

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Parts 73 and 74 of the)	MB Docket No. 03-185
Commission’s Rules to Establish Rules for Digital)	
Low Power Television and Television Translator)	
Stations)	
)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through Incentive)	
Auctions)	
)	
Amendment of Part 15 of the Commission’s Rules)	ET Docket No. 14-175
to Eliminate the Analog Tuner Requirement)	

To: The Media Bureau
Federal Communications Commission

**COMMENTS OF EDUCATIONAL MEDIA FOUNDATION ON THIRD NOTICE OF
PROPOSED RULEMAKING**

Educational Media Foundation (“EMF”), hereby files comments in response to the Third Notice of Proposed Rulemaking (“NPRM”) in the above-referenced proceeding. EMF is one of the largest operators of noncommercial FM stations in the country. It is currently the licensee of over 300 full-power stations and several hundred FM translators serving much of the country. EMF comments in this proceeding only with respect to the question of whether or not, after all LPTV stations are required to convert to digital operations, to permit the continued operation of an analog audio service ancillary to the LPTV digital signal of LPTV licensees using Channel 6. EMF comments on this question both as the operator of FM educational stations in the reserved

band, and also as a programmer of the audio signal of KBKF-LP operating on Channel 6 in the San Jose, California market.

As set forth in more detail below, EMF supports the Commission's proposal to allow LPTV stations on TV Channel 6 to continue to provide analog FM radio services at 87.7 MHz, even after their LPTV stations have converted to digital. However, this support is with certain qualifications to protect noncommercial FM stations operating in the FM reserved band. De facto FM stations have been operating on channel 6 television stations for years to provide diverse, niche radio programming to underserved audiences throughout the country. If technology permits such operations to continue, and EMF has been advised that it does, EMF sees no reason that the FCC should forbid such operations as they contribute to the programming diversity that the FCC has long sought to foster through its broadcast rules.

EMF began to provide an audio service to the San Jose area at 87.7 MHz through KBKF-LP commencing in 2010. This station has been successful in reaching the listening audience in San Jose and beyond. It has allowed EMF to expand and enhance its service in the geographic area served by this LPTV station. As FM frequencies are inherently limited, the ability to provide an additional FM signal in a market, while the LPTV station provides a digital video service, would seem to be a win-win proposition. As long as such service does not create any interference to educational FM stations operating at the low end of the FM band, there is no reason to prohibit the use of LPTV stations to provide an auxiliary analog audio service to the areas which they serve.

While EMF fully supports the Commission continuing to allow these stations to provide FM service, it does ask that the Commission make clear that any such service is secondary to service provided by an FM educational station operating at the low end of the current FM band.

In the past, FM-ED stations in the reserved band had to protect full-power TV channel 6 operations. With the advent of digital for full-power TV, these restrictions have been unnecessary.¹ However, after the repacking of the television band following the incentive auction, EMF could see LPTV stations that in many markets may be forced to migrate their operations into the VHF band, and in some cases such stations may decide to operate on Channel 6. If they do move to Channel 6 and are allowed to provide an ancillary analog FM service, and that FM service causes any interference to a full-power FM-ED station, the LPTV's service should cease unless and until that interference can be resolved.² While some contour overlap scheme could be used to identify potential interference issues, an actual interference scheme, similar to that used for FM translators,³ should be used to prevent these ancillary services from causing any interference to established FM educational services which may be providing service even beyond their protected contours.

That being said, EMF does not believe that an analog audio service provided by a Channel 6 LPTV stations needs to be separately licensed, or otherwise approved in advance by the Commission. The service would seemingly work in much the same way as digital "HD" radio using the Ibisquity technology. For HD radio, an analog FM station can provide digital audio services, including additional programming channels, using the Ibisquity system without prior FCC approval. In the same way, the digital LPTV station operating on Channel 6 should

¹ While the protection rules remain on the books, it has been EMF's experience that FM NCE stations and digital Channel 6 TV stations do not pose any interference issues to each other since the digital conversion of TV stations, yet the requirement for coordination has not been eliminated by the FCC. EMF urges the FCC to look at whether that requirement is still necessary.

² EMF notes that, in other proceedings, it has supported proposals to use TV channels 5 and 6 for audio FM signals, to expand the NCE band, to allow for LPFM stations to operate without interference concerns, and to perhaps make room for the migration of AM stations to the FM band. See, e.g. EMF Comments in MB Docket Nos. 07-294; 06-121; 02-277; 04-228, and MM Docket Nos. 01-235; 01-317; 00-244; FCC 07-217. While EMF continues to support such proposals, its understanding of the current state of affairs makes such a reallocation of these channels to full audio use unlikely in the near term. Thus, recognizing the current realities, it supports the continued use of Channel 6 LPTV stations to provide FM service as a way in which to provide at least some additional FM capacity in many markets.

³ See, 47 CFR §74.1203.

be able to provide analog audio services, subject only to having to cease operations in the event of proven interference to an FM-ED station operating in the reserved band.

This analogy also answers the question posed by the Commission as to whether such a service should be permitted as an ancillary and supplementary broadcast service. Just as digital HD radio provides a complementary service to analog radio broadcasting, this analog service will provide a complement to the digital video service provided by the LPTV station operating on Channel 6. Merely because different or additional transmission equipment is necessary to provide that service is not different than the different or additional transmission equipment (including, in some cases, a separate antenna) used to transmit digital HD radio by radio stations that are otherwise operating an analog facility.

The NPRM also asks if audio signals provided by such stations should otherwise be regulated in the same way that other radio stations are regulated. EMF, in running the San Jose operation, observes all the rules that it would observe for any of its other licensed FM stations. While EMF does not see the need for any unique operational rules, it cannot imagine that any party programming such an audio channel would not observe all of the rules applicable to other broadcast stations.

For the reasons set forth above, EMF supports the proposals to allow LPTV stations operating on Channel 6 to transmit a separate analog audio service to provide an FM radio service to the residents of their service areas provided that such services do not interfere with established FM NCE operations, and urges the Commission to approve this proposal.

Respectfully submitted,

EDUCATIONAL MEDIA FOUNDATION

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