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March 1, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW Room 222
Washington, DC 20554

Re: Reply Comments on
MM Docket No. 93-177, RM-7594

Dear Mr. Caton:

Enclosed herewith are five (original and four) copies of reply comments by this firm in Notice of Inquiry entitled, "An Inquiry into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification".

If there are any questions, please do not hesitate to contact this office.

Sincerely,

Donald G. Everist

DGE:cc
Encl.

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COHEN, DIPPELL AND EVERIST, P. C.

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
An Inquiry into the Commission's	)	
Policies and Rules Regarding AM	)	MM Docket 93-177
Radio Service Directional Antenna	)	RM-7594
Performance Verification	)	

Notice of Inquiry

INTRODUCTION

These reply comments have been prepared by the consulting engineering firm of Cohen, Dippell and Everist, P.C. ("CDE") concerning the Federal Communications Commission ("Commission") Notice of Inquiry, MM Docket No. 93-177, RM-7594 ("Notice"). Cohen, Dippell and Everist, P.C. and its predecessors have practiced before the FCC for over fifty years in broadcast and telecommunications matters.

CDE primarily addresses the issues supplied in the written comments[1/]. The focus of the comments with a few exceptions appear to dwell upon AM directional antenna adjustment and performance. Since the written comments go to central issues regarding AM broadcast, CDE offers the following with reference to planning and operational factors and how these are embodied in the current rules. Further, discusses why CDE briefly discusses why it believes

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[1/]We note that a meeting was held at the National Association of Broadcasters on January 13, 1994 regarding this Notice. The purpose of this meeting was to discuss alternate methodology regarding AM antenna verification. Subsequently, last week we received joint reply comments which may be an outgrowth on the NAB meeting, however, CDE has not had an opportunity to review this additional material. We will review this material and comment later if appropriate.

it is imperative that the Commission retain the important allocation protection features of the current rules.

PLANNING FACTORS

Since the inauguration over fifty years ago of the present rules, the protected contour concept has always been used. While protection ratios, propagation curves and other elements of the methodology have been altered to reflect refinements, allocation has for Class A and B facilities been based upon contour protection[2/]. This philosophy has been a basic tenet which allowed the universal growth of AM broadcasting in the United States. This concept has been the hallmark of all bilateral and regional agreements including NARBA and all subsequent Region 2 agreements.

OPERATIONAL FACTORS

The Commission has established a two-step process which has served the broadcast industry well. The first is the application phase in which the proposal is required to demonstrate compliance with the Commission's rules. Upon grant, if necessary, conditions are imposed to demonstrate compliance that the facility is constructed as proposed. This two-step process[3/] has been effective when the Commission requires rigorous attention by the applicant/permittee.

[2/]For Class C stations the allocation situation for each station has been based upon the same allocation standards; however, policy has permitted operations to be authorized that were not based solely on protected contour concept.

[3/]In FM for example, the Commission adopted the tenderability requirement in 1985 at the application stage to ensure compliance with its rules and procedures. Similarly, the Commission found it necessary in November, 1991 to reexamine its application for license requirements due to the high rate (approximately 60%) of incomplete data with license submissions.

In AM broadcasting, this balance embraces a variety of operational modes. For non-directional operations, compliance with the rules at the application and license stages is straight-forward. For directional arrays, either daytime or nighttime, the requirements at each stage are substantially more detailed and stringent. Daytime hours stations are required to provide protection to pertinent groundwave contours both to and from other stations. For critical hours daytime skywave protection is required and for nighttime, skywave protection is the dominant requirement.

Some have suggested that the AM antenna measurement procedures should be similar to those accorded for FM and TV antennas. However, while the transmission mechanism between FM and TV are based upon line-of-sight transmission considerations, the AM transmission mode is entirely different. Fully spaced FM and television broadcast operations whose antennas are side-mounted are not normally considered by the Commission as having an allocation impact. The AM allocation approach does not incorporate such a philosophy. Furthermore, AM operations are subject to reradiation from adjacent structures in nearby areas for which in FM and TV the Commission has not generally concerned itself. For AM, this is a well known phenomenon and this office has encountered over the years many such structures in which reradiation problems resulted.

Another important facet is that unlike other services such as FM and TV, tower(s) located near the AM non-directional and directional operations can have an adverse impact on the radiation patterns and thereby defeats the intent of the protected contour concept. CDE has found numerous instances where communications towers have been built in the vicinity of the

AM sites and have required detuning mechanisms due to reradiation of the desired signal. CDE has found these non-broadcast towers have been built for state government agencies, power companies, private businesses, in other words all walks of life. To dispense with field measurements would strip the FCC of the very tool it has to verify performance of AM radiators and AM reradiators. Furthermore for the Commission to waive its responsibility to the AM broadcast service by no longer requiring enforcement of policy statements[4/] would be catastrophic in view of the contemplated requirements of additional non-broadcast structures such as, for example, personal communications networks.[5/]

An additional concern is that for the broadcast industry to further consider modifying its determination of directional antenna performance, specific detailed procedures are required as to how these procedures can yield the same results when used by different individuals or institutions. To date, these specific proposals have not to our knowledge been addressed or placed into the record. The meeting at the NAB in January, 1994[6/], while constructive did not yield any fundamental or universal change regarding specific changes to the rules and its methodology.

[4/]FCC current policy requires that new structures with 0.5 mile non-directional and 2 miles directional have no impact on these AM stations. The FCC Public Notice dated August 11, 1987 serves notice on common carrier licensees and permittees of their responsibility.

[5/]It has been estimated that in one major market that 11,000 new sites will be required to implement PCN.

[6/]CDE had four members of its staff at this meeting--Warren Powis, Robert Guill, John Uram and Wilson La Follette.

SUMMARY

CDE believes it essential that any modification of the current Commission rules and policies with regard to AM station radiation performance be thoroughly studied and in detail. We do not support wholesale removal of directional antenna proof and monitor point requirements. We are not wedded to the past but ready to participate in the continued exploration of meaningful future change which will insure the integrity of the protected contour concept.

Respectfully Submitted,

Cohen, Dippell and Everist, P.C.

Donald G. Everist,
President

DATE: March 1, 1994