

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re)
)
Grandfathered Short-Spaced)
FM Stations)

MM Docket No. 96-120
RM-7651

TO: The Commission

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**COMMENTS OF
Z SPANISH RADIO NETWORK, INC.**

Z Spanish Radio Network, Inc. (Z Spanish), by its attorney, and pursuant to the *Notice of Proposed Rulemaking* in the above-captioned proceeding, FCC 96-236, released June 14, 1996, hereby respectfully submits its Comments in support of the changes to the Commission's Rules proposed therein. In support whereof, the following is shown:

1. Z Spanish is a Hispanic-controlled company which, through wholly-owned subsidiaries, is licensee of the following Class A FM Broadcast Stations¹:

- KZSA (FM), Channel 221A, Placerville, California
- KZWC (FM), Channel 221A, Walnut Creek, California
- KZSF (FM), Channel 224A, Alameda, California

¹In addition, Z Spanish's KZBA Broadcasting, Inc. has been granted consent to acquire KZBA (FM), Channel 249A, Shafter, California, and Z Spanish's WZCO Broadcasting, Inc. has an application pending for consent to acquire WZCO (FM), Channel 280A, Crown Point, Indiana.

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- KZNO(FM), Channel 252A, Nogales, Arizona
- WZCH(FM), Channel 280A, Dundee, Illinois

2. Additionally, Z Spanish, through subsidiaries, is licensee of the following higher power FM Broadcast Stations²:

- KZFO(FM), Channel 221B1, Madera, California
- KZLZ(FM), Channel 287C2, Kearny, Arizona

3. Z Spanish is vitally interested in this proceeding, which proposes rule changes which may affect several of its FM facilities.

4. There is appended hereto and incorporated herein by reference an "Engineering Statement" of Z Spanish's consulting broadcast engineer, Leroy C. Granlund, whose qualifications are well known to the Commission. Mr. Granlund's statement presents Z Spanish's position in support of this rulemaking.

²In addition, Z Spanish's KZBA Broadcasting, Inc. has been granted consent to acquire KSUV-FM, Channel 275B1, McFarland, California; and Z Spanish's KZCO Broadcasting, Inc. and WZCO Broadcasting, Inc. have applications pending for consent to acquire the stock of the respective licensees of KEWE(FM), Channel 249B1, Oroville, California and WBUS(FM), Channel 260B, Kankakee, Illinois. With respect to KZFO, the Mass Media Bureau's Policy and Rules Division has amended the FM Table of Allocations to specify Clovis, California in lieu of Madera, California as city of license for KZFO(FM).

5. Z Spanish also wishes to see the Commission address a matter related to this proceeding which affects one of its stations, KZWC(FM), Walnut Creek, California. KZWC(FM) has had on file with the Commission for over five years (File No. BPH-910627II) an application to improve its technical facilities. That application proposes a reduction in the overall interference directed by KZWC at first-adjacent channel station KSJO(FM), Channel 222B, San Jose, California. Despite the facts (a) that interference is reduced in most directions affecting KSJO(FM) and (b) that there is a net reduction in the interference transmitted by KZWC(FM) toward KSJO(FM), there is a small increase in the interference toward KSJO(FM) along a southwesterly radial. Z Spanish urges the Commission, as a part of this docket, to amend its rules or to adopt a policy that, in such a case, where there is a net reduction in interference, that the proposal does not violate Commission rules and is therefore grantable, even though there may be some increase in interference along a particular radial or radials.

WHEREFORE, Z Spanish Radio Network, Inc. urges the Commission to act in this proceeding in a manner consistent with the views expressed herein.

Respectfully submitted,

Z SPANISH RADIO NETWORK, INC.

By

A handwritten signature in black ink, appearing to read "D. Kelly", written over a horizontal line.

Dennis J. Kelly
(D. C. Bar #292631)
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July 22, 1996

ENGINEERING STATEMENT

by Leroy C. Granlund

COMMENT ON RULEMAKING PROPOSAL RM-7651

re: Grandfathered Short-spaced FM Broadcast Stations

INTRODUCTION

The undersigned has practiced before the Commission as a Broadcast Engineer since 1956, and his qualifications are known to the Commission. His primary area of expertise is Broadcast Propagation Analysis and Interference Management, and his experience includes planning, design, and construction of Broadcast and Communications facilities in the U.S and worldwide.

The undersigned has thoroughly reviewed the instant Rulemaking Proposal (RM-7651) and found it to be well conceived and beneficial to both the public interest and that portion of the Broadcast Community affected by the proposed rule changes. The Rulemaking Proposal actually consists of three sets of proposed changes, identified as Proposal 1, Proposal 2, and Proposal 3, respectively. The comments to follow will be presented in the same format.

COMMENT ON PROPOSAL 1

The concept of authorizing modified facilities on the direct basis of maintaining or reducing an established level of interference represents a big step in the right direction. It is consistent with the public interest, and a major benefit to the stations involved. The proposed method of determining co-channel and 1st adjacent channel interference, using the familiar F50/50 and F50/10 curves, is reasonably accurate in some cases, but seriously misleading in many others. As stated in Paragraph 13 of the Proposed Rulemaking, "The ready availability of computer supported analysis now allows both the Commission and the broadcast industry to adopt a more accurate and flexible approach." The F50/50 and F50/10 curves may have served us well in the early days, when the FM band was less crowded, particularly in flat, even terrain.

Some of the newer methods, such as the Longley-Rice formula used in "Technote 101", may be controversial because of complexity and differences of opinion regarding proper usage. In my opinion, the Bullington algorithm used in most communication "shadow study" software provides reasonable accuracy, consistent results, and simple, understandable operation. As a minimum, some non-controversial alternative to F50/50 and F50/10 analysis should be available when a specific proposal requires a more sophisticated and accurate evaluation.

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Regarding the question of separately maintaining the area of interference caused and interference received, the answer is self-evident. If a station incurs "received interference" through a change of facilities, the area and/or population lost should be less than the new area and/or population served by the new facility. (This might not apply if the station was forced to move because its site is no longer available.) New interference caused to any other station, on the other hand, should not exceed the area or population freed of interference by the proposed changes. Some minor exceptions may be allowable if there is a substantial overall improvement in interference or population served by the proposed changes.

COMMENT ON PROPOSAL 2

Elimination of 2nd and 3rd adjacent channel interference protection for Grandfathered Short Spaced stations will not result in increased interference with the exception of a handful of unusual circumstances. In the majority of cases, minimum interference regarding 2nd and 3rd adjacent channels will occur when the subject stations are collocated on the same tower. Current spacing requirements for 2nd and 3rd adjacent channel stations were formulated to accommodate receivers designed in the 1930s and 1940s, and current rules have actually resulted in dramatically increased interference in some urban areas. Paragraph 21 of the Notice cites waivers routinely granted to noncommercial stations regarding 2nd and 3rd adjacent channel interference, and we note that FM translators also manage quite well without the benefit of 2nd and 3rd adjacent channel protection, even at very low power. The proposed changes will benefit the grandfathered stations and the broadcast industry.

A problem closely related to the 1964 Grandfathered Short Spacing involves stations that have taken advantage of the restricted service area of a grandfathered station by "moving in" to serve the area that would be served by the grandfathered station if permitted full facilities. In order to allow a grandfathered station to move or increase power, it may be necessary to disregard 2nd and 3rd adjacent spacing not only for the original short spaced station(s), but also for any stations that subsequently moved too close. This subject should be considered as a part of Proposal 2.

Paragraph 21 of the Notice quotes Mullaney Engineering (in supportive comment on a previous Joint Petition for Rulemaking) suggesting that all Class A FM Broadcast stations should be allowed to increase facilities to an equivalent of 6 KW at 100 meters (HAAT) without consideration for existing grandfathered short spacing. Consistent with Proposal 2, this should be allowed where grandfathered short spacing involves 2nd and 3rd adjacent channels only. In the case of cochannel or 1st adjacent grandfathered short spacing, the conditions of Proposal 1 should prevail in order to allow a Class A FM Station to increase power and/or antenna height.

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Comment on Proposal 3

The benefit of allowing short spacing and/or increased facilities for short spaced stations by agreement was never realized, because the nature of the agreement was too broad. If the stations had to use complimentary directional antenna patterns to minimize area and/or population affected by the interference created by the short spacing, the idea of agreements might have been more successful. A good example of this type of agreement, still in use today, was consummated by WBUS, Kankakee, IL, WHFB, Benton Harbor, MI and WJVL, Janesville, WI. Directional antenna patterns created through an agreement allow each station to run full power for its class, and to serve a larger audience than would be possible through any type of non-directional operation. Interference zones have been shifted to unpopulated areas, including Lake Michigan.

Included with the proposed elimination of required agreements, I believe the Commission should insist that stations now operating under an agreement continue to observe the agreement until all parties to the agreement have elected to abandon the agreement and have so informed the Commission. Mutual agreements that improve service and reduce interference should be permitted and encouraged by the Commission.

CONCLUSION

The undersigned has studied the content and effect of the 3 proposals contained in RM7651, and hereby concludes that they represent important improvements to the Commission's rules. These proposals, preferably enhanced with minor modifications noted above, should be implemented as soon as practical.

Respectfully submitted,



Leroy C. Granlund

July 22, 1996