

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Revitalization of the AM Radio Service) MB Docket No. 13-249
)
)

***COMMENTS OF
of
MOUNTAINPLEX MEDIA, LLC***

Mountainplex Media, LLC (“Mountainplex”)¹ submits these comments in response to the Commission’s *First Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry*² (the “*NPRM*”), specifically to address the provisions of Section B of the Further Notice of Proposed Rulemaking section of the *NPRM*, regarding revisions to the rule on siting of FM cross-service fill-in translators.³

The *NPRM* proposes a revision to the existing rule regarding the locating of cross-service fill-in translators. The current rule⁴ requires that an FM fill-in translator for an AM station must be located such that the 60 dBμ contour of any such FM translator station must be contained within the *lesser* of (a) the 2 millivolts per meter (mV/m) daytime contour of the AM station, or (b) a 25-mile radius centered at the AM transmitter site. The proposed revision in the *NPRM* would change that rule to require that:

¹ Mountainplex is an FCC licensee of AM radio station WMTD, Hinton, WV. As a Class D AM Station, it has elected to utilize the January 29, 2016 filing window provided by the *NPRM* to acquire and move a translator to Hinton, WV to rebroadcast WMTD (*see* BMPFT-20160129ADK for W252DH).

² *First Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry* in MB Docket No. 13-249, (rel. October 23, 2015)(the “*NPRM*”).

³ *NPRM* at ¶ 66-68.

⁴ 47 C.F.R. §74.1201(g).

“...the coverage contour (1 mV/m) of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the **greater** of either the 2 mV/m daytime contour of the AM station or a 25-mile (40 km) radius centered at the AM transmitter site, but that in no event may the translator’s 1 mV/m coverage contour extend beyond a 40-mile (64 km) radius centered at the AM transmitter site.”⁵ (**emphasis added**)

Mountainplex believes while this rule change is a step in the right direction, it continues to be unduly restrictive to AM stations which have “core” markets at a distance from their transmitter sites, and should be geographically broadened to further facilitate the revitalization of AM facilities. Specifically, Mountainplex proposes that the rule be broadened to read as follows:

“[Proposed] *“...the coverage contour (1 mV/m) of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the **greater** of either the 2 mV/m daytime contour of the AM station or a 25-mile (40 km) radius centered at the AM transmitter site, but that in no event may the translator’s 1 mV/m coverage contour extend beyond a 60-mile (96 km) radius centered at the AM transmitter site.”*

As justification for the proposed expansion of 20 miles (32 km) of range for the FM translator to be located from the AM transmitter site, Mountainplex would note that in many locations within the United States, due to ground conductivity and other factors, the 2 mV/m daytime contour of AM stations (even Class D stations such as that owned by Mountainplex) can be substantial and can encompass a significant area that constitutes its core market. Conversely, an FM translator’s 1 mV/m coverage contour, even under the best circumstances, assuming a maximum powered translator (250 watts) at 2,000 feet HAAT, produces a “listenable” signal (34 dbu) that extends only 92 km from the

⁵ NPRM at ¶ 68.

translator transmitter site. Thus, even if the proposed rule modification were expanded as suggested by these comments to provide greater flexibility to AM operators to locate their FM translators in locations where they determine it would best serve their “core” audience, while still within the primary AM’s 2 mV/m contours; it is unlikely, given the maximum range of an FM translator signal as described above, that the translator coverage would exceed that of the primary AM’s 2 mV/m contour. However, this greater flexibility would permit AM licensees to better serve their core audience, wherever located within their 2 mV/m contour, with a useable FM signal via the cross-service fill-in translator, particularly where, as is the case with WMTD, that terrain issues present problems for reaching the station’s core audience in some instances. Providing greater flexibility would allow stations like WMTD to be able to address these issues.

Mountainplex does not believe there would be any significant costs associated with a further modification of the proposed rule change, as it would expand the universe of available siting options for the cross-service FM translator, enabling AM licensees to have a greater field of siting options and potentially less expense in terms of tower leasing due to increased competition for their business from additional potential lessors.

Mountainplex does acknowledge and recognize that this increased flexibility in siting also increases the potential for interference complaints with co-channel FM facilities, but there are already Commission rules and procedures in place to address such interference issues and any siting proposal under the new proposed rule (as modified by these comments) would of course have to meet the existing applicable rules regarding co-channel and adjacent channel protections. In fact, the additional siting flexibility proposed herein could provide FM translators with more options in the presence of an

interference complaint to relocate rather than be forced to terminate service, thus preserving the desired intention of the AM Revitalization proceeding to provide assistance to embattled AM licensees.

Conclusion

In conclusion, Mountainplex offers the above comments to the Commission, as invited by the *NPRM*, for the purpose of offering an enhancement to the proposed rule modification that Mountainplex believes will provide additional flexibility for cross service FM translator licensees in locating their facilities in a manner which will provide the greatest benefit to their companion AM facilities while still avoiding expansion of the primary signal beyond existing permitted contours. The proposal herein as well offers additional flexibility for FM translator licensees facing interference complaints to permit adjusting those facilities rather than forcing them off-air. Both goals are desired in order to increase the effectiveness of cross-service FM translators in improving the standing of their partner AM facilities.

Respectfully Submitted,



Anthony T. Lepore, Esq.
Counsel to Mountainplex Media, LLC
Radiotvlaw Associates, LLC
4101 Albemarle St. NW #324
Washington, DC 20016-2151
Tel: 202.681.2201

Dated this 20th day of March, 2016.