see these licensees in contention regarding this.

The foothill effect debate should be exclusively relegated to the subject matter of LP-250, not LP-100.

Regarding National Association of Broadcasters and New Jersey Broadcast Association’s comments concerning *directional antennas*.

¹ Station DKFFL-LP Pasadena, California.

² *In Re: New LPFM Station, Pasadena, CA*, June 30, 2016.

³ *In the Matter of: Application of Razorcake/Gorsky Press, Inc. for a New LPFM Station at Pasadena, California*, FCC 17-32. March 22, 2017.

⁴ *In the Matter of: Application of Razorcake/Gorsky Press, Inc. for a New LPFM Station at Pasadena, California*, DA 17-778, August 16, 2017.

National Association of Broadcasters' ("NAB") and New Jersey Broadcast Association's ("NJBA") comments are chiefly composed of exaggerating the threat of if LPFM was permitted to use directional antennas, asserting that there is "risk of degrading FM service to thousands or tens of thousands of listeners, not to mention the resources that FM stations and the Commission will have to devote to resolving the resulting interference issues."⁵

Unfortunately NAB/NJBA's legal representatives either do not understand the directional antenna proposal, or possibly broadcasting engineering itself. Everything described within the comments is irrelevant to commercial station interference. LPFM facilities' ability to use directional antennas only reduces the possibility of interference to commercial broadcasters because directional antennas only diminish power in one or more directions compared to the full omnidirectional pattern. Minimum spacing rules already protect full power stations whether omnidirectional or directional antennas are used, so that antenna azimuth alignment and pattern testing is moot to protection of full power stations.

Directional antenna employment is mainly relevant to usage along the border where ERP towards the border is limited according to international treaty.

The same could be said about NAB's comment concerning boosters. If 50-watt boosters are contained within a 100-watt LPFM's protected contour, it would theoretically create less interference outside the LPFM protected contour than the station's primary signal. The main threat of a booster is it interfering with the LPFM itself. In that respect, NAB should feel overjoyed with knowing that a hyperlocal LPFM would have reduced capacity to steal listenership from their member stations' automated 40-song sweetener for automobile advertising.

Regarding other comments of NJBA

NJBA rejects the of redefinition of LPFM minor changes for relocation of broadcast antenna to "overlapping 60 dB μ contours of LPFM station's existing and proposed facilities" due to their perception that it may induce greater interference to their full power stations.⁶ This opinion is not grounded in any engineering rationale. Whether an LPFM moves 1 km, or even 20 km, has no bearing on creating interference to full power stations. LPFM minimum spacing rules, which have a gratuitous 20-kilometer buffer with to full-power stations, performs that duty.

NJBA goes on to describe that LPFM booster should be limited to concerns of interference to full power stations, but does not expand upon what exactly that means. The FCC should not accept blanket arguments against a proposal if the commenter cannot delineate their interference grievances in technical terms.

⁵ NAB Comment, Page 5.

⁶ NJBA Comments, Page 6.

Regarding Comments Concerning “LP-250”

Several commenters, including REC, Barnardo J Mora, Kevin Fodor, SSR Communications, Steven K. White, Jose Garcia, KUZU-LP, Valley Free Radio LLC, Sharon M. Scott/WXOX, Daniel Slentz, Len Doughty/KPGC-LP engaged the Commission to appeal their tentative verdict to not consider a higher effective radiated power of 250 watts for LPFM service within this rulemaking. Our view resonates with these commenters. Engaging with LPFM licensees on a daily basis across the United States, we are privy to their technical/coverage challenges.

Within the Docket, *footnote 15* outlined the Commission’s justification associated with not taking up the LP-250 issue at the current time.⁷ Reviewing this reasoning, we are not sure if the rationale presented actually represents a cogent argument. Reading from *footnote 15* from the rulemaking:

Point 1: Fallacy concerning simplicity of rules over efficacy of LPFM coverage.

*Such changes would alter the simplicity of LPFM licensing, and REC provides insufficient support for adding such complexities to the LPFM licensing process.*⁸

This assumption is based upon a facile interpretation of minimum spacing methodology. The Commission originally chose a distance-spacing regime over contour-based engineering regime to allow LPFM applicants to execute their own applications without an engineer. First, it is widely viewed by LPFM engineering consultants that many LPFM applicants do not execute their own engineering anymore due to the complexity of second-adjacent waivers (U/D and custom antennas), translator input channel checks, environmental radiation calculation (co-location), reading service check, co-location requirements, TOWAIR, etc. Second, ask any broadcast engineering consultant, and they would gladly muse that it is much easier to find a workable broadcast location for **a translator** than an LPFM. The inflexibility of LPFM spacing methodology, and unsuitability of co-locating at market-center or regional consolidated broadcast sites (short spacing to site, too far away, HAAT too large, etc) often leads engineers to request that the LPFM licensee’s volunteers knock on doors at private residences to find possible backyard tower sites. From there it is an uphill battle dealing with municipalities, HOAs, and neighbors to allow towers in residential areas. The process is roughly fifty times more nerve wracking than providing engineering services for a translator client, where contour methodology provides flexibility and wattages that allow simple and effective engineering strategies from available, rimshot, and shoe-horned/directional-antenna sites.

The Commission’s *LPFM simplicity statement* in modern context effectively insinuates “An LPFM operator would rather live with unsustainable coverage 365 days a year than pay an engineer \$500 to submit an LPFM application that is more complex than just obeying minimum

⁷ See NPRM, bottom of Page 3.

⁸ Footnote 15, NPRM, Page 3.

spacing.” No LPFM operator would opt for this *application simplicity regime* over a radio channel that *actually works*. LPFM licensees would gladly accept the complexity of contour engineering if more efficient and effective signal solution could be found. The trade-off concerning *the simplicity of the distance-spacing regime* frequently pushes LPFM applicants into inflexible, burdonous, expensive, and ad hoc or temporary solutions that often provide results much poorer than the options translators have at their disposal.

Point 2: Previous proceedings did not rule-out LP-250

*...the Commission has previously declined to authorize LPFM stations with powers exceeding 100 watts, and REC does not present evidence that those decisions were incorrect, nor does it cite to changes since those decisions warranting a different result.*⁹

The Commission cites two references to support this statement. The first reference, the *LPFM Sixth Report and Order*, specifically contemplates LP-250, **but the Order did not reject LP-250**. The FCC recognized that LPFM commenters “cite benefits including improved LPFM station viability through better access to underwriting, more consistent signal coverage throughout the community served by the LPFM station, and the ability to serve areas of low population density and/or more distant communities.”¹⁰ However, full power broadcasters objected to the addition of LP-250. Because of this contention, the FCC wrote in conclusion that it believed “**the issue of increasing the maximum facilities for LPFM stations requires further study.**”¹¹ To us, this is interpreted that the Commission shall release an official further rulemaking notice requesting input on the matter at a later date, as confirmed by the Audio Division staff at that time in ex parte communication. This never materialized. In the second reference, the Commission makes reference to denial of a 1000 watt LPFM service. This reference is misrepresentative of the issue at hand. A 1000 watts proposal is much different than a 250 watt service. The 250 watt service proposed for LPFM is less in total coverage than translator 250 watts service. It is thus well within the confines of coverage of a currently-licensed secondary service signal.

Point 3: LP-250 is not in conflict with the Local Community Radio Act.

We also are not convinced that REC’s proposed use of a contour analysis method, which the Petition refers to as the “Section 73.815 Regime”, is compatible with an LCRA prohibition on reducing minimum distance separations between LPFM and full-service stations. Petition at 1, 14-19; See LCRA, section 3(b)(1). REC attempts to comply with that requirement by using a spacing table

⁹ NPRM, Footnote 15.

¹⁰ Para. 205, Creation of a Low Power Radio Service and Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, *Fifth Order on Reconsideration and Sixth Report and Order*, 27 FCC Rcd 15402 (2012) (“Sixth Report and Order”).

¹¹ Para. 206, *Ibid*.

*in effect when the LCRA was adopted, but the smaller separations in that table were intended for 10-watt (LP10) stations whereas REC seeks to apply it to 100-watt (LP100) stations. We do not accept REC's premise that such a result is permissible.*¹²

While the Commission may not accept REC's specific proposal regarding prescribed tables, the Commission **has previously assessed the opposite sentiment concerning LP-250** in relation to the minimum spacing restrictions stipulated within the Local Community Radio Act ("LCRA") within the LPFM rulemaking, specifically when citing LP-250:

*We note, however, that the LCRA does not contain any language limiting the power levels at which LPFM stations may be licensed. We also find unpersuasive NAB's and NPR's reliance on certain statements in the legislative history. These statements merely describe the rules governing LPFM service at the time Congress was considering the LCRA.*¹³

Furthermore, the FCC only makes reference that it disagrees with REC's RM-11810 proposal to use LP-10 spacing ("REC attempts to comply with that requirement by using a spacing table in effect when the LCRA was adopted, but the smaller separations in that table were intended for 10-watt"), and does not comment on REC's RM-11749 LP-250 proposal which does not advocate the same regime as RM-11810. The Commission may disagree a specific REC proposal, but **the FCC is not precluded from pursuing LP250 as a result of language within LCRA**. Moreover, the Commission does not address RM-11749, and does not appear interested in soliciting other proposals.

Point 4: The reference to LCRA Section 5(3), as cited, is not really pertinent in precluding any LP-250 proposal.

Finally, we do not revisit the Commission's prior conclusions about LCRA language describing LPFM stations and FM translator stations as "equal in status." See LCRA § 5. See Petition at 1-2, 12, 15, 20, 26; see, e.g., Prometheus Comments at 2; LVPR Comments at 1; LPFM-AG Comments at 3-4. The Commission has understood this language as limited in scope, simply requiring priority neither to new LPFM stations nor to new FM translators when making spectrum available for initial licensing. See Sixth R&O, 27 FCC Rcd at 15422, para. 59. In this way, applications in one service will not foreclose or unduly preclude opportunities to file applications in the other. Id. As the Commission has stated, however, nothing in the LCRA's "equal in status" language requires licensed LPFM and FM translator stations to operate under identical rules. Id. at 15426, n.139. REC and commenters in the present

¹² NPRM, Footnote 15.

¹³ Para 206, *Sixth Report and Order*.

proceeding contend that the statutory language is subject to interpretation and would support broader actions to bring about further “equality” between LPFM and FM translators but provide no evidence that the Commission’s stated understanding of the “equal in status” language differs from Congressional intent or is unreasonable. E.g., Petition at 10-14; LPFM-AG Comments at 3.

In the above the Commission is referencing LCRA Section 5(3) (“equal in status”). Even if 5(3) did not directly support LP-250, **that does not logically preclude the possibility of a LP-250 service.** But beyond that, LP-250 may not be a Section 5(3) issue, but is relevant to Section 5(1) and 5(2) issues. Within a recent *Petition for Reconsideration* submitted concerning a new translator construction permit grant for K298DG Modesto, California, a petitioner supplies incontrovertible filing statistics to demonstrate a failure of Section 5 structural limitations within previous AMR translator filing windows.¹⁴ Contravention of Section 5(2) presents a foreclosure on future LPFM filing, which is difficult to undo because future LPFM channel availability is depleted. The Commission has stated “the LCRA necessarily requires the Commission to make choices between licensing new LPFM and translator stations in some cases, given that the two services compete for the same limited spectrum. Making such choices based on the overall spectrum available to each service does not ‘favor’ one service over the other.”¹⁵ An easily-accessible rulemaking to defray some of the Section 5(2) violation may be to opt for LP-250 service solution.

It could be seen that the Commission’s reasoning within the points presented above do not supply an adequate rationale for denying LP-250 within this docket. There is substantial reasoning in support of the Commission extending the solicitation of comments from the public concerning such a service:

- (A) The LPFM Report and Order stated that LP-250 “required further study.”¹⁶ That infers that the Commission’s intention was to open a proceeding to solicit various LP-250 proposals for all stakeholders to contemplate.
- (B) RM-11749 garnered substantial input -- over 500 commenters. This demonstrates considerable public interest in this matter.

¹⁴ Pages 18-19 of *Petition for Reconsideration* regarding K298DG (filed in CDBS) demonstrated that the FCC did not ensure any non-reserved band within a sampling of eight radio markets, showing translators outnumbered LPFM ten to one in central cities. LCRA Section 5(2) directs the Commission to reserve LPFM channels per the needs of these community (as LPFM was determined to be the need within central city, urbanized areas). “[T]he Commission’s primary focus in effectuating Section 5(1) must be to ensure translator licensing procedures do not foreclose or unduly limit future LPFM licensing” and “to account for the present disparities between the two services.” (Para 17, *Creation of a Low Power Radio Service, Fourth Report and Order and Third Order on Reconsideration*, 27 FCC Rcd 3364 (“LPFM Third Order”). The LCRA, as written, directs “[e]nsuring availability of spectrum.”

¹⁵ *Ibid*, *LPFM Third Order*.

¹⁶ Para 206, *Sixth Report and Order*.

(C) LPFM has local public service stipulations far above full power FM, AM, and translators. Preservation of LPFM coverage is a keystone within broadcast localism, and the last vestige of Communications Act-stipulated Section 307(b) transmission service. LPFM serves the public interest in aspects that other services do not. LPFM services...

- (1) were created foster a program service responsive to the needs and interests of small community groups, particularly specialized needs.
- (2) require the licensees to be local.
- (3) have community presence.
- (4) require a locality pledge.
- (5) have strict ownership restrictions.
- (6) have sharetime rules.
- (7) expand ownership diversity.
- (8) if granted via LPFM points, is the only service requiring a local studio -- the only service required to uphold Section 307(b) transmission service.
- (9) have limited coverage.
- (10) have limited resource constraints (fundraising from enough population to make station viable, volunteering, business underwriting)
- (11) have non-commercial educational missions.
- (12) are "uniquely positioned" (as in, translators do not have these qualities for this specific area of use), to "meet local needs" in areas of "higher population density", i.e., city centers.¹⁷

(D) LPFM operators have expressed service deficiencies that impede sustainability and curtail listener reception within their 60 dBu contours. For other audio broadcast services -- FM, AM, and translator -- the Commission has offered coverage relief: The FCC has offered a rulemaking for Class C4 service to improve upon Class A commercial radio service, has recognized the technical operating difficulties concerning *AM radio service*, offering a Revitalization Docket dedicated to assistance including *four translator filing windows* for AM licensees (including a 250-miles cross-service translator relocation, and new translators),¹⁸ has approved usage of *Mattoon Waivers* for moving AM cross-service translators,¹⁹ expedited Docket 18-119 that liberated carte blanche

¹⁷ LPFM service was created "to foster a program service responsive to the needs and interests of small community groups, particularly specialized community needs that have not been well served by commercial broadcast stations." Numerous LPFM service and comparative licensing criteria are designed to promote these goals. These criteria include a requirement that licensees be local, a licensing preference for those applicants with an established community presence, and a licensing preference for those applicants that pledge to locally originate at least eight hours of programming per day. In addition, ownership restrictions and time-share rules necessarily result in expanded ownership diversity. Based on these factors, we find that LPFM stations are uniquely positioned to meet local needs, particularly in areas of higher population density where LPFM service is practical and sustainable". Para. 18, *LPFM Third Order*.

¹⁸ Revitalization of the AM Radio Service, MB Docket 13-249.

¹⁹ See See John F. Garziglia, *Letter Decision*, 26 FCC Rcd 12686 (MB 2011)

same-band translator channel changes and greater protection from interference challenges to AM cross-service translators,²⁰ and recently released MB Docket No 19-311 concerning AM digital broadcasting. **There is no reason why the Commission should not extend at least half that effort for assisting LPFM service**, considering LPFM...

- (1) with preference of urban coverage, has had difficulties in penetrating walls (several comments on this docket)
- (2) has difficulties overcoming HD interference within their 60 dBu (e.g., KGIG-LP re: KNCI, KZHP-LP re: KFBK)
- (3) has difficulty overcoming full power rimshot or grandfathered high-power interference an (KFFP-LP, KMCQ-LP, see *Reply to Petition for Reconsideration* regarding K298DG Modesto, California)
- (4) has difficulty against fil-in translators extending a 60 dBu Longley-Rice signal into their 60 dBu (e.g., KBQS-LP, KUTZ-LP prior to changing channels, KIEV-LP).
- (5) geographic anomalies or water bodies elevating the HAAT to restrict wattage that is not robust enough (e.g., KHUH-LP, KCPK-LP)
- (6) has limited availability of broadcast sites at lower elevations that require co-location at higher elevation broadcast sites with single-digit wattage (which cannot fend-off any incoming interference (e.g. KISN-LP 2 watts, KOWS-LP 3 watts)
- (7) can be susceptible to tropospheric ducting (e.g. KZNQ-LP)
- (8) can sometimes not have channels directly available within the target coverage community due to minimum spacing issues, and is forced to broadcast from the side of the community with poor coverage back into the community (e.g.KOCF-LP, KGIG-LP, KOLP-LP [R.I.P])
- (9) has difficulty covering spread-out rural communities, where the LPFM station can be the only locally-manned broadcast outlet to provide public information regarding local emergencies.

Given the above, we are compelled to ask the Commission:

(A) There does not seem conclusive reasoning to not consider a LP-250 service. What is impeding the previously-dictated “further study” regarding the issue?

(B) The Commission has vastly assisted in relief concerning AM broadcasters failing coverage. Shouldn’t commensurate effort be extended to ameliorating LPFM coverage issues?

²⁰ *In Matter of Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference.* MB Docket No. 18-119.

(C) There is certainly a demand for relief concerning LPFM interference/under-power concerns within the station's 60 dBu contour of many LPFM stations.

Commenters, for example state: "Folks who live and work within heavy brick or concrete buildings have reported difficulty receiving our broadcast as have folks who live in areas shadowed by higher terrain" (Comment of Sharon M. Scott), "...terrain issues to our south and west where the signal in some places is almost lost completely one mile from the antenna. It would also help with building penetration which in some places in our immediate broadcast area is spotty at best." (Comment of Kevin Fodor), "100 watts is poor building penetration" (Comment of Valley Free Radio LLC). "LP-250 would be able to penetrate building structures" (Comment of Steven L. White) "[T]here is no reason this [LP-250] cannot be considered at this time." (Comment of Jeff Silbert). Jose Garcia encourages use of LP-250 so it ""can be heard inside my house". Peter Salisbury of KUZU-LP comments that "two co-channels provide interference within the KUZU-LP 60 dBu contour for which a power increase would help [KUZU-LP]". Betty Cortis of WXOJ-LP comments, "As both height and wattage affect signal contour, but wattage alone affects signal permanence through objects and buildings." Bernardo J Mora of KGCE-LP comment that KGCE-LP "struggle[s] to even reach our 60dBu contours because of co-channel interference from distant stations." Len Doughty of KPGC-LP concludes LP-250 would provide greater rural penetration. Comment of Daniel Slentz states it would "improve signal penetration into local buildings."

(D) There is no "increased interference to full power station protected contour area" argument to limit LP-250. LP-250 would simply be limited by the same contour rules already abided-to and sanctioned by full power stations and NAB. We are not clear on the Commission's argument regarding this.

Contour Protection of Translators by LPFM

We support contour protection of FM Translators by LPFM stations, echoed by Steven White, REC Networks, Jeff Sibert and others. Directional antennas would be especially valuable for LPFM stations in this case. Mutual contour protection helps harmonize LPFM and FM Translator rules. We support Sibert's suggestion that if LPFM stations are disallowed contour protection of FM translators, that translators be disallowed allocations which cause LPFM short spacings.

On "Type-Certified" vs "Type-Accepted" transmitters

There is an apparent need to clarify the point about "Type Certified" vs "Type Accepted" transmitters, and why many experienced engineers hold that "accepted" sufficiently achieves compliance.

The difference .. "Type certified" means that the manufacturer sent a production unit out to a lab for testing and certification. "Type accepted" (erroneously called "verified" in our previous filing)

means that the manufacturer does the testing themselves. It does not indicate a weaker standard.

Sending a unit out is expensive, not just in dollars paid to the lab but also in time lost dealing with the bureaucracy. Apparently it is so expensive that some well known and respected manufacturers chose not to bother, or to do it with only one model when they have more than one. I am aware of at least one well respected manufacturer that chose to certify only their cheaper model, because of the expense and hassle.

With all this, it still lets out products that don't work very well. I recall one "certified" transmitter that had spurs and would sweep the band at full power when it was turned on. Yet it was "certified". It had the sticker. It had other problems too. One rather strange one is that the fan was so loud I could hear it in my car driving by on a busy road 200 feet away. It failed after about a month, so the station sent it back for a refund. This is the kind of problem certification is supposed to solve, but didn't.

To let LPFMs use "accepted" transmitters would make the requirements the same for LPFM as for other broadcast services, which is a good thing. If certification is so important, why don't they all require certification? The claim is that with the higher technical competence of the full powers and translators, they can deal with it. It doesn't work that way. If there really is a difference in quality, the highly qualified installers would not waste their time on a product they believe to be inferior.

What it comes down to is first, the certification process really doesn't work, and second, it isn't necessary. It doesn't work as shown by poor quality products that somehow manage to pass certification. It isn't necessary because there are other ways to accomplish the goal. What are those other ways? There are certifications that manufacturers use all the time, that are good business. What about keeping the cheap junk out? Type acceptance, essentially testing the same thing, combined with ISO certification of the manufacturer would accomplish the same thing as certification. The cheap junk that doesn't meet spec would still be prohibited. The cheap junk is not "type accepted" either.

So those of us advocating for the so-called "lesser" standard are not at all advocating the acceptance of inferior equipment. We are pointing out that the "certification" as it is done now really isn't working as it should, and that a general requirement on the manufacturer to meet certain standards would do a better job overall.

We are not suggesting that cheap transmitters that do not meet reasonable standards be allowed. We believe that quality standards for LPFM transmitters should be the same as quality standards for full-power transmitters.

Conclusion

Our reply comments raise an issue about type certification, support contour protection of translators by LPFM stations and LPFM directional antennas. We've disputed arguments by NAB, EMF and others which challenge these positions, including "foothills effect" arguments; and we strengthen the case against arbitrary exclusion of LP250 from this proceeding. We respect the considered action of Commission staff in this proceeding.

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