

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

In the Matter of )  
 )  
REC Networks Improvements to the ) RM No. 11749  
Low Power FM (LPFM) Radio Service )  
Petition for Rulemaking )

To: Office of the Secretary

**COMMENTS OF EDUCATIONAL MEDIA FOUNDATION**

Educational Media Foundation (“EMF”), by its attorneys, hereby submits these comments responsive to the above-referenced Petition for Rulemaking filed by REC Networks (“REC”).<sup>1</sup> REC’s Petition asks that the FCC make certain changes in the rules regarding the operations of LPFM stations – including permitting some of these stations to increase maximum power up to 250 watts, to provide second-adjacent channel protections to LPFM stations from FM translators and boosters, and to allow certain changes in the transferability of LPFM licenses.<sup>2</sup> EMF here comments only on the first two issues. While EMF conceptually has no problems with LPFM stations operating with 250 watts, or with providing these stations with second-adjacent channel protections, such changes should be made only in the context of a broader review of the protections afforded to LPFM stations and, more importantly, the protections to existing full-power and translator stations that LPFM stations themselves are required to provide. The Commission should only initiate a formal rulemaking in connection

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<sup>1</sup> Petition of REC Networks for Rulemaking, RM-11749 (Apr. 20, 2015) (the “Petition”).

<sup>2</sup> *Id.*

with this petition where, as part of that proceeding, the Commission considers the interference that will be caused by LPFM stations, both under current processing standards and under those proposed by REC, to determine if those standards meet the requirements of the Local Community Radio Act (“LCRA”) and otherwise serve the public interest.<sup>3</sup>

As set forth in more detail below, REC’s own standard, that LPFM stations should be treated like translators, would require changes to the proposals advanced in its petition for rulemaking. While REC asks for power equality with translators, REC’s proposals don’t outline a set of rules that would treat interference from LPFM stations in the same way as interference from translators.<sup>4</sup> Instead, it attempts to secure far more advantageous treatment for LPFM stations. That should not be permitted, particularly for LPFM stations authorized with second adjacent channel short spacing waivers, and those that REC proposes for operations with 250 watts. Full interference protections, at least as rigorous as those that apply to translators, should be applied to these LPFM stations. Such treatment is mandated by the LCRA and required by the public interest to not disrupt existing FM services on which listeners have come to rely.<sup>5</sup> Thus, the Commission must carefully consider interference protections in assessing the proposals advanced by REC.

Initially, EMF notes, as it has in many past proceedings involving LPFM proposals, that the FCC needs to carefully manage the LPFM service and the expectations of those filing for

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<sup>3</sup> Local Community Radio Act of 2010, Pub. L. No. 111-371, 124 Stat. 4072 (2011) (“LCRA”).

<sup>4</sup> Petition at 11.

<sup>5</sup> LCRA at § 3.

stations in that service.<sup>6</sup> By its very nature, the LPFM service is targeted to those who have little experience in the operation of radio stations, and the realities of LPFM operations can be a surprise to broadcasting novices. Given that these stations are noncommercial by nature, relying on donations from the public for operating support, expectations should not be raised only to be crushed when the realities of broadcast operations do not meet the high expectations that these newcomers may have. In its Petition, REC posits dramatic gains in service from an increase in LPFM power ceilings from 100 to 250 watts.<sup>7</sup> It suggests that such power increases will allow these stations to overcome reception issues including building penetration problems, issues caused by foliage and terrain, and those that may be the result of atmospheric conditions.<sup>8</sup> But, even at 250 watts, these same problems can occur – indeed they can occur with full Class A stations. As an operator of translators and Class A FM stations, EMF can attest that an increase in power from 100 to 250 watts is not a panacea for all the reception problems of LPFM.

EMF is concerned that, what was initially proposed as a secondary service to provide limited coverage to small communities – essentially neighborhoods – is now being viewed more as a substitute for a full-power radio station. When these low-powered facilities don't live up to the expectations of the applicants, calls will naturally arise, as in the REC petition, for more power. Today, the proposal may be for 250 watts, but when those power increases don't result in the elimination of the reception problems envisioned by these applicants, will REC or some other proponent be back at the FCC in a few years asking for additional power? EMF asks that the Commission seriously consider this slippery slope and make very clear, in any order proposing

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<sup>6</sup> Request for Clarification of LPFM Second-Adjacent Channel Waiver Interference Standard of Educational Media Foundation, MM Docket No. 99-25 at 3-5 (May 23, 2014); Consolidated Petition of Educational Media Foundation to Deny, File No. BNP-20131114AXZ, et al. at 6 (Aug. 8, 2014).

<sup>7</sup> Petition at 8.

<sup>8</sup> *Id.* at 7.

an upgrade in the power levels of LPFMs, that the expectant result is not going to resolve all reception problems that LPFM stations have, but instead is likely to provide only marginal benefits in some cases.

As noted above, there is also the very real potential, based on the REC proposals, that upgrades in power for these LPFM stations will result in interference to existing full-power stations and FM translators. While REC's Petition suggests that it is only looking for the protections that are afforded to FM translators, nowhere in its Petition does REC suggest that the overlap of protected and interfering contours, as set forth in Section 74.1204 of the FCC's rules, be applied to LPFM stations – including the stations that are proposed to have increases in power to 250 watts. Instead, REC suggests that the existing mileage separation-based system be retained for 250 watt stations, suggesting that in all but the rare cases (what REC calls the “Foothills Stations”) these mileage separations are sufficient to protect existing stations.<sup>9</sup> In other words, REC suggests that despite the request that the permitted power of these stations be more than doubled, it does not propose any increase in the existing mileage separation requirements.

REC states that it will be a rare case where these separation requirements will be insufficient.<sup>10</sup> But, in fact, situations where the mileage separations are not adequate are not rare at all. In its Petition, REC identifies 180 LPFM stations that would be problematic – and that is assuming a very conservative standard – identifying problems as existing only where the maximum lobe of the LPFM's coverage, because of terrain features, exceeds the minimum by at

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<sup>9</sup> Petition at 16-18.

<sup>10</sup> *Id.*

least 10 db.<sup>11</sup> That essentially means that a station is not considered to be a problem unless it is radiating a signal 10 times the maximum for its service. For existing 100 watt stations, they are not a problem unless their coverage in their maximum lobe is the equivalent of more than a full kilowatt. For those that would be operating at 250 watts, the station would not be considered an issue until its service is the equivalent of 2500 watts. Such a standard poses many problems for existing broadcasters.

EMF itself has identified a real-world instance of such interference. It has petitioned to deny proposed LPFM stations in the Los Angeles area, located near Mt Wilson, which had interfering contours that extended more than 30 km, subjecting 80% of the population served by EMF station KYLA to predicted interference – interference to well over 2 million people.<sup>12</sup> EMF has grounds to object to these stations as they propose to operate at a transmitter site that is available to them only through a second-adjacent channel separation waiver. These proposed LPFM stations are co-channel to KYLA, and the LCRA prohibits LPFM applicants seeking second-adjacent channel waivers from creating predicted interference to “any station” – which would include KYLA. But, had these LPFMs not been seeking the second-adjacent channel waiver, they would not have been prohibited as they were fully spaced to KYLA – even though they would create interference over a vast area with a huge population. This kind of problem can only be magnified by proposals to raise LPFM power to 250 watts.

Thus, EMF suggests that the Commission not rely solely on mileage separations in assessing LPFM interference, but instead use a contour overlap prohibition – the same standard that applies to translators – to backstop the mileage requirements. If an LPFM created predicted

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<sup>11</sup> *Id.* at 17.

<sup>12</sup> Consolidated Petition of Educational Media Foundation to Deny, File No. BNP–20131114AXZ, *et al.* (Aug. 8, 2014).

interference, just like an FM translator, it should not be authorized. This gives LPFMs the parity that REC seeks, not some proposal that only applies where the signal is distorted by over 10 db.

A similar standard should apply to interference between LPFM stations and translators and boosters on second adjacent channels. Such interference should be prohibited using the customary standards used to judge interference between translators – and such rules should apply both ways – a new LPFM cannot create predicted interference to a translator, and a new translator cannot create predicted interference to an existing LPFM. What is fair for one, should be fair for the other.

In short, as REC seeks for LPFM stations power parity with translators, EMF believes that such parity should go hand in hand with equivalent obligations to protect other stations from interference. Thus, LPFM stations, like translators, must be subject to a review based on their interference contours, and not just based on mileage separations or other artificial constructs that are likely to result in real interference to real listeners to existing radio services. EMF urges the Commission to keep these principles in mind in evaluating the REC proposal.

Respectfully submitted,

**EDUCATIONAL MEDIA FOUNDATION**

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