

KZNE(AM) is a dedicated sports radio station, covering high school, college and professional sporting events and news from four local sportscasters.

As a part of this comment filing, BBLC informally surveyed the other 24 paired stations and found that, like BBLC's paired stations, none of the pairs are simulcasting between the standard and expanded band stations. The stations are all providing unique, and in most cases, minority programming to their communities.

In speaking with some of the station managers, there was reticence to disclose which station would be surrendered as part of this proceeding, so it would be difficult to determine how many jobs would be lost as a result of this license surrender. One licensee who was willing to disclose this information has nine people who work directly on matters for the station that would be surrendered. BBLC has four plus the shared news and sales department employees. Until the station licenses are surrendered, we will not be able to determine the number of radio employees who will *lose* their jobs. But, it is a certainty that there will be none added.

Until the expanded band licensees decide which station to surrender, the impact the loss of these stations will have on service to underserved groups is unknown. But, that said, of the 25 paired groups, 18 stations program non-English language programming and nine of the paired stations provide programs targeted to the African-American community through either music or talk. The remainder are formatted mostly toward niche audiences; there are four Christian formatted, eight sports formatted, seven talk stations, and four music formatted stations among the group of 25 pairs. Thus, it is apparent that these licensees are serving the public interest, very often by providing separate programming directed toward niche and underserved audiences – the very reason expressed by the petitioner who sought relief from the obligations to surrender one of the licenses after 5 years. This is service these listener groups can ill afford to lose; as it

would be a real loss to those who are currently relying on that service. Moreover, it is doubtful that such service will be replaced at any time in the near future, both as many of the surrendered licenses cannot be reauthorized on the same channels without some future new AM application window, and given the lack of demand for new AM stations generally. There is little clamor from potential broadcasters looking to apply for new AM stations.

The current licensees, for the most part, do desire to be able to continue to provide the service that they have been providing. While BBLC does not suggest that these paired station licensees should be relieved of the requirement to ultimately surrender one of the stations, it does suggest an extension of the FCC's proposal that the licensees of paired stations be required to surrender one of the licenses within a year of the effective date of new rules.² In light of the unique service they have chosen to provide to minority listeners and the real service that they are providing to the public no matter what their format, BBLC proposes that both stations in any pair be allowed to remain on the air until there is a new AM window that would allow these licensees to file for a replacement for the station to be surrendered.³

Allowing the paired stations to remain on the air for this additional period of time should have no material impact on surrounding stations. Indeed, many of these stations, including BBLC's, have been operating on their standard band frequencies for over 50 years. Issues other

² See *Further Notice*, 30 FCC Rcd at 12177 (seeking comment on the length of time period to allow paired station band licensees to surrender one of their licenses).

³ BBLC suggests that the divestiture be required on the following schedule: (i) within one year of the close of the new window for the filing of applications seeking new AM stations if a paired licensee does not file an application for a new station in that window, (ii) within one year of the finality of any dismissal or denial of an application filed by a paired licensee in the next AM window, or (iii) upon the completion of construction and commencement of operation of any new station authorized for use by one of the paired licensees in such a window, or upon the expiration of the construction permit for any new station if the paired licensee does not in fact complete the construction.

stations may have had with interference have long been resolved.⁴ It also seems unlikely that any interference caused by these 25 paired stations would be significant when compared to the 187,000,000 smart phone chargers in use in the United States.

BBLC believes the public interest would be served by allowing these paired stations to participate in the next AM major modification window in order to apply for a replacement frequency through that window. Allowing the paired stations to relocate to another frequency and surrender the license upon the licensing of a replacement station would serve two major goals of the broadcast services: it would reduce interference and realize the Commission's intent for the expanded band/standard band stations, and preserve the service that communities have come to rely on, including much valuable minority/niche programming.

II. The Commission Should Consider Granting Cross-Service FM Translators Primary Status Under Certain Conditions

While BBLC fully supports the Commission's commitment to expand the number of FM translator stations available to rebroadcast AM stations, and the Commission's proposals for the increase in the area in which a translator can be relocated, it would like to propose an additional step following the closing of the 250-mile waiver windows in 2016 and the FM translator application auction window that is scheduled to occur in 2017. It is widely acknowledged that the AM band suffers from noise attributed to the environment as well as congestion of the band.⁵ To help mitigate such interference, BBLC proposes that an AM station that operates a

⁴ See, e.g., KAHI(AM), Auburn, CA (FIN 48341), licensed on 950 kHz since 1958; KTKK(AM) (formerly KSXX), Sandy, UT (FIN 14890), licensed on 630 kHz since 1960; WHLY(AM), South Bend, IN (FIN 67133) licensed on 1580 kHz since 1947.

⁵ See *Further Notice*, 30 FCC Rcd at 12146 (noting rise in environmental noise and interference from man-made sources).

cross-band translator be given the opportunity to surrender its AM license in exchange for primary status for the FM translator.⁶

The secondary status of FM translators has been to ensure that full-service FM stations are protected from any potential interference resulting from the relaxed standards for allocating FM translators. To preserve this protection, BBLC proposes that this conversion to primary status be predicated on a showing that there have been no interference complaints against the translator for a substantial period of time, such as one or two years. This would benefit AM licensees by allowing them to make a decision as to whether or not an FM translator would provide better coverage to a community than a daytime-only AM station, for example. It would also allow the licensee to make a business decision as to the best use of licensee resources: daytime coverage on an AM station as compared to 24-hour coverage on the FM translator, all while ensuring that service would not be lost due to subsequent changes to area or nearby primary FM stations.

Likewise, this option would ease the congestion of the AM band. Stations that take advantage of this surrender option would most likely be Class D stations. To the extent that these Class D stations coexist on frequencies originally populated by Class A stations, a reduction in Class D operators could potentially provide a larger area for interference-free listening to Class A stations.

⁶ While BBLC believes that the Commission can consider this proposal now as an outgrowth of its proposal to further increase the scope of the use of translators for AM stations, if the Commission feels that it cannot adopt these rules without further notice and comment, BBLC requests that the Commission consider this proposal and include it in any Notice of Proposed Rulemaking which results from the questions raised in the Further Notice of Inquiry in this proceeding.

III. Other Proposed Rule Changes

The *Further Notice* proposes that interference contours be reduced for Class A stations⁷ and proposes rule changes that would possibly allow class B, C and D stations to increase power and coverage area.⁸ And the Ratchet Rule (which has unfortunately become a pundit's punch line) is to be eliminated.⁹

BBLC believes that, taken together, these proposed and adopted rule changes could result in possible AM power increases, which may, in turn, cause blanketing interference to new areas near existing transmitter sites. Sections 73.88 and 73.318(b) of the Commission's rules require AM stations that modify their facilities to resolve certain complaints of RF interference caused to the public. There are a number of exceptions to this rule involving types of devices that are exempt and occasions when interference to consumer goods might be exempt. BBLC proposes that new interference areas resulting from the changes as proposed in the *Further Notice* be regarded as if they were made concurrently with the station's original Program Test Authority and thus be considered resolved after one year of operation from the existing transmitter site without having to revisit previously resolved blanketing issues.

IV. Conclusion

For the reasons discussed above, BBLC respectfully requests that the Commission consider its proposals.

⁷ See *Further Notice*, 30 FCC Rcd at 12169-170.

⁸ *Id.* at 12171-73.

⁹ *Id.* at 12160-61.

Respectfully submitted,

**BRYAN BROADCASTING LICENSE
CORPORATION**

By: /Ben Downs/
Ben Downs
Vice President

Dated: March 16, 2016