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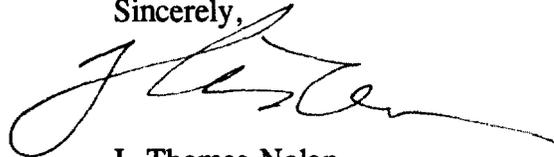
William F. Caton
Acting Secretary
Federal Communications Commission
Washington, DC 20554

OCT - 4 1996
Federal Communications Commission
Office of Secretary

Dear Mr. Caton:

Enclosed are an original and five copies of the Reply Comments of Greater Media Radio Company in MM Docket No. 96-120. If you have any questions, please contact the undersigned.

Sincerely,



J. Thomas Nolan

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OCT - 4 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Federal Communications Commission
Office of Secretary

In the Matter of:)
) MM Docket No. 96-120
Grandfathered Short-Spaced) RM-7651
FM Stations)

**REPLY COMMENTS OF
GREATER MEDIA RADIO COMPANY**

Greater Media Radio Company (GMRC), the licensee of WPLY(FM), Media, PA, a "grandfathered" short-spaced FM station operating on Channel 262B, submits these reply comments in response to the Commission's Notice of Proposed Rulemaking (NPRM) in the above-captioned proceeding. GMRC generally supports the Commission's proposal to eliminate unnecessary regulations and streamline the current method of modifying pre-1964 grandfathered short-spaced FM stations. Moreover, GMRC strongly urges the Commission to expand the applicability of the proposed rule to include *all* stations that are short spaced to grandfathered stations, including those stations that were authorized after 1964.

Background

WPLY presently is short spaced to five stations according to the distance separation tables in 47 C.F.R. § 73.207. Four of these short-spaced stations were authorized prior to November 16, 1964 and are also considered grandfathered.^{1/} The fifth station, WJRZ-FM, Manahawkin,

^{1/} The stations are WBIG-FM, Washington, DC; WFMZ, Allentown, PA; WHTZ, Newark, NJ; and WQIC, Lebanon, PA.

NJ, began operation in 1976 and became short spaced to WPLY when 47 C.F.R. § 73.207 was revised to account for increased Class A power limits.^{2/} These five short-spaced stations are situated in such a manner that any relocation of the WPLY transmitter would worsen the short spacing with respect to at least two of them. The existing rules governing site selection for short-spaced stations^{3/} offer very little flexibility for stations such as WPLY, and this situation has frustrated GMRC's attempts to improve the service of WPLY.^{4/}

Discussion

GMRC emphatically agrees that the existing regulations governing short spacing are overly restrictive, especially when viewed in a regional context. In general, the Northeast Corridor between Washington, DC and Boston is heavily developed, and locations for new FM antenna sites are extremely limited due to existing land use and zoning restrictions. The Northeast Corridor also contains the greatest concentration of grandfathered short-spaced stations in the United States. Stations within the District of Columbia and the states of Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts account for nearly forty percent of all grandfathered short-spaced stations according to a recent NAB study.^{5/} Of all states, Pennsylvania ranks highest in the nation with 32 grandfathered short-spaced stations,

^{2/} See Amendment of Part 73 of the Rules to Provide for an Additional FM Station Class (Class C3) and to Increase the Maximum Transmitting Power for Class A FM Stations, *Second Report and Order*, 4 FCC Rcd 6375 (1989), *recon.*, 6 FCC Rcd 3417 (1991).

^{3/} 47 C.F.R. §§ 73.213 and 73.215.

^{4/} WPLY's signal presently is subject to severe Receiver-Induced Third Order Intermodulation Effect (RITOIE) interference and considerable multipath problems within its 70 dBu "principal community" contour. Zoning restrictions have prevented WPLY from implementing any signal improvements at its present transmitter site.

^{5/} *NAB Radio TechCheck*, September 23, 1996.

or ten percent of the total. Within the Philadelphia market, where WPLY is based, every FM station is short spaced to at least three, and as many as seven, other stations. Most of these short spacings have existed since 1964, but there are many that resulted from more recent changes in FM channel allotment rules, in particular, Dockets 80-90^{6/} and 88-375.^{7/}

GMRC needs to relocate the WPLY transmitter to the Roxborough Antenna Farm in Philadelphia.^{8/} This would reduce WPLY's distance separations with respect to WHTZ, WFMZ and WJRZ. However, under the present rules, this relocation cannot be granted without a waiver of the Commission's Rules, despite the fact that no new short spacings would be created. The changes to 47 C.F.R. § 73.213(a) proposed in the NPRM would apply to WPLY's short spacings with respect to WHTZ and WFMZ, which like WPLY are also grandfathered stations. By employing a directional antenna to maintain or decrease existing levels of interference, WPLY could move closer to these two grandfathered stations once this rule is adopted. However, the

^{6/} See Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments, *Report and Order*, 94 F.C.C.2d 152 (1983).

^{7/} See *Second Report and Order*, *supra*, 4 FCC Rcd 6375.

^{8/} In the largest markets of the Northeast, FM transmitters usually are clustered together in "antenna farms." The Roxborough Antenna Farm is one of the largest antenna farms in the country with fifteen FM stations and eight TV stations. In New York, the preferred FM broadcast site is the Empire State Building, while in Boston, there are two major antenna farms: one atop the Prudential Building within the city's "Back Bay" district, and the other in suburban Needham, Massachusetts, adjacent to Route 128. Near Meriden, Connecticut, West Peak serves as a common antenna farm for six FM stations licensed to the cities of Hartford and Waterbury. The Commission has long recognized the public interest benefits of co-locating FM stations in a single area. In addition to the obvious aviation safety benefits, the Commission also has acknowledged the "increased quantity and quality of broadcast service" when antennas are located together. *WTCN Television, Inc.*, 14 F.C.C.2d 870, 890 (1968). The reason is that the practice of co-locating antenna sites within a market area puts all stations on an "even footing," which minimizes the severe interference problems resulting from wide disparity in signal strengths, such as RITIOE and blanketing interference.

rule proposed in the NPRM would not apply to post-1964 short-spaced stations, such as WJRZ. If this limitation were eliminated, it would also be possible for WPLY to move closer to WJRZ, permitting WPLY to increase its interference-free service population, without causing new interference to WJRZ. In addition, interference caused by WPLY to two grandfathered co-channel stations would be reduced substantially. This is consistent with the public interest objectives stated in the NPRM.

GMRC believe this minor change in applicability of the proposed rule would serve the public interest in other situations, too. A greater number of grandfathered short-spaced stations would be permitted to improve their facilities and relocate to antenna farms or other sites which are better sited for FM service.^{9/}

One example of how this minor change would eliminate administrative expense and delay recently arose in a similar situation involving grandfathered short-spaced stations. In 1989, Tribune New York Radio, Inc. filed an application^{10/} and waiver request of 47 C.F.R. § 73.207 or § 73.213 to relocate the main antenna of WQCD(FM), New York, NY from the World Trade Center to the Empire State Building. This modification was necessary to mitigate severe RITOE interference to WQCD in midtown Manhattan. At the time of filing, WQCD was short spaced to five FM stations, four of which were authorized prior to 1964 and grandfathered. The fifth station, WSUS(FM), Franklin, NJ, was not authorized until 1968, and it became short spaced to WQCD as a result of subsequent changes in the rules governing FM allotments. The relocation to the Empire State Building required a reduction in spacing with respect to WSUS and two

^{9/} See NPRM ¶ 23 where the Commission acknowledges the need for FM stations to have greater flexibility to modify their facilities.

^{10/} FCC File No. BPH-890511IG.

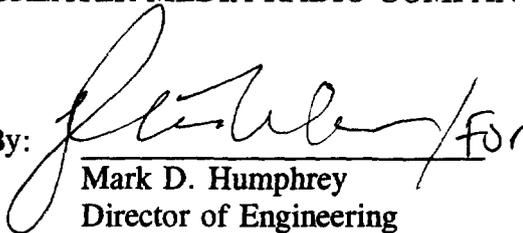
grandfathered stations, WBAB and WJIV. Tribune included an interference analysis demonstrating an increase in interference-free service of WQCD; this study also showed that interference to the other five stations, *including WSUS*, would be maintained or reduced. Although the Commission ultimately granted Tribune's application and waiver request in May 1990, the Commission needed to devote additional time and resources to process this application. If the provisions of § 73.213 had been expanded as GMRC suggests here, WQCD would have had the flexibility to make this change without the need for a waiver.

Conclusion

For the foregoing reasons, GMRC respectfully requests that the Commission expand the scope of its proposed rule to cover all stations that are short spaced to grandfathered stations, including those that were authorized after 1964.

Respectfully submitted,

GREATER MEDIA RADIO COMPANY

By:  For

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Dated: October 4, 1996