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January 19, 1995

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JAN 19 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, DC 20554

Re: MM Docket No. 94-130

Dear Mr. Caton:

Transmitted herewith on behalf of Birch Bay Broadcasting Co., Inc., licensee of AM radio station KARI, Blaine, Washington, is an original and four (4) copies of its Comments in response to the Notice of Proposed Rule Making in the above-referenced proceeding.

Should you or the staff have any questions, kindly contact the undersigned.

Sincerely,



Neal J. Friedman  
Counsel for  
Birch Bay Broadcasting Co., Inc.

Enclosures

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interference levels in the various broadcast services. Birch does not believe this concern is warranted. Birch and the vast majority of Commission licensees are responsible broadcasters well aware of the Commission's rules and committed to responsible operation. Moreover, any interference, whether negligent or willful, is ultimately self-correcting. A station that is subject to interference will, no doubt, learn of the interference in short order and will quickly discover the source. Birch believes that in these isolated instances the parties will resolve the interference without intervention from the Commission. Thus, the possibility of long-term, destructive interference as a result of unattended operation is negligible.

4. The use of Automatic Transmission Systems ("ATS") or ATS-like equipment will further mitigate the possibility of interference. ATS equipment costs \$10,000 to 15,000, a substantial investment for most licensees. Birch proposes that the Commission afford licensees seeking authority for unattended operation an extended period of time in which to purchase and install ATS equipment. Such licensees would be required to demonstrate to the Commission that they already utilize modern, highly stable, transmitters. Submission of transmitter logs would demonstrate that the station is operated consistent with good engineering practices and that station personnel monitor transmitter operations carefully. For example, at KARI, station personnel take daily transmitter and antenna readings. More detailed readings are also

taken weekly and monthly. These logs are retained for a period of three years.

5. The Commission also seeks comment as to how unattended stations would monitor antenna lighting. Many stations already utilize automatic alarm systems that provide immediate notification of a tower light malfunction. This provides an even greater assurance of safety than the Commission's requirement of daily tower light inspections.

6. Elimination of the duty operator requirement would have important public interest benefits for Birch and other broadcasters. As noted above, KARI broadcasts a religious format. Between the hours of 7 P.M. and 6 A.M. only the duty operator is at the station. If unattended operation is permitted, Birch would eliminate the position of overnight duty operator, but not the affected employees. They would be utilized in a more productive capacity that would allow the station to better serve its community.

7. The Commission's proposal to permit unattended operation is a recognition of significant technical changes in the broadcast industry that have obviated the need for an individual to constantly monitor a station's transmitter. Adoption of the proposal would, as Birch has demonstrated, provide important public interest benefits at very low risk of harmful interference.

For the forgoing reasons, Birch Bay Broadcasting Co., Inc. respectfully requests that the Commission adopt the proposal for unattended operation of broadcast stations as set forth in the above-captioned Notice of Proposed Rule Making.

Respectfully Submitted,

**BIRCH BAY BROADCASTING CO., INC.**

By



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Neal J. Friedman

Its Attorney

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