

**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 THE AM RADIO PRESERVATION ALLIANCE
ON FURTHER NOTICE OF PROPOSED RULE MAKING**

The AM Radio Preservation Alliance
Members:

Alpha Media LLC
Bonneville International Corporation
CBS Radio Inc.
Cox Media Group, LLC
Cumulus Media Inc.
Entercom Communications Corp.
Family Stations, Inc.
Grand Ole Opry, LLC
Greater Media, Inc.
Hearst Stations Inc.
Hubbard Radio, LLC
iHeartMedia + Entertainment, Inc.
NRG License Sub, LLC
Scripps Media, Inc.
Townsquare Media, Inc.
Tyler Media, L.L.C.
Tribune Broadcasting Company, LLC

March 21, 2016

SUMMARY

The AM Radio Preservation Alliance consists of licensees of Class A AM radio stations dedicated to the preservation of the value to the public of the AM radio broadcast band. The Alliance urges the Commission to take only those steps that truly would revitalize the AM band, in contrast to the harmful proposals to reduce or eliminate interference protections tentatively set forth in the *Further Notice of Proposed Rule Making* (“*FNPRM*”) in MB Docket No. 13-249.

Without sufficient study or commentary from stakeholders, the Commission tentatively concluded in the *FNPRM* that all Class A AM stations should be protected only to their 0.1 mV/m groundwave contour from co-channel stations, in lieu of current skywave protections, and that the critical hours protections of Class A AM stations should be eliminated completely. As detailed in these Comments and technical exhibits, these *FNPRM* proposals clearly would diminish or eliminate the ability of established listeners to tune into well-known and treasured AM stations providing high quality programming, running counter to the public interest.

Class A AM stations have played invaluable roles in providing the public with critical and often life-saving information in times of severe weather, natural and man-made disasters and other emergency and public safety events. Class A AM stations are prominently represented as Primary Entry Point and LP-1 stations for U.S. Government notifications in the Emergency Alert System coordinated with the Federal Emergency Management Agency of the U.S. Department of Homeland Security. Diminishing the interference-free service areas of Class A AM stations, as proposed in the *FNPRM*, would undermine the indispensable role Class A AM stations play in the nation’s emergency alert systems and harm those listeners who

rely on Class A AM stations' life-saving emergency warnings.

Just as a larger department store often serves the critical role of “anchor tenant” that attracts and retains customers to a shopping area comprised of many other small- and medium-sized businesses, so too do Class A AM stations serve as the “Anchor Stations” for the AM band, attracting nearly 30% of national AM band listening, and driving more of the public to the AM dial. Class A AM listeners would face the loss of access to the high quality programming these Anchor Stations of the AM band provide, including news, weather, and traffic coverage, as well as unique programming such as the Grand Ole Opry and America's Truckin' Network programs. Professional and collegiate sport teams and their fans would be particularly harmed by the *FNPRM's* interference-increasing proposals, as Class A AM radio stations historically have played an important role in providing sports fans over a wide area with free, live broadcasts of their favorite teams' games.

As detailed in these Comments and technical exhibits, tens of millions of persons would be subject to new reception-destroying interference on the AM band if skywave protections were eliminated, driving even more listeners away from the AM dial altogether. Listeners in rural areas and American Indian lands, already underserved, would be particularly disadvantaged. For example, skywave service from Class A Station KSL(AM), Salt Lake City, Utah, currently reaching nearly five million persons in rural areas and over one-half million Native American citizens, would be subject to debilitating interference under the *FNPRM*.

Nighttime skywave listeners throughout the country who value compelling programming, including live sporting events, aired by Class A AM stations stand to lose a treasured resource due to signal interference. The interference zones that would be created under the *FNPRM* proposal to eliminate skywave protections are home to *existing listeners* of Class A

AM stations: audience data documents that these new interference zones have nearly one-half million current Class A AM station listeners. Moreover, this submission includes the comments of scores of dedicated skywave listeners of Class A AM stations, including many professional truckers who are integral to our Nation's economy, reminding the Commission of the invaluable and irreplaceable role that Class A AM stations play in their lives and livelihood.

Additionally, engineering analysis provided with these Comments establishes that the elimination of skywave protections would reduce nighttime interference-free service not just to distant regions, but also to the very *core* markets of Class A AM stations, to the injury of in-market listeners. For example, the loss area for service to the public by Class A Station WPHT(AM), Philadelphia, Pennsylvania, from potential nighttime co-channel interference due to Class B and/or D upgrades, would encompass an *in-market* area of 5,769 square kilometers, with a population of 1,727,225 persons. Yet, the theoretical population gains of the co-channel upgrading Class B and D stations would be significantly *outweighed* by the population losses for WPHT and the other illustrative cases analyzed in these Comments.

In addition to the harms to the listening public resulting from the proposed elimination of skywave protections, the public would be further harmed by the *FNPRM's* proposal to eliminate the critical hours protections for Class A AM stations. As demonstrated by the technical analyses presented in these Comments, the elimination of critical hours restrictions would only serve to create immediate, unacceptable interference in the AM band, not only regionally, but also within the close-in, supposedly-protected, groundwave contour of Class A AM stations. An example – and not even a worst case one – is WBT(AM), Charlotte, North Carolina, where 30% of the population and 31% of the area within WBT's 0.1 mV/m groundwave contour would be subject to new interference from the loss of critical hours

protection as proposed in the *FNPRM*. Given that the critical hours windows generally include the “morning rush” and “evening rush” dayparts – which are high-volume periods of radio listenership every day, when listeners are tuned-in to their vehicle radios – Class A AM stations traditionally invest in quality programming of particular interest to commuters, often featuring popular talent and news, weather and traffic information. Undercutting the drive-time interference-free service areas of Class A AM stations, as the *FNPRM* would do by eliminating critical hours protections, would harm existing listeners at precisely the times they listen to AM radio the most, disrupting not only these listeners’ enjoyment and reliance on these stations, but impairing significantly the economic viability of these stations and their ability to finance the valued programming broadcast to this established and substantial sized audience.

Finally, the Commission’s tentative conclusion in the *FNPRM* to reduce the protected daytime primary service contour for all Class B, C and D AM stations to the 2 mV/m contour also does not withstand technical examination. All members of the Alliance have made significant investments in AM radio and therefore have a major stake in the long-term viability of the AM band. Accordingly, we seek a reduction, and certainly not an increase, in interference on the AM band so that our listeners are not driven away from AM service. We urge the Commission to abandon this proposal to avoid the destructive impact across the AM band that would ensue if adopted. The instructive examples analyzed in these Comments make it graphically clear that, notwithstanding a Class B, C or D station’s own power increase, that station’s listeners would be subject to additional areas of interference from neighboring stations, as would listeners of co-channel and adjacent-channel neighbors, even with their own power increases. Furthermore, Class B, C and D stations would be faced with high implementation and operating costs for power increases merely to partially stave off encroaching signals, with the

listening public being deluged with more, not less, interference on the AM band. Yet again, the end result of the Commission's proposal, however unintentional, would be an unacceptably high interference environment on the AM band, leaving in its wake what can best be described as small islands of service in a sea of interference. If ever there were a way to drive listeners away from the AM band once and for all, this is it.

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These Comments are submitted in MB Docket No. 13-249 addressing the Commission’s Further Notice of Proposed Rule Making (the “*FNPRM*”), FCC 15-142 (rel. Oct. 23, 2015). 1/ The AM Radio Preservation Alliance has been formed by the licensees of Class A AM radio stations to preserve the value to the public of the AM radio band 2/; collectively, Class A AM radio stations serve approximately 22 million listeners each week across the nation. Together, the members of The AM Radio Preservation Alliance are the licensees of 56 Class A AM stations. 3/

1/ *In the Matter of Revitalization of the AM Radio Service*, First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, 30 FCC Rcd 12145 (2015) (“*First Report and Order*” or “*FNPRM*”).

2/ The members of The AM Radio Preservation Alliance are: Alpha Media LLC; Bonneville International Corporation; CBS Radio Inc.; Cox Media Group, LLC; Cumulus Media Inc.; Entercom Communications Corp.; Family Stations, Inc.; Grand Ole Opry, LLC; Greater Media, Inc.; Hearst Stations Inc.; Hubbard Radio, LLC; iHeartMedia + Entertainment, Inc.; NRG License Sub, LLC; Scripps Media, Inc.; Townsquare Media, Inc.; Tyler Media, L.L.C.; and Tribune Broadcasting Company, LLC. The Class A AM radio stations licensed to the members (or to their respective licensee subsidiaries) of The AM Radio Preservation Alliance are listed on Exhibit A.

3/ There are 57 Class A AM stations in the contiguous 48 U.S. states, plus 16 Class A AM stations licensed to Alaska.

I. THE COMMISSION’S PROPOSALS TO REDUCE OR ELIMINATE CLASS A AM STATIONS’ INTERFERENCE PROTECTIONS THREATEN THE VITALITY OF THE AM BAND

The Commission initiated its proceeding to revitalize the AM Radio Service with the release of its October 2013 *Notice of Proposed Rule Making* in this Docket. ^{4/} In 2015, the Commission adopted several reforms for the AM service which had generated widespread support in the comments on the *NPRM*. ^{5/}

In the *NPRM*, the Commission also briefly noted that other suggestions had been proposed to change the AM rules, including changes to nighttime skywave protection for Class A AM stations and the modification of the pre-sunrise / post-sunset AM operating rules. ^{6/} The Commission recognized that “[t]hese more complex suggested reforms would require additional comment, research, and analysis.” ^{7/}

Notwithstanding the incomplete and divergent record filed in this Docket on these briefly addressed topics, in the *FNPRM*, the FCC has tentatively concluded that all Class A AM

^{4/} *In the Matter of Revitalization of the AM Radio Service*, Notice of Proposed Rule Making, 28 FCC Rcd 15221 (2013) (“*NPRM*”).

^{5/} *See First Report and Order*. Such reforms include the elimination of the “ratchet rule,” wider implementation of MDCL control technologies, modification of AM antenna efficiency standards, and modifications of the daytime and nighttime community coverage standards for existing stations. *See id.* In addition, the Commission is opening up a series of application windows for FM translators to be associated with AM stations, incorporating the proposal of the National Association of Black Owned Broadcasters that the first window be limited to Class C and D AM station applicants. Early reports indicate that over 450 applications for FM translators to be paired with Class C and D AM stations were filed on the first day of the initial FM translator window. *See, e.g.,* Radio World, *AM Translator Window Opens With a Flurry* (Feb. 1, 2016) (“almost one in 10 AM stations in the country applied for an FM translator in the first 24 hours”), at <http://www.radioworld.com/article/am-translator-window-opens-with-a-flurry/278026>.

^{6/} *See NPRM* at ¶ 45.

^{7/} *Id.*

stations should be protected only to their 0.1 mV/m groundwave contour from co-channel stations, versus the current nighttime protection to the 0.5 mV/m-50 percent skywave contour, and that the critical hours protection of Class A AM stations (not even mentioned in the *NPRM*) should be eliminated completely, in lieu of the current protection to the Class A AM station's 0.1 mV/m groundwave contour during the critical hour periods of two-hours immediately following local sunrise and two-hours immediately preceding local sunset. 8/

The *FNPRM* also lists many questions and solicits technical comments relevant to the Commission's ultimate decision as to whether it should adopt modifications to the protections afforded Class A stations. 9/ Consideration of the answers and the studies presented here strongly support Commission retention of the existing skywave protections for Class A AM stations, including the current critical hours restrictions on co-channel stations.

Indeed, the changes to interference protections proposed in the *FNPRM* would undermine the very rationale for the AM Revitalization proceeding. The purpose of the Commission's commencing this proceeding was to "enhance AM broadcast quality," 10/ thus strengthening AM radio and providing its listeners with better service. The *First Report and Order* issued by the Commission in MB Docket 13-249 reflected progress, and near unanimity, toward achieving that objective.

By stark contrast, the reductions in interference protections to Class A AM stations proposed in the *FNPRM* would do significant harm to the AM band. These proposals, as documented herein, would expose existing listeners on the AM band to new interference that

8/ See *FNPRM* at ¶ 56.

9/ See *FNPRM* at ¶¶ 56-57.

10/ See *NPRM* at ¶ 1.

would eliminate their ability to listen to their favorite AM stations, or so pollute the signal with interfering noise as to make it undesirable to tune to. The end result would be to create small islands of service in a sea of interference. The Commission should undertake no changes to interference protections in the AM Revitalization proceeding when such changes would result in the AM band, AM radio stations and AM listeners being worse off than if the Commission had never commenced the proceeding.

As documented in these Comments, the proposed reductions in interference protections to Class A AM stations potentially would harm millions of listeners/consumers in numerous and diverse ways, ranging from deprivation of life-saving emergency warnings and programming; to loss of access to favored sports, unique and compelling content, news and entertainment programming; to annoyance, frustration and, ultimately, widespread exoduses from the AM dial due to intolerable interference. These adverse consequences will fall particularly hard on rural and American Indian populations, for whom AM radio stations have been a lifeline to vital information, and which continue to be underserved by broadband and wireless services.

A. The Public Interest Is Best Served by the Retention of the Current Nighttime Skywave Protections to Class A AM Stations

Eliminating nighttime skywave protection for Class A AM stations would: deprive potentially tens of millions of listeners, especially those in remote and American Indian areas, of access to quality programming and emergency weather and other news and information; weaken key links in the chain of the nation's IPAWS/EAS emergency networks; deny listeners access to favored professional and collegiate sports teams carried on Class A AM stations; and undermine the already tenuous economic underpinnings of AM broadcasting.

1. Class A Stations Serve as AM “Anchor Stations,” Attracting Nearly One-Third of All AM Listenership, and Thus Are Indispensable to the Sustainability of the AM Band

Out of nearly 4,700 AM domestic radio stations, 11/ only 57 are classified as Class A facilities in the 48 contiguous states. 12/ Yet, these Class A AM stations reach more than 22 million listeners per week, more than half of whom – 14 million – choose to listen to no other AM radio stations. 13/ In fact, Class A AM radio stations, and the programming they offer, attract nearly 30% of national AM band listening. 14/ Indeed, where given the choice, audiences flock to Class A AM stations: *in markets where there is a Class A AM station, there is a nearly 33% increase in the AM radio listening audience.* 15/ These data clearly demonstrate that strong, popular Class A AM stations are indispensable to the future sustainability of the AM band, that they serve as audio anchor tenants, or “Anchor Stations,” attracting consumers to visit the AM band and keeping them coming back for more. 16/ Weakening the ability of Class A

11/ See FCC Public Notice, Broadcast Station Totals as of December 31, 2015 (rel. Jan. 8, 2016) (4,684 licensed AM stations as of December 31, 2015).

12/ See AM Station Classes, and Clear, Regional, and Local Channels, at <https://www.fcc.gov/media/radio/am-clear-regional-local-channels#CLASSES>.

13/ See Exhibit B-1 (Source: Nielsen National Regional Database, all DMAs) (Audience data documents that 22.2 million listeners per week tune into Class A AM stations; 14 million of the AM listeners listen only to Class A AM stations). Note that the Exhibit B analysis is based on 56 Class A stations -- excluding WFAN(AM), 660 kHz, New York, NY, as ratings for WFAN(AM), are listed under simulcast station WFAN-FM, 101.9 MHz, New York, NY. Given the wilderness territory of much of Alaska, to be conservative, the 16 Class A AM stations licensed to Alaska are not included in these analyses.

14/ See *id.*

15/ See Exhibit B-2 (Source: Nielsen Audio Data) (the percentage of the radio audience listening to the AM band in markets with a Class A AM station improves by 31.35% (from 17.3% to 25.2%)). Likewise, the AM band’s share of radio listening in markets with Class A AM stations improves by nearly a fifth (19.64%; from 9.0% to 11.2%). *Id.*

16/ In the brick and mortar retail space, “Anchor Tenant typically refers to a large store in a

AM stations to continue to serve our audiences not only will *not* yield the sustainability and improvements needed to achieve the Commission’s stated goals in this proceeding, it will, in fact, dramatically weaken the AM band, potentially depriving millions of listeners access to their trusted source of high quality programming, live sports coverage and critical information.

Rather than bolstering the AM band’s ability to serve the listening public, the *FNPRM* proposal to protect Class A AM stations only to their 0.1 mV/m groundwave contour would expose existing listeners of Class A AM stations to the loss of service. Eliminating the current skywave protections and instead relying only upon 0.1 mV/m groundwave contour protection as proposed in the *FNPRM* would mean that the existing nighttime service beyond that groundwave contour would be subject to interference that would impede the receipt of the signal altogether, or would make the signal so erratic and noisy as to drive existing Class A AM radio listeners away, and often off the AM dial altogether.

As detailed in the attached *Analysis of Population Losses of FNPRM Class A Proposal*, ^{17/} the 57 contiguous U.S. Class A AM stations would face service protection losses to millions of persons per station from the proposed shrinkage of protected nighttime service to

retail shopping center ... which the landlord has strategically rented space to in order to draw in large crowds and funnel them into other stores within the center. Name recognition and prestige of these large users are the appealing factors that will drive in other tenants and shoppers.” See, e.g., <https://www.thesquarefoot.com/blog/posts/commercial-leasing-definitions-anchor-tenant>.

^{17/} See Exhibit C (Source: Cavell, Mertz & Associates, Inc. 2016) (“*Analysis of Population Losses of FNPRM Class A Proposal*”). This Analysis calculated the change in lost protection area by evaluating the 0.5 mV/m skywave coverage minus the 0.1 mV/m groundwave coverage of all 57 continental U.S. Class A AM stations to determine the populations that would be newly subject to potential interference. Population data was derived from the 2010 U.S. Census, with rural populations calculated by population centroids that the U.S. Census defines as outside an Urbanized Area or an Urban Area Cluster; American Indian tract data was determined from U.S. Census boundary data.

only the 0.1 mV/m groundwave contour. ^{18/} The potential loss of service to rural areas also would be devastating: 35 of the Class A AM stations would face rural area service protection losses of over 9 million rural residents each, with 10 of such stations each potentially losing 25 million or more rural listeners to new nighttime interference. ^{19/} American Indian areas would also be disproportionately hard hit: every contiguous U.S. Class A AM station would be exposed to interference to its current service of American Indian areas; in 21 instances, American Indian populations of over 100,000 persons per station would be subject to new interference. ^{20/}

These proposed interference zones are home to *existing listeners* of Class A AM stations. Nielsen Audio audience data documents that these new proposed interference zones have more than 450,000 reported current Class A AM station listeners. ^{21/} Nielsen audience surveys also establish that 12,100 Average Quarter-Hour Persons, representing about 8.6 million

^{18/} See *id.*

^{19/} See *id.*

^{20/} See *id.*; see also Analysis of Population Losses of *FNPRM* Class A Proposal by American Indian Lands (Cavell, Mertz & Associates, Inc.) at Exhibit D.

As noted above, the *Analysis of Population Losses of FNPRM Class A Proposal* studies the population losses under the *FNPRM* proposal on just the continental U.S. Class A AM stations. Sixteen Class A AM stations in Alaska serve primarily rural and/or Alaska Native areas, so that taking into account the proposed elimination of skywave protection to these stations would mean even greater rural and American Indian lands would be subject to new interference. Such a result is clearly contrary to the “unique situation affecting Alaska,” as recognized by the Commission when it established protection standards for Alaskan AM stations. See *In the Matter of Protection Standards for AM Stations in Alaska*, 99 FCC 2d 77, 83-84 [¶¶ 14-15] (1984) (imperative to protect nighttime service for those living outside the 0.1 mV/m groundwave contour of Class A AM Alaska stations (then termed Class I-N) led the Commission to afford protection to the 0.1 mV/m 50% skywave contour of such stations).

^{21/} Source: Nielsen National Regional Database, all DMAs.

hours per month of audience listening, would be subject to disruption in the proposed interference zones. 22/

In addition to the Nielsen Audio audience data establishing that nighttime Class A AM skywave listeners are not just theoretical, dedicated Class A skywave listeners have responded to over-the-air requests to have their voices heard in support of maintaining the current strong signals of their favorite Class A AM station. Lists of current skywave listeners whom would be disenfranchised under the *FNPRM* proposal to eliminate skywave protections and who support retention of strong Class A AM signals are provided at Exhibit E. 23/ Below are just a few samples of the comments reported at Exhibit E from imperiled skywave listeners:

WLW, Cincinnati, Ohio, Skywave Listeners:

From St. Petersburg, Florida: “Please don’t take away my connection to my hometown! I love being able to listen from Florida.”

From Rio, West Virginia: “I live in the mtns of WV where I get very few radio stations. I enjoy the night programming which is the only time I get your station.”

From Paradise, Texas: “I live in Texas and I have listened to WLW for 30 years, all night long. Please don’t change that. This station is informative and entertaining.”

WTAM, Cleveland, Ohio, Skywave Listeners:

From Demotte, Indiana: “Great STRONG night time station , that is trusted to bring important emergency news to Rural America.”

22/ *Id.* Average Quarter-Hour Persons, or “AQH,” is a Nielsen Audio measure of the average number of persons listening to a particular station for at least five minutes during a 15-minute period.

23/ Hundreds of listeners of Class A AM stations offered their support to keep Class A AM radio strong. The lists at Exhibit E were narrowed down to provide only those listeners whose zip codes are from locations outside of the respective Class A AM station’s 0.1 mV/m groundwave contour, and thus constitute those current listeners who would be exposed to interference under the *FNPRM*’s proposals.

From Statesboro, Georgia: “In the US we have enjoyed a long tradition of interference free radio signals since the earliest broadcasts. As a regular listener to WTAM even though I am located deep in south Georgia it would be distressing to lose the entertainment and information from stations at such distances.”

WHO, Des Moines, Iowa, Skywave Listeners:

From Bismarck, North Dakota: “My mom listens to your late night programs and asked me to sign the petition for her since she doesn’t have a computer.”

From Stephens City, Virginia: “I travel throughout Iowa regularly on business and totally and completely rely on being able to clearly hear the WHO-AM signal day and night anywhere in the state. The ability to receive this station has alerted me to storms which gave me time to seek shelter.”

KFI, Los Angeles, California, Skywave Listeners:

From Orofino, Idaho: “KFI is the only am radio available in this part of Idaho at night and is necessary to gain insight on what is important.”

From Crescent City, California: “I enjoy the wide service area provided by KFI at night frequently when I am traveling in the area. It can be very difficult getting a reliable signal in the inland empire and KFI fits that need. I would hate to see the otherwise strong signal curtailed.”

From Tesuque, New Mexico: “I depend on KFI-AM on a nightly basis for it’s news and programs. It comes in better here in New Mexico better than stations that are much closer. KFI is a very important station and I strongly support it remaining at it’s current coverage.”

WHAS, Louisville, Kentucky, Skywave Listeners:

From Bowdon, Georgia: “I listen at night to the University of Kentucky Football and Basketball. Also coast to coast am.”

From Saint Stephens, Alabama: “Please keep this beacon of night-time information a clear channel. we depend on now as we have in years past.”

KFAB, Omaha, Nebraska, Skywave Listeners:

From Dell, Montana: “I live in southwest Montana at 6,000 ft ASL with surrounding mountains reaching to over 10,000 ft ASL so we are very limited on our AM reception at night with KFAB and Grand Junction CO

being the only stations we receive. Love your nighttime programming.”

From Price, Utah: “I listen to KFAB in the evening and at night continuously as a way to listen to Nebraska sports and keep in touch with my hometown.”

KEX, Portland, Oregon, Skywave Listeners:

From Mount Shasta, California: “I live in No. California and because of local interference I have to and can only get clearly, Portland, Oregon KEX AM. Please do not interfere with their signal! Thank you!”

From Covelo, California: “I’m a disabled senior living alone in rural northern California and I listen to KEX (Portland, Oregon) almost every night, for news, ‘talk’ and information.”

WRVA, Richmond, Virginia, Skywave Listeners:

From Huntingdon, Pennsylvania: “I listen about 5 nights a week. I count on WRVA for programming in the Appalachian mountains of Pennsylvania.”

From Addison, Pennsylvania: “Richmond is the only station I can get at night and I live in Pa. Without WRVA it is dark on the airwaves in southern Pa. I cannot receive Wheeling or Morgantown, W.Va. or Pittsburgh, Pa. Cumberland, Md. or Cleveland, Oh. Another ruling will shut down another great station.”

KFBK, Sacramento, California, Skywave Listeners:

From Klamath River, California: “I’m at a very remote location and depend on this late evening and early morning AM station. The signal that they’re broadcasting on comes in clear with very little interference and I’d like to see this continue.”

From Moses Lake, Washington: “I enjoy listening to KFBK at night from Moses Lake, WA via long-distance AM. Leave KFBK’s nighttime signal alone.”

WOAI, San Antonio, Texas, Skywave Listeners:

From Mc Neal, Arizona: “Where we live, we rely on AM nighttime radio. We listen to Texas and California, depending on the weather, which affects reception, so I have submitted a signature for the two stations we listen to. AM radio provides a critical service to us as we receive news as well as informative broadcasting. We don’t get FM out here in the desert.

Please keep nighttime AM radio on the air. It is free and for many of us seniors, we need this as we can't afford satellite radio or we don't use internet radio apps. This is really a public service for rural folks on low/fixed incomes. Thank you."

From Tulsa, Oklahoma: "As an over-the-road trucker out of Tulsa, OK, who, a lot of the time, is driving late at night, I HIGHLY VALUE the continuation of being able to pick up 1200 WOAI late at night in numerous states in the region as I can now. The loss of this ability would take away a number of valuable programs that I would not have any other access to, INCLUDING via satellite radio and would be GREATLY missed!"

WBT, Charlotte, North Carolina, Skywave Listeners:

From York, South Carolina: "Please keep the signal strong to keep us informed. Some of us travel all over the wbt listening area."

From Chester, South Carolina: "I am very distressed to hear of the upcoming radio station interference!!! I work second shift and WBT keeps me informed and brings entertainment to me on my job. I look forward to it every day! Please don't bring this nightmare on to our lives!!!"

KXEL, Waterloo, Iowa, Skywave Listeners:

From Ishpeming, Michigan: "KXEL has been a part of my daily radio listening for nearly all of my life, from early childhood to adulthood. Even though I live many hundreds of miles away in the Upper Peninsula of Michigan, and thus many miles away from Waterloo, Iowa, KXEL is typically the most reliable and consistent am station, as far as reception, especially during the night and into the early morning hours. KXEL's programming is a regular, and very important, part of my day; any band interference, or power or signal conflict with this station, (or weakening of the impact of any other of the historic clear channel am radio station's signals), would be a great loss to the multitude of loyal listeners. Little would be gained; much would be lost, particularly in the ability of those of us in rural areas to access quality programming on a nationwide basis."

From Hudson, Wisconsin: "I listen to KXEL often overnights while performing my duties as a Police Officer in Wisconsin. It is one of the only stations that consistently comes in clearly at night. I don't want to see that change."

From Rapid City, South Dakota: “KXEL radio is a valuable asset to me as I drive at night in western South Dakota. Please keep the station as strong as it is now. It is superior radio to my local stations.”

Moreover, eliminating the current skywave protections to Class A AM stations, and thereby allowing Class B and D stations greater operating power, will not only negatively impact regional and distant listeners of Class A AM stations, but also would undercut nighttime interference-free (“NIF”) service in the *core* markets of Class A AM stations, to the detriment of in-market AM listeners. Attached and illustrated below are just three examples that are instructive as to the increased interference zones that would be created by co-channel stations to Class A AM stations when analyzed using the 50% RSS exclusion method customarily used to define nighttime interference from multiple radiators to stations of other classes: *all resulting in diminished NIF coverage areas within the Class A AM stations’ core service areas.* 24/

Specifically, the loss area to Class A Station WPHT(AM), Philadelphia, Pennsylvania, from potential nighttime co-channel interference from Class B and/or D upgrades is shown in red, encompassing a wide ring of current in-market coverage containing a population of 1,727,225 persons, in a 5,769 square kilometer area: 25/

24/ See Exhibit F.

25/ See Exhibit F-1. For the convenience of the reader, Exhibit F-1, as well as other graphic exhibits, have been inserted in the text of these Comments (slightly minimized in size), as well as attached, full-sized, in the exhibit portion of these Comments.

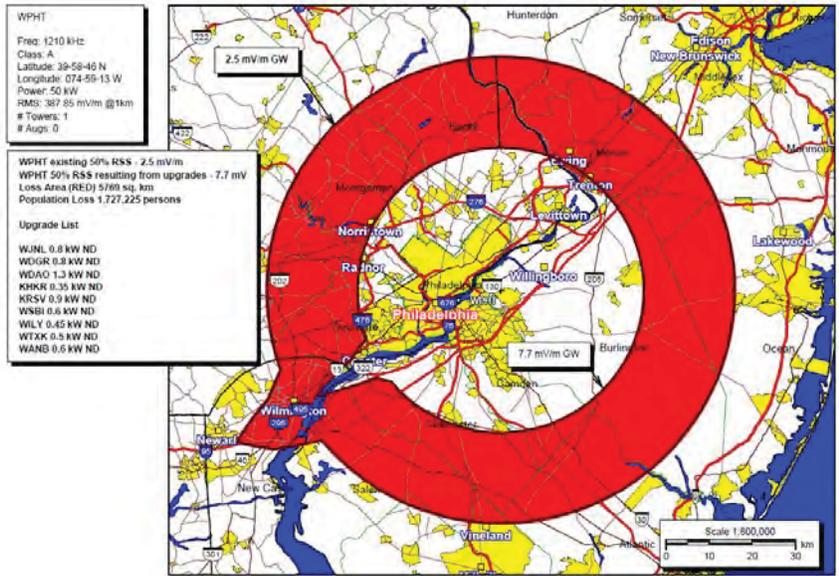


Exhibit F-1

Another example of the effect on NIF service is documented for Class A Station WSB(AM), Atlanta, Georgia, as shown in Exhibit F-2, where the NIF loss area will be 3,187 square kilometers, covering 1,318,581 persons:

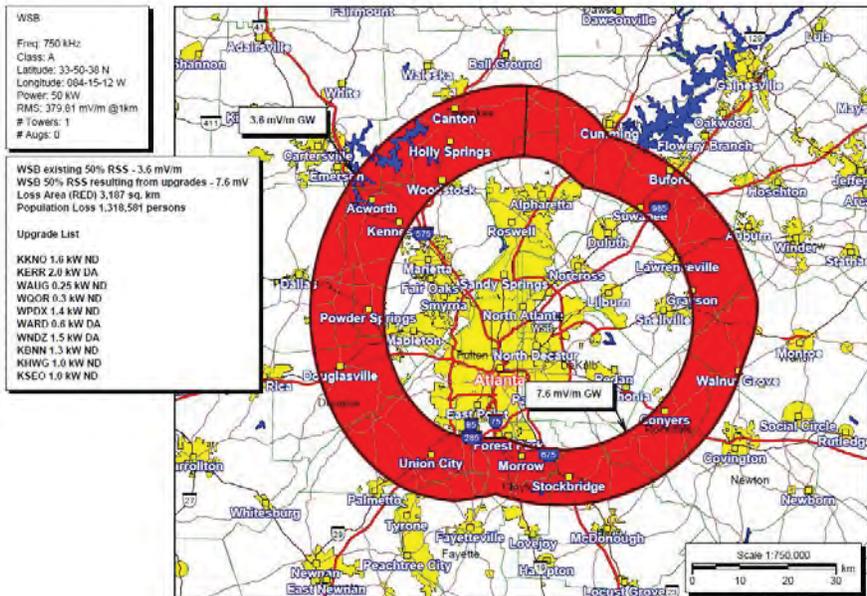


Exhibit F-2

And yet another example indicative of the interference-producing impact of the

FNPRM skywave elimination proposal is Class A Station KMOX(AM), St. Louis, Missouri, *see* Exhibit F-3, where the population loss to nighttime interference would be 986,470 persons in a 34,112 square kilometer area:

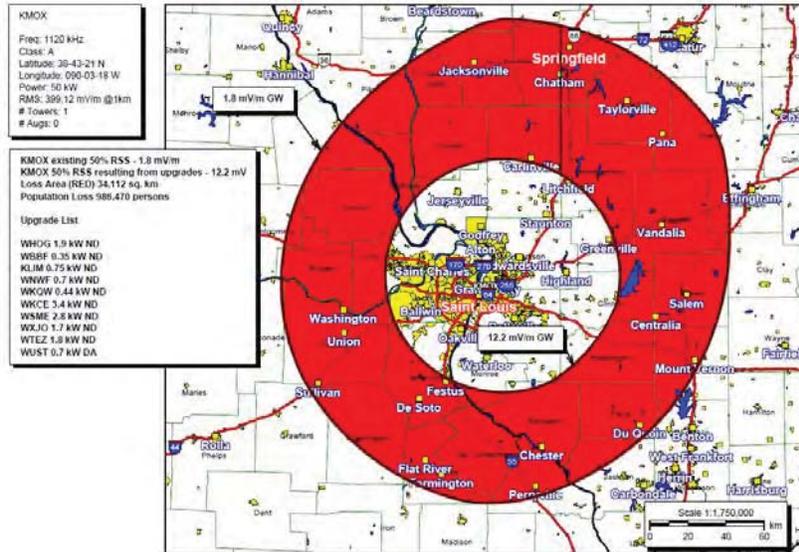


Exhibit F-3

These examples establish that it simply is not the case that the *FNPRM* proposal to eliminate skywave protection for Class A AM stations would only “deprive Class A stations of listeners far outside of their primary service areas,” or at “great distances ... from the metropolitan area that constitutes the station’s primary service area,” as presumed in the *FNPRM*. ^{26/} Instead, listeners within the very core of the Class A AM stations’ metropolitan markets – as well as loyal distant listeners – would be deprived of service under the *FNPRM* proposal to eliminate skywave protection.

Not only would the *FNPRM* proposal to eliminate the current skywave protections to Class A AM stations diminish NIF service in the *core* markets of Class A AM

^{26/} See *FNPRM* at ¶¶ 54-55.

stations, as illustrated by the examples of WPHT, WSB and KMOX described above, but the theoretical population gains of the co-channel upgrading Class B and D stations would be significantly outweighed by the population losses in each case.

Such sample upgrade scenarios are documented in Exhibit F-4, where the overall gains and losses of power increases by neighboring Class B and D stations on each of the frequencies occupied by the foregoing three Class A AM stations are evaluated. Specifically, assuming power increases by the Class B and D stations on 1210 kHz that would be relieved of protecting the WPHT skywave, the cumulative population gain would be 376,113 persons, while WPHT would suffer new interference (as calculated as currently defined in 47 C.F.R. § 73.182(q)(r)) to a population of 1,727,225. Likewise, the ratios of population gain to population loss for KMOX on 1120 kHz are 611,792 gain to 986,470 lost, and for WSB on 750 kHz, 557,408 persons gained to 1,318,581 persons lost. Taking these three examples together, the total population gains by Class B and D stations would be 1,545,313 persons, while the total population losses in areas no longer receiving NIF service would be 4,032,276 persons, for a net loss of 2,486,693 persons. That is, *for every one person theoretically gaining a signal from Class B and D stations increasing power in these scenarios, more than 2.6 persons would lose existing NIF service.* These three examples are illustrative of the clear negative impact on the AM band and its listeners of the Commission's proposal to eliminate skywave protections, thereby acting counter to, rather than advancing, the public interest.

2. Class A AM Stations Play a Critical Role in Emergency Communications

As the Commission itself recognized, "AM radio has traditionally served as a vital source of news and information, as well as a critical lifeline in times of emergencies and

man-made or natural disasters.” 27/ Class A AM stations, with their wide-area reach and established presence, have played invaluable roles in providing the public with critical and often life-saving information in times of severe weather, natural and man-made disasters and other emergency and public safety events.

A stellar example of the central emergency communications role a strong Class A AM station can uniquely perform is Entercom’s WWL(AM), New Orleans, Louisiana, in the challenging days during and after Hurricane Katrina. As detailed in the Statement of Diane Newman, WWL(AM)’s Operations Director, 28/ as Hurricane Katrina tore New Orleans apart and the subsequent flooding unfolded, WWL(AM) and its sister Entercom stations became one of the few, and at times possibly the only, reliable means of communication and sources of information throughout New Orleans, the region and the country. Ms. Newman explained that authorities, including the Mayor of New Orleans and the President of Jefferson Parish, relied on WWL(AM) to get critical information out to their own staffs as well as to their citizenry. 29/ With the assistance of iHeartMedia (then Clear Channel Communications), WWL(AM) programming was made available to other broadcasters as they came back on the air, through the cooperative effort termed United Radio Broadcasters of New Orleans. 30/ The United Radio Broadcasters of New Orleans effort continued during the recovery period as WWL(AM) and its rebroadcasting partners devoted 24 hour per day / 7 days a week coverage to the Hurricane

27/ See *First Report and Order* at ¶ 3.

28/ See Exhibit G (Statement of Diane Newman before the FCC) (Sep. 15, 2005).

29/ See *id.*

30/ See *id.*

Katrina recovery and rebuilding efforts. ^{31/} The far reach by WWL(AM)'s nighttime skywave service allowed those outside the hurricane zone to hear and feel the anguish of the victims of the disaster, and this nighttime service proved to be an invaluable source of information and connection to community for evacuees from the region. ^{32/} Yet, the *FNPRM* proposal would set the stage for the evisceration of this nighttime service.

Cox Media Group's Class A Station WSB(AM), Atlanta, Georgia, uses its wide-area coverage to supply valuable emergency information service to tornado and flood-prone areas of Georgia and Alabama, as well as points beyond. Because of the critical importance of accurate and up-to-date information in these areas and strong public interest, WSB(AM) even employs its own full-time meteorologist to provide weather forecasts and information for listeners beyond WSB(AM)'s primary coverage area, including rural residents and travelers.

Many of WSB(AM)'s regional listeners live in areas within the historical paths of

^{31/} See Exhibit H (WWL/WRNO Hurricane Katrina Recovery/Rebuilding Programming, 24/7 Coverage, 4th Quarter Report) (October – November 6, 2005) (listing post-Hurricane Katrina 24/7 programming by WWL, including updates by officials from police departments, airports, city and parish governments, schools, the Red Cross, Housing and Urban Development, Congress, FEMA, Army Corps of Engineers, the Catholic Archdiocese, United Way, Fire Fighters, Restaurant Association, sports teams, banks, and other national, state and local organizations).

^{32/} See, e.g., *Los Angeles Times*, "A Lifeline Sent by Airwave" (Sep. 10, 2005) at <http://articles.latimes.com/2005/sep/10/nation/na-radio10/3> (in the early hours of September 2, 2005, several million radio listeners east of the Rocky Mountains could hear on the 50,000-watt signal of WWL(AM) the voice of a man on his roof in New Orleans describing what the stars looked like over a city in darkness) (Exhibit I-1); *Tribune Newspapers*, "Radio station offers a virtual trip back home" (Jan. 2, 2006) at http://articles.chicagotribune.com/2006-01-02/features/0601020090_1_warm-beignets-wwl-fema (from Houston's residential motels to an RV camped outside an Arkansas big box store to crammed apartments all around the Southeast, Hurricane Katrina evacuees wait for the sun to go down so that they can tune into WWL(AM); for many of New Orleans' dispossessed, tuning into WWL(AM) has become a nightly ritual, a "symbolic trip back home") (Exhibit I-2).

hurricanes and tropical storms originating in the Gulf of Mexico, which can knock out broadcast operations in the disaster zone, creating an acute need for reliable regional communications outlets like WSB(AM). The quality of WSB(AM)'s severe weather forecasting and reporting has received national recognition among meteorological professionals. After considering severe weather coverage by local and network radio and television stations and cable services throughout the nation, the Council of the American Meteorological Society named WSB(AM)'s meteorologist Kirk Melhuish as the sole recipient of its *Award for Outstanding Service by a Broadcast Meteorologist* for 1994, recognizing that WSB had gone "above and beyond the call of duty to provide lifesaving weather information for the residents of northern Georgia during the 1993 Storm of the Century and the 1994 Palm Sunday Tornado Outbreak." 33/

In subsequent years, WSB(AM)'s severe weather coverage has continued that tradition of excellence. For example, in addition to its usual trustworthy warnings to its regional listeners about impending severe weather events, 34/ WSB(AM) provided special disaster communications in connection with: the Catoosa County Tornado that struck on April 27, 2011, leaving eight killed and thirty injured, with extensive property damage; the Adairsville Tornado in 2013; the statewide Georgia floodings in 2009 and 2015; the ice storms of 2000, which left an unprecedented number of homes in ten northeast Georgia counties without power 35/; and

33/ See Exhibit J-1 (Letter dated October 6, 1994, from American Meteorological Society to Kirk Melhuish, WSB(AM)).

34/ See e.g., Exhibit J-2 (E-mail correspondence dated April 9, 1998, from Ben Reagan to Kirk Melhuish, c/o W.S. Buggy).

35/ See Exhibit J-3 (Letter dated February 16, 2000, from Greg Brooks, Communications Coordinator, Walton Electric Membership Corporation, to David Meszaros, General Manager, WSB(AM)).

Tropical Storm Alberto, which stalled over Georgia and Alabama in 1994, causing thirty deaths and more than a billion dollars in property damage. Indeed, while Hurricane Hugo raged in 1989, WSB(AM)'s skywave signal from Atlanta was heard in Charleston, South Carolina, when – as one newspaper article stated – “[t]he 50,000 watt clear channel signal [of WSB] carried the reassuring voices of [WSB newsmen] Mr. [David] Foulk and Mr. [Paul] Gonzalez to Charlestonians who were still in the city being pummeled by 135-mph winds.” 36/

As a testament to the matchless value of the established regional service areas of Class A AM Stations, many are prominently represented as Primary Entry Point (“PEP”) stations for U.S. Government notifications in the Emergency Alert System (“EAS”): 25 Class A AM Stations are PEP stations in cooperation with the Federal Emergency Management Agency (“FEMA”) of the U.S. Department of Homeland Security. 37/ PEP stations “are private or commercial radio broadcast stations that cooperatively participate with FEMA to provide emergency alert and warning information to the public before, during, and after incidents and disasters. The FEMA PEP stations also serve as the primary source of initial broadcast for a Presidential Emergency Alert Notification (EAN).” 38/ FEMA has invested in 22 of these 25 Class A PEP stations, equipping them with additional back-up power generators and fuel storage systems designed to enable them to continue broadcasting information to the public during and after an event; plus ten of these Class A PEP stations have been further outfitted by FEMA with

36/ See Exhibit J-4 (“Hurricane Hugo: Destruction in Charleston: Atlanta’s WSB Kept on Top of Airwaves: Widespread Listeners Stay Storm-Informed,” *The Atlanta Journal* and the *Atlanta Constitution*, September 23, 1989).

37/ See Exhibit K (Primary Entry Point (“PEP”) Class A AM Stations).

38/ See <https://www.fema.gov/primary-entry-point-stations>.

high altitude electromagnetic pulse-resilient back-up facilities. ^{39/} These Class A PEP stations are an integral and critical part of the Integrated Public Alert and Warning System (“IPAWS”), through which Federal, State, territorial, American Indian, and local alerting authorities integrate alert systems. ^{40/} As explained by FEMA, “IPAWS provides public safety officials with an effective way to alert and warn the public about serious emergencies using the (EAS) ... and other public alerting systems from a single interface.” ^{41/}

Furthermore, Class A AM stations that serve as PEP facilities and/or LP-1 facilities in the EAS system are the initiators of the daisy chain of notification for over-the-air notifications to all other stations in the region. ^{42/} Therefore, the contraction of current protected groundwave service, as would be the case under the Commission’s *FNPRM* proposals, has the potential to disrupt this established notification system. Clearly, diminishing the interference-free service areas of Class A AM stations, as proposed in the *FNPRM*, would undermine the indispensable role Class A AM stations play in the IPAWS/EAS systems.

3. Reducing the Interference Protections of Class A AM Stations Would Undermine the Public Interest in High Quality Programming, Including News, Sports, Public Affairs, Weather and Emergency Alerts

As documented herein, the skywave reception of hundreds of thousands of current listeners to Class A AM stations would be subject to debilitating interference under the *FNPRM*

^{39/} *See id.*

^{40/} *See id.*

^{41/} *See* <https://www.fema.gov/integrated-public-alert-warning-system>.

^{42/} A Local Primary One, or “LP-1” station “acts as a key EAS monitoring source,” and is required to “monitor its regional PEP station and a back-up source for Presidential messages.” *See* 47 C.F.R. § 11.2(c). The thirty Class A AM stations that serve as LP-1 stations are identified in Exhibit L.

proposal to eliminate skywave interference protection. Thus, Class A AM listeners would face the loss of access to the high quality programming these Anchor Stations of the AM band provide.

For example, heritage Class A station WGN(AM), Chicago, Illinois, broadcasts a 24/7 live, full-service format that includes talk, news, information, weather, sports, religion and politics, with its programming, news and engineering departments staffed 24/7. ^{43/} WGN(AM) regularly breaks from normal programming for Presidential news conferences, breaking news, and weather emergencies; and WGN(AM) serves distant areas by providing regular farm reports, news, weather and information. ^{44/} WGN(AM) is also home to the Chicago Blackhawks hockey team and Northwestern University football and basketball – WGN(AM)’s wide-ranging signal is a primary selling point for these franchises, particularly since these sports games are generally played at night. ^{45/}

Dedicated country music fans far from Nashville can thank Class A station WSM(AM), Nashville, Tennessee, for starting, and continuing for over 90 years, the tradition of overnight broadcasts of the Grand Ole Opry. ^{46/} Yet, the Commission’s proposals here would disenfranchise long-term listeners of the Grand Ole Opry from access to this radio tradition.

Class A Station WSB(AM), Atlanta, Georgia, brings University of Georgia football and basketball coverage to travelers and to rural and regional listeners without a local

^{43/} See Letter of James de Castro, President and General Manger, WGN-AM Radio (Exhibit M).

^{44/} See *id.*

^{45/} See *id.*

^{46/} See <http://www.opry.com/history> (WSM(AM) broadcasts of the show “The WSM Barn Dance,” beginning on the night of November 28, 1925, is still going strong as the Grand Ole Opry®, having launched countless country music careers).

UGA affiliate. And, for all major state and federal elections, WSB(AM) breaks its regular format to provide coverage of election results across the entire state of Georgia.

Moreover, Class A AM stations' nighttime skywave signals provide a treasured resource for programming serving the unique needs of our country's nighttime workers. One example is the long-running overnight truckers' program aired by Class A station WLW(AM), Cincinnati, Ohio, since 1984. ^{47/} One of WLW's skywave listeners, Ron Lantz, was driving his tractor-trailer truck in Western Maryland, over 400 miles from Cincinnati, as Dale Sommers, the host of the overnight "The Truckin' Bozo" program, harnessed WLW's skywave reach to alert his audience that police were searching for the D.C.-area sniper suspects in a specific vehicle. ^{48/} That vehicle description aired by WLW clicked for Mr. Lantz as he spotted the sought-after car when he pulled into a rest stop in Myersville, Maryland; Mr. Lantz called 911 and blocked the exit to the rest stop with his truck, allowing authorities to arrest the suspects and put an end to the D.C.-sniper terror. ^{49/} The entire state of Maryland is served exclusively by WLW with a skywave signal – and so the residents and travelers in the state of Maryland would no longer have protected nighttime coverage from WLW under the *FNPRM's* proposed elimination of skywave protections.

In response to recent over-the-air requests, many truckers have voiced their strenuous support for maintaining the strong skywave and critical hours signals of Class A AM

^{47/} The show originated in 1984 with host Dale Sommers, as "The Truckin' Bozo." Since 2004, the program, now known as "America's Truckin' Network," has been hosted by Dale's son, Steve Sommers.

^{48/} See, e.g., News accounts at <http://chalcedon.edu/research/articles/kentucky-hero-called-truckers/> (Exhibit N); <http://www.landlinemag.com/Story.aspx?StoryID=18440#>. VtM74OTSmcw (Exhibit O).

^{49/} See *id.*

stations. *See* Exhibit E. The news, weather, traffic and emergency information and entertaining programming provided by Class A AM stations are relied on by this crucial component of our nation's transportation and commerce system while they are performing their services. Just a sample of comments from trucker listeners of WLW, Cincinnati, Ohio, at Exhibit E-1 are:

From Northampton, Pennsylvania: "I listen overnight while I drive a truck. I am updated on weather conditions, news affecting my industry, and other general information. The Loss of programming, especially overnight will hurt the trucking industry and citizens. I am able to listen on my am radio in my truck in eastern Pennsylvania, New Jersey and New York."

From Mendenhall, Mississippi: "I am truck driver and I drive at night. I depend on the American trucking network every night to keep me up dated on weather and road conditions I face every night. even though I drive in the southern states hundreds of miles from Cincinnati I greatly depend on this station every night of the year. So please DO NOT cut the power of this station nor the power of the other power a m stations across this great country because millions of other people through out this great land depends on these great stations. thank you."

From Mc Ewen, Tennessee: "We truck drivers NEED WLW at night. ATN [America's Truckin' Network] keeps us going at night. MANY of us drive at night to stay away from congestion on the roads during the day. PLEASE don't cut the power back, ATN is a VITAL service to the working man at night, plus we get informed on new rules and regulations for our industry. Thank you and have a blessed day."

4. Professional and Collegiate Sports Teams Would Suffer Economic Harm Due to Diminished Listenership of Class A AM Stations Carrying Their Games and Sports Programming

The Commission's proposals, if adopted, would deprive large numbers of loyal and vocal sports fans of their ability to listen to radio broadcasts of professional and collegiate sports teams and associated sports talk programming, which could be subject to so much interference under the proposed rules that listening across significant portions of a fan base either would be physically impossible or so impeded by static that fans would tune out.

Class A AM radio stations historically have played an important role in providing sports fans over a wide area with free, live broadcasts of games of their favorite teams. Indeed, a

team’s “local” fan base often extends many hundreds of miles beyond a home town radio market. The Commission’s proposals to reduce interference protections to Class A AM stations that broadcast live sports games would, without any other tangible benefits, palpably harm consumers who rely on those broadcasts and for whom access would otherwise not be possible. As discussed further below, the elimination of critical hours protections would immediately extend these harms to fans throughout a station’s service area, creating significant holes in coverage and undermining one of the tenets of broadcast localism: the availability of local programming. 50/

B. Eliminating Critical Hours Protections Would Significantly and Immediately Increase Interference Throughout the AM Band

Despite no prior discussion in the *NPRM*, and with no technical analysis in the *FNPRM*, the Commission tentatively concludes in the *FNPRM* to eliminate the critical hours protections for Class A AM stations. As detailed in these Comments, such a move would only serve to create immediate, unbearable interference in the AM band, not only “at great distances from the metropolitan area that constitutes the station’s primary service area,” 51/ but also within the close-in, supposedly-protected, groundwave contour of Class A AM stations. Regular listeners of the AM band, both far and wide, would be deluged with static-laden reception, whether attempting to listen to a Class A AM station or to a co-channel non-Class A station, as the skywave and co-channel signals collide. The end result will truly be small islands of service in a sea of interference and does not advance the Commission’s stated goal of enhancing AM

50/ The proposed changes also likely would be contrary to certain basic assumptions governing the contractual arrangements between radio stations and sports teams, which always take into account the coverage area of the broadcasting station, potentially requiring renegotiation of existing contracts.

51/ See *FNPRM* at ¶ 55 (asserting that reducing protections to Class A AM stations would only reduce coverage in areas at great distances from the transmitter).

broadcast quality.

By way of background, Section 73.187 of the Commission's rules limits the early morning and late afternoon operations of certain Class B and D AM stations during the critical hours periods when the operation would radiate toward the 0.1 mV/m contour of a co-channel domestic Class A AM station at or below the specified vertical angle. ^{52/} Thus, an AM station with a critical hours authorization is required to reduce power and/or change to a directional antenna system in order to limit interference to co-channel Class A AM stations during the two hours pre-sunset and the two hours post-sunrise. ^{53/}

It is well established that critical hours protections are designed "to provide an adequate measure of protection to the wide area service of [Class A AM stations] during the transitional hours after local sunrise and before local sunset when neither daytime nor nighttime propagation characteristics are fully in effect. . . . The very concept of critical hours protection involves a recognition of the time dependent uncertainty of propagation characteristics of this particular period." ^{54/} When asked in the early 1990s to consider changes to critical hours protections, the Commission concluded: "Our experience over the years has shown that our critical hours protection scheme has successfully provided a reasonable degree of interference protection for this time of day and therefore, will remain unchanged." ^{55/}

In the *FNPRM*, with no discussion of the laws of physics controlling skywaves –

^{52/} See 47 C.F.R. § 73.187. Critical hours are the two-hour period immediately following local sunrise and the two-hour period immediately preceding local sunset. *FNPRM* at n.139

^{53/} See *FNPRM* at ¶ 50.

^{54/} See *AM Technical Standards, Report and Order*, 6 FCC Rcd 6273, 6288 [¶ 46] (1991).

^{55/} *Id.*

or how those laws of physics could conceivably change by governmental fiat – the Commission tentatively concludes that the critical hours protections of Class A AM stations should be eliminated completely. 56/ As documented in these Comments, such a step would have disastrous results for the existing listeners within the protected 0.1 mV/m groundwave contours of Class A AM stations by undercutting the Class A AM stations’ effective interference-free service area. 57/

As any listener of the AM band is aware, when an AM station fails to switch to its limited critical hours power or critical hours directional array as required by its FCC license, 58/ the skywave signal of the co-channel Class A AM station does not go away – instead the clash of the skywave signal and the overpowered co-channel AM station signal results in a non-listenable radio signal for many frustrated, would-be listeners tuned into that position on the dial. This negative impact is on any listener tuning across the AM band, not just those seeking out Class A AM stations.

There is no doubt that the Commission’s *FNPRM* proposal to eliminate critical hours protections would create new areas of interference to vast swaths of the groundwave service areas of Class A AM stations. Listeners to virtually every Class A AM station would

56/ See *FNPRM* at ¶ 56.

57/ The impact of skywave interference during critical hours can be attested to by every consulting engineer taking field readings; indeed, the FCC practice is to not accept field strength measurements made during critical hours, due to the impact of skywave interference.

58/ The Commission’s Enforcement Bureau’s Field Offices can attest to such occurrences of failures to abide by the station’s license. See, e.g., *Hye Cha Kim Licensee of Station WDGR(AM), Dahlonega, GA*, 27 FCC Rcd 8912 (District Director, Atlanta Office, South Central Region, Enforcement Bureau 2012) (FCC Field Agents observed failure of AM station to power down according to its post-sunset license authorization); *Radio Moultrie, Inc.*, 18 FCC Rcd 22950 (Chief, Enforcement Bureau 2003) (FCC Field Agent determined that the licensee failed to change AM station to its critical hours directional array as required by its license).

suffer considerable new interference from the intruding signals into the Class A's supposedly "protected" daytime groundwave service area. This unintended consequence is graphically presented in the analysis of the impact of the elimination of critical hours protections on representative Class A AM stations at Exhibit P. These six case studies are merely examples of what will be a near universal negative impact on listeners within Class A AM stations' core service areas. And such new interference would be experienced immediately, as co-channel stations now subject to critical hours restrictions simply would keep running their daytime power or facilities, without the pre-requisite of obtaining construction permits or installation of new equipment. Moreover, while the *FNPRM* purports to commit to protecting the daytime and nighttime 0.1 mV/m (40 dBu) groundwave contour of Class A AM stations, ^{59/} these six examples document that these new interference areas would be located far inside the Class A AM stations' respective 0.1 mV/m (40 dBu) groundwave contours, demolishing service now enjoyed by their listeners during morning and evening drive-time hours.

Specifically, the engineering study at Exhibit P-1 demonstrates that 53% of the area (marked in red shading below) within the "protected" 0.1 mV/m (40 dBu or 100 uV/m) groundwave contour of Class A Station WCKY(AM), Cincinnati, Ohio, would be subject to debilitating interference from the elimination of critical hours protections; this interference area contains 54% of the population within WCKY's 0.1 mV/m groundwave contour:

^{59/} See *FNPRM* at ¶ 56 ("all Class A stations should be protected, both day and night, to their 0.1 mV/m groundwave contour, from co-channel stations").

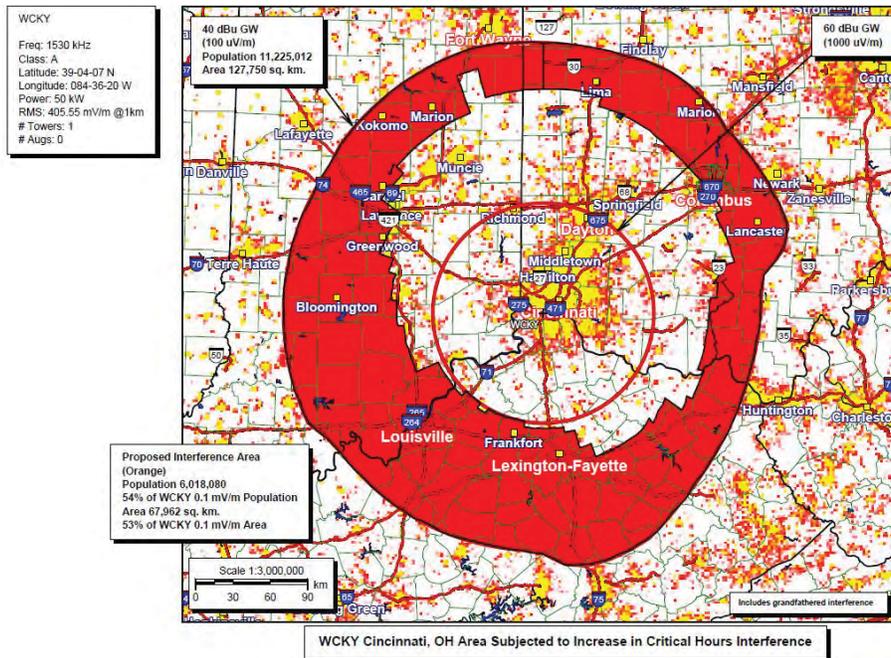


Exhibit P-1

Likewise, as shown in the engineering study at Exhibit P-2, 51% of the area, and 33% of the population, within the 0.1 mV/m groundwave contour of Class A Station WPHT(AM), Philadelphia, Pennsylvania, would be subject to interference if critical hours restrictions were removed: 60/

60/ Indeed, if critical hours protections were eliminated as proposed in the *FNPRM*, as shown on Exhibit P-1, the *de facto* protected contour during critical hours for much of the service area of WPHT(AM) would become the 0.891 mV (59 dBu) groundwave contour, a protection value less than the protection currently afforded to Class B, C and D AM stations. *Cf.* 47 C.F.R. §73.182.

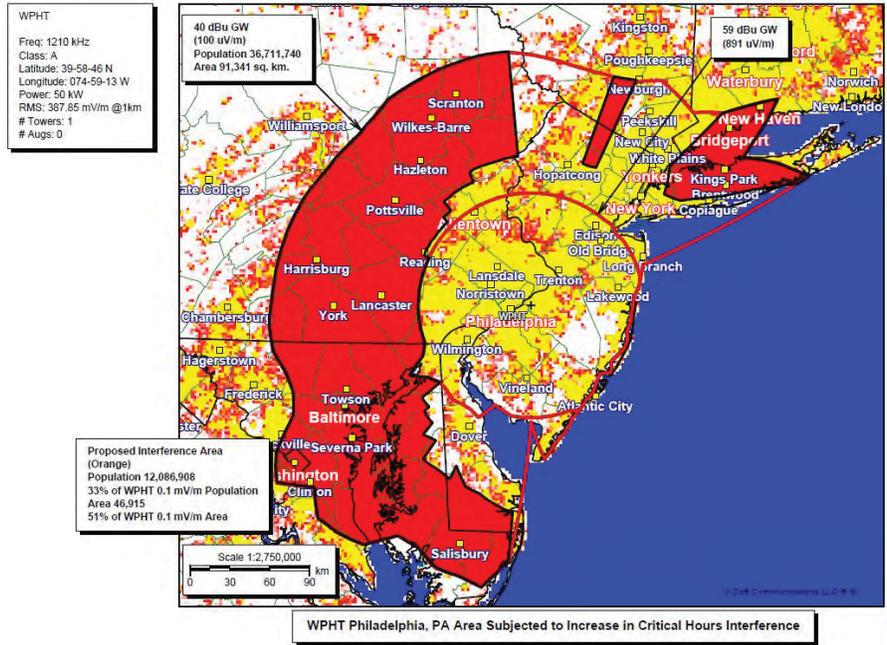


Exhibit P-2

The study of Class A Station WBT(AM), Charlotte, North Carolina, at Exhibit P-3, documents new interference from the loss of critical hours protection to 30% of the population and 31% of the area within WBT's 0.1 mV/m groundwave contour:

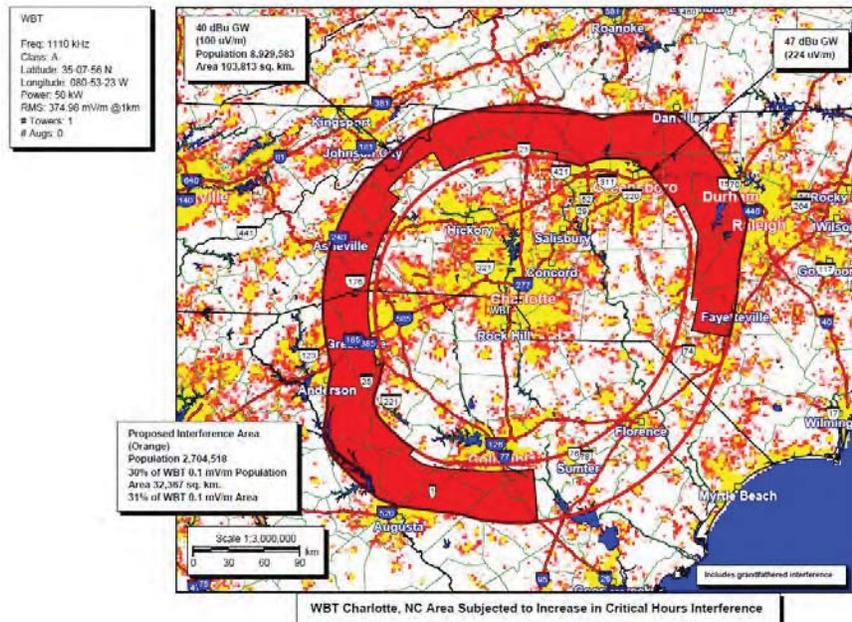


Exhibit P-3

Exhibit P-4 illustrates the interference that listeners of Class A Station KMOX(AM) would suffer, accounting for 24.6% of the population and 29.3% of the area within KMOX's 0.1 mV/m groundwave contour:

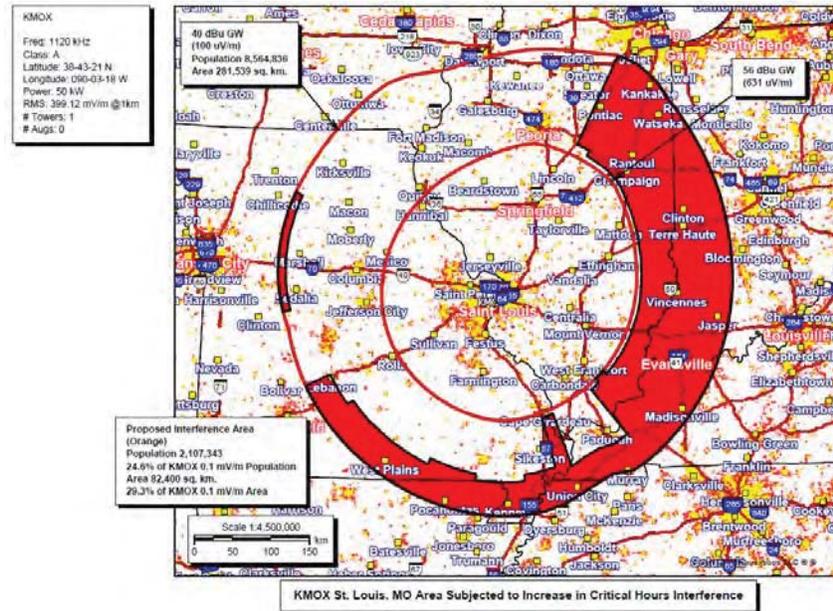


Exhibit P-4

Class A Station WBAL(AM), Baltimore, Maryland, is shown at Exhibit P-5 with a 12% population and 26% area critical hours interference area within its 0.1 mV/m groundwave contour:

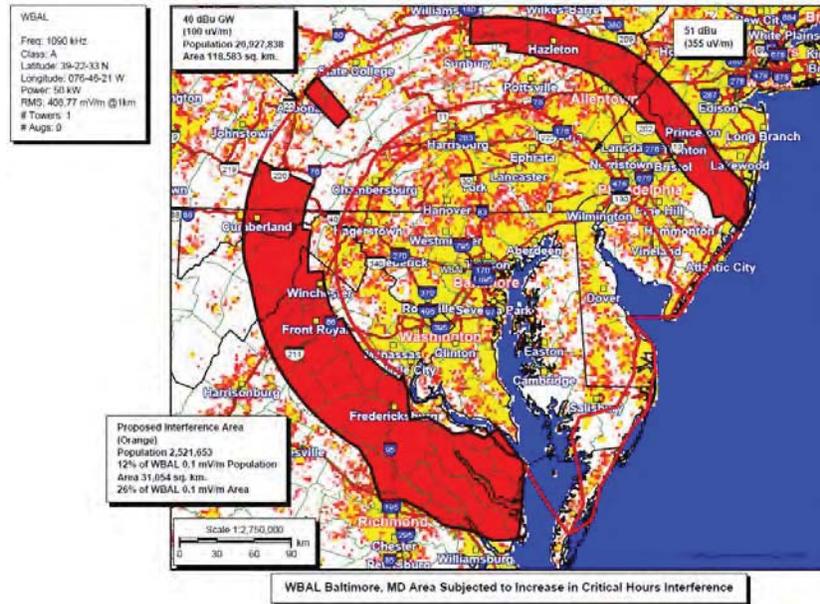


Exhibit P-5

And Class A Station KFAB(AM), Omaha, Nebraska, *see* Exhibit P-6, would have 11% of the population and 19% of the area within its 0.1 mV/m groundwave contour subject to increased interference during critical hours if the current protections were lifted: 61/

61/ These engineering exhibits are a graphical representation of the RSS summation of the critical hours radiation in excess of the maximum permissible radiation, calculated using the methodology prescribed in 47 C.F.R. Section 73.187, from domestic Class B and D AM stations when operated from their daytime facilities. The Commission’s relaxation of antenna efficiency standards in the AM Revitalization *First Report & Order* likely will lead to more non-Class A AM stations employing shorter towers, thereby increasing high angle radiation effects. The attached engineering exhibits do not take into account the interference impact of operations with such shorter towers, so that the harm to the listening public of the elimination of critical hours protections can be expected to become even worse than the results documented here.

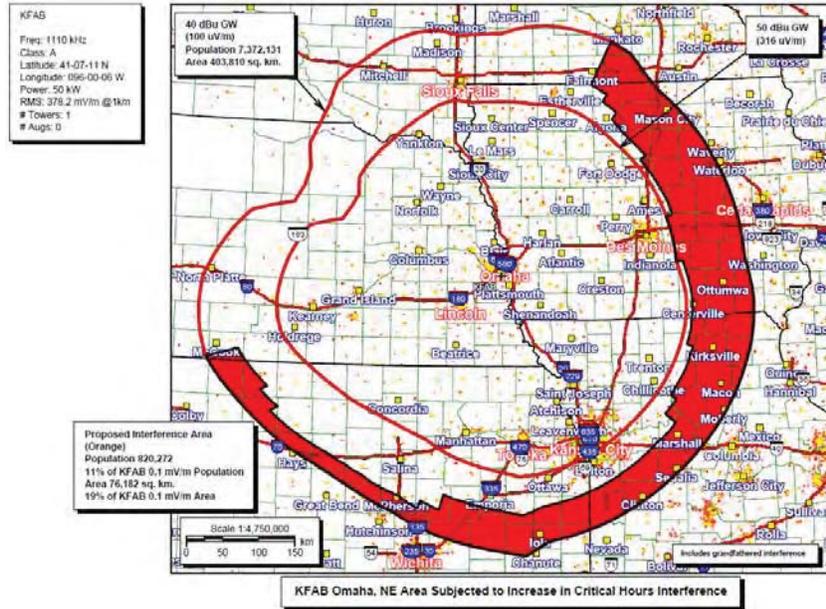


Exhibit P-6

As noted above, critical hours are the two-hour period immediately following local sunrise and the two-hour period immediately preceding local sunset. Thus, the critical hours windows generally include the high-volume “morning rush” and “evening rush” dayparts, when drivers are tuned-in to their vehicle radios. ^{62/} To meet this listener demand, Class A AM stations traditionally invest in quality programming of particular interest to commuters, often featuring popular talent and news, weather and traffic information. Undercutting the drive-time interference-free service areas of Class A AM stations, as the *FNPRM* would do by eliminating critical hours protections, would harm the economic viability of these stations and the ability to finance the valued programming broadcast to this established audience.

^{62/} Nielsen’s study, “State of the Media: Audio Today,” reports that the majority of radio listeners are in the workforce and are reached when they are away from home, with the dominant daypart for “away from home” listening being afternoon drive, followed closely by middays and morning drive; for those persons working full time, mornings lead, followed by afternoon drive listening. See http://www.insideradio.com/free/nielsen-gives-radio-more-out-of-home-sales-ammo/article_9f19ae5a-dc5c-11e5-a8a0-eb7a613b3a58.html.

In sum, if eliminated, the critical hours protections would have *immediate* negative impact on Class A AM stations' existing listeners within the station's protected groundwave service contour, as current critical hours-limited stations could easily implement operations during critical hours without technical modifications. On the other hand, the physics of skywave during these hours would not have changed, and the purported new listeners to the critical hours-limited stations would continue to be subject to interference and spotty reception.

II. THE COMMISSION'S PROPOSAL TO DECREASE DAYTIME PROTECTIONS FOR ALL CLASS B, C, AND D AM STATIONS WOULD PERMIT MORE, NOT LESS, INTERFERENCE ON THE AM BAND

In the *FNPRM*, the Commission noted that commenters also proposed several changes to the rules providing daytime protection to all AM stations, including changes to Section 73.37(a) of the Commission's rules, which specifies protection ratios for co-channel and first, second and third-adjacent channel AM stations. ^{63/} Again, notwithstanding a sparse and inconclusive record, the Commission tentatively concluded in the *FNPRM* to reduce the protected daytime primary service contour for all Class B, C and D AM stations to the 2 mV/m contour. ^{64/}

The *FNPRM* asks for comments on this proposal, including answers to the questions of: whether the proposal would result in "greater flexibility for AM stations to improve their signals, or would they merely increase inter-station interference?"; "[w]ould the net effect be beneficial or harmful to AM broadcasters and listeners?"; and "quantify any costs ...our proposal would entail." ^{65/}

^{63/} See *FNPRM* at ¶ 63.

^{64/} See *id.* at ¶¶ 64-65.

^{65/} *Id.* at ¶ 65.

The AM Radio Preservation Alliance includes broadcasters whom are also licensees of non-Class A AM stations and, regardless, all members of the Alliance have a stake in seeing a reduction, rather than an increase, in interference on the AM band, so that listeners are not further driven away from tuning into the AM service. As documented in the attached engineering analyses, while one AM station might obtain power gains (at higher utility costs) and some close-in population gains under the Commission's *FNPRM* daytime proposal, it would be at the extensive expense of that station's neighbors and the integrity of the AM band as a whole. ^{66/} Indeed, even if a Class B, C or D station takes advantage of the proposed *FNPRM* change in daytime protections by relocating closer or increasing power, that station itself will be on the receiving end of new interference from likewise upgrading neighbors.

The deleterious impact across the AM band under the *FNPRM* proposal to reduce the protected daytime contour for Class B, C and D AM stations to the 2 mV/m contour is illustrated in the evaluations of two representative Class B AM stations: WONE, Dayton, Ohio, and WWBG, Greensboro, North Carolina. These analyses assume that each of WONE and WWBG are upgraded to the maximum facility possible under the *FNPRM* proposal, and then that the stations impacting the allocation landscape for WWBG and WONE are likewise upgraded. That is, both the subject WWBG and WONE, as well as all surrounding stations, are assumed to increase power in compliance with the new 2 mV/m contour protections to co-channel and adjacent-channel non-Class A stations as proposed in the *FNPRM*. The results? Everyone on the AM band, along with their listeners, are losers, as substantial new received and new caused interference zones are created.

Specifically, Exhibit Q-1 displays that Class B Station WONE, notwithstanding

^{66/} See Exhibit Q.

its presumed upgrade from 5 kilowatts to 45 kilowatts power, will incur new areas of received interference to its signal (those areas shaded red) from the also-permitted power upgrades of its neighbors. ^{67/} Comparing Exhibit Q-1 (received interference with across-the-board power increases under the *FNPRM*), with its large areas of new interference shaded in red, to Exhibit Q-2 (existing received interference), with its more modest areas of today’s interference zones in orange, makes it painfully evident that even with a nine-fold power increase, WONE(AM) and its listeners would be far worse off under the *FNPRM* proposal to reduce non-Class A daytime protection to the 2 mV/m contour.

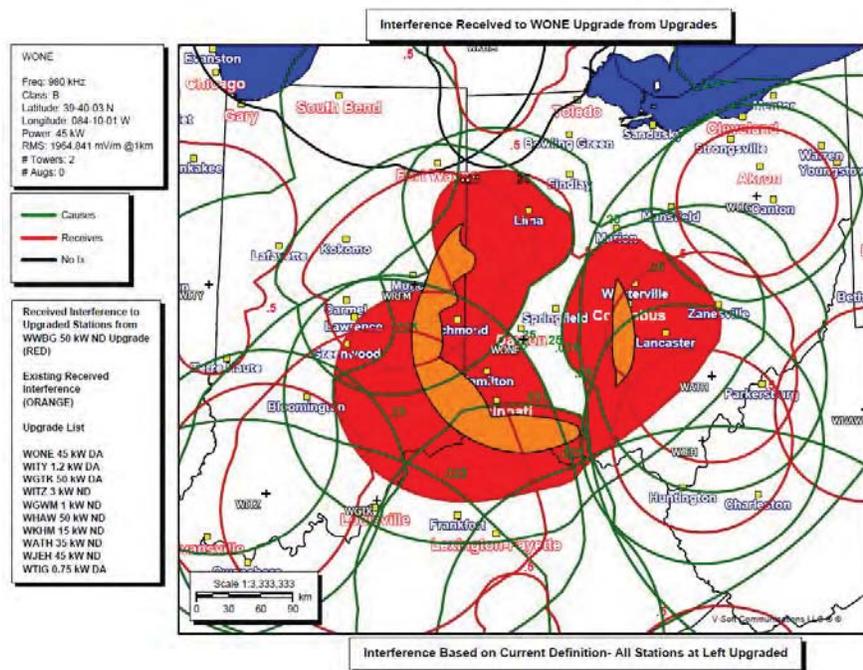


Exhibit Q-1

^{67/} See Exhibit Q-1 (“Interference Received to WONE Upgrade from Upgrades”). In Exhibit Q, interference areas are based on the current FCC rules definition of interference. The orange shaded areas on Exhibit Q-1 reflect existing received interference to WONE. That existing received interference to the WONE signal under current allocation rules, that is, today’s scenario, is separately broken out in the orange shaded areas in Exhibit Q-2 (“Existing WONE Received Interference”).

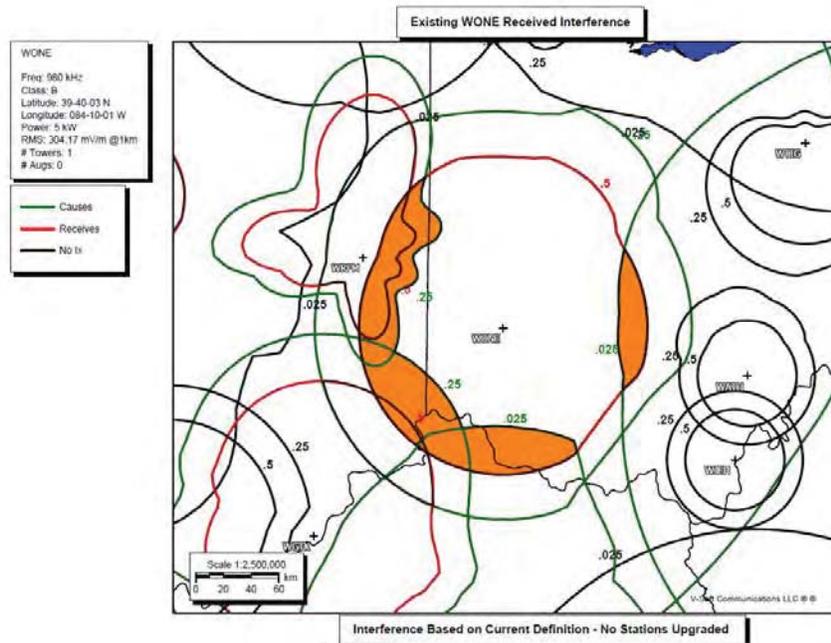


Exhibit Q-2

Likewise, the analysis at Exhibits Q-3 and Q-4 show that the neighbors of WONE, notwithstanding their respective presumed power increases under the *FNPRM*'s 2 mV/m contour protection proposal, would receive from WONE much more interference than is caused now by WONE. The new areas of interference caused by a powered-up WONE to its powered-up neighbors is displayed in red on Exhibit Q-3, with existing caused interference in orange. Also for comparison, Exhibit Q-4 shows today's environment of WONE-caused interference. Again, it is graphically clear that notwithstanding their own power increases, the co-channel and adjacent-channel neighbors of WONE would be worse off under the *FNPRM* proposal to protect only 2 mV/m contours. Indeed, the proposed change of protected contours for Class B, C and D AM stations to the 2 mV/m contour essentially allows a 12 dB increase in the permitted interfering signal, to the detriment of the AM band. ^{68/}

^{68/} Furthermore, the costs for such power increases would be high. For an upgrade from 5 to 45 kilowatts, the infrastructure investment would be on the order of \$300,000 to \$500,000; utility

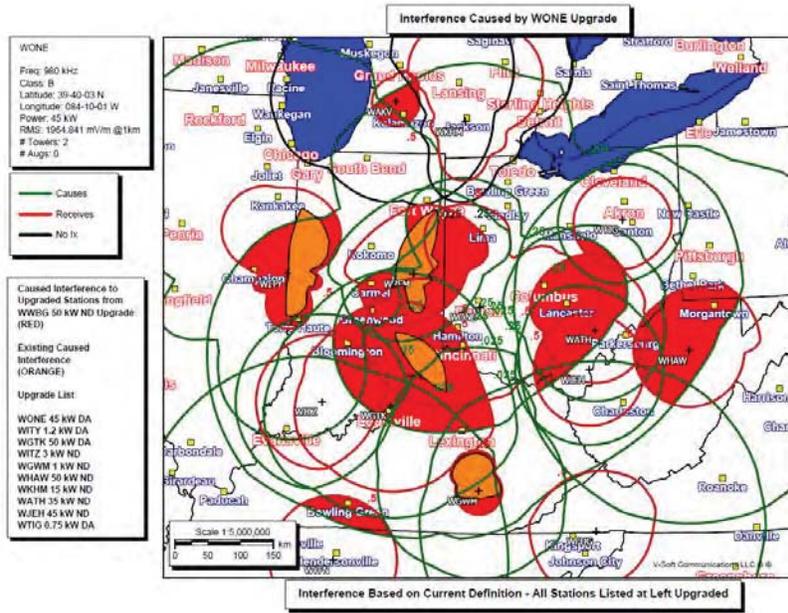


Exhibit Q-3

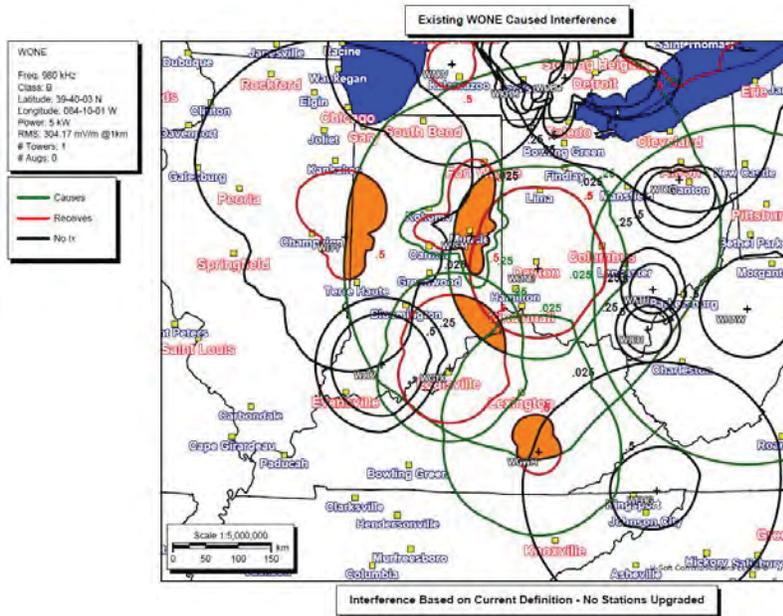


Exhibit Q-4

Similarly, Exhibit Q-5 is a study of the possible upgrade of Class B Station

bills can be expected to increase almost ten-fold, in some locales climbing to \$120,000 annually for a 45 kilowatt operation.

WWBG from 10 kilowatts to 50 kilowatts power, along with the potential upgrades of other stations in the environs, assuming the implementation of the *FNPRM* 2 mV/m contour daytime protection proposal. The extensive areas marked in red indicate the regions where the WWBG signal would be subject to new interference from surrounding upgrades. And like the WONE upgrade, the WWBG upgrade also would hurt several neighboring signals, as demonstrated by the red new interference areas in Exhibit Q-6. ^{69/} In the end, Class B, C and D stations will be faced with high implementation and operating costs for power increases merely to partially stave off encroaching signals, with the listening public being deluged with more, not less, interference on the AM band. ^{70/}

^{69/} As with the case of the WONE upgrade analysis, the WWBG existing received and caused interference areas are shaded in orange – and are minute compared to the new areas of received and caused interference that would result under the *FNPRM* 2 mV/m contour proposal. These existing caused and received interference areas for WWBG are separately reflected in Exhibit Q-7.

^{70/} Given that the foregoing examples assume that all neighboring stations implement power increases, those AM stations that do not carry out power increases, whether for lack of resources or other constraints, will be subject to even more massive new zones of interference under the *FNPRM* proposal. Ironically then, the least economically robust stations, not having the resources to invest in the infrastructure necessary for upgrading their stations, will be the ones most subject to additional interference from their upgrading neighbors.

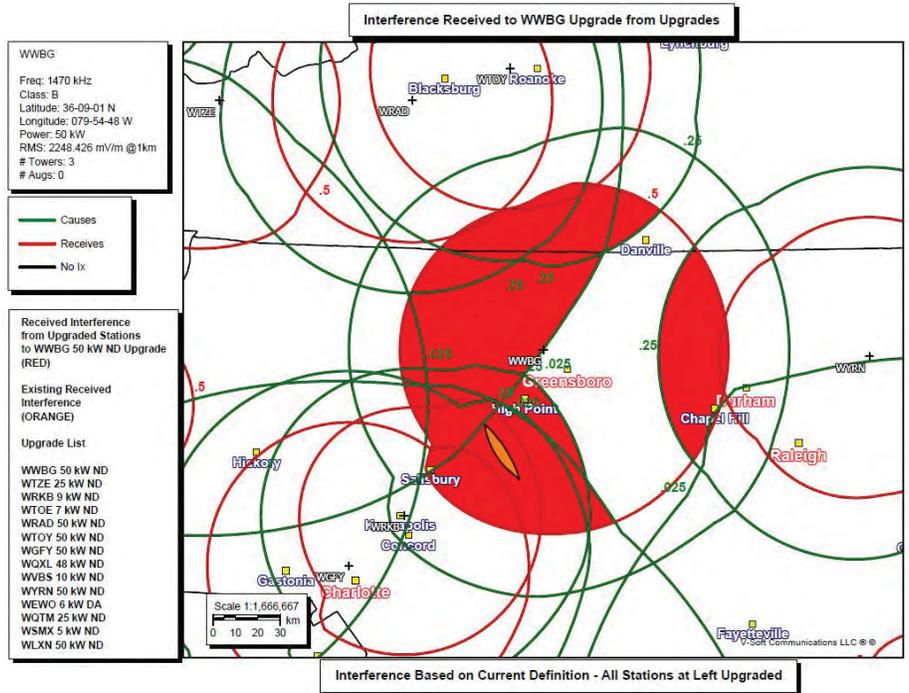


Exhibit Q-5

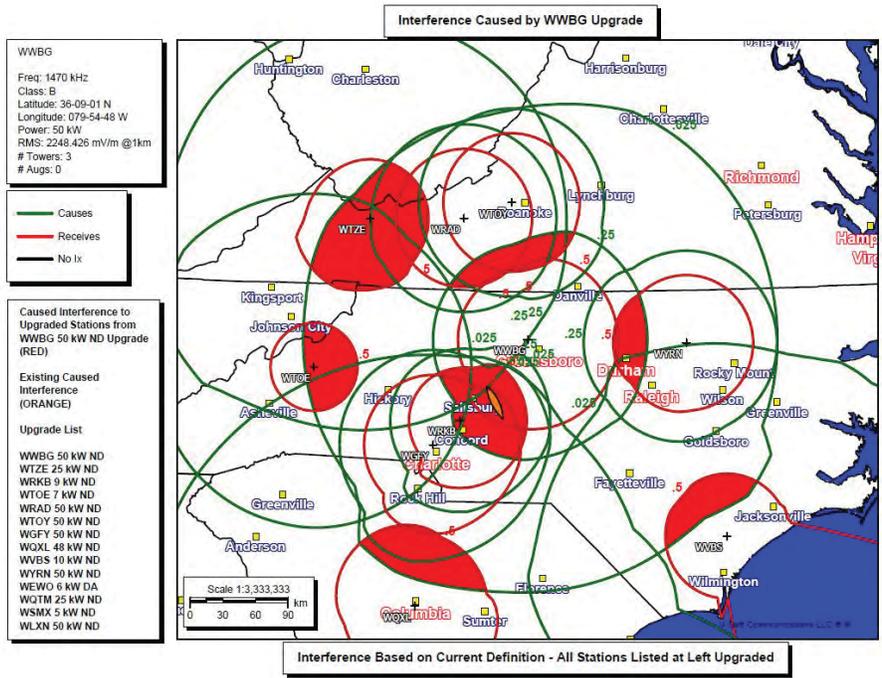


Exhibit Q-6

These representative engineering analyses demonstrate that the end result of the FNPRM proposal to reduce daytime protection to co-channel and adjacent channel stations

would be the establishment of more interference on the AM band, leaving small islands of service in a sea of interference, further provoking listeners to tune away from the AM band, with a net harmful effect to AM broadcasters and AM listeners. That outcome does not serve the public interest.

III. CONCLUSION

The AM Radio Preservation Alliance is presenting these Comments and associated exhibits and technical studies to illuminate that the *FNPRM* proposals to eliminate skywave and critical hours protections, and to reduce Class B, C and D interference protections, would be detrimental to the value to the public of the AM band and thus contrary to the public interest. The Commission should not undermine the steps taken so far in the AM Revitalization proceeding to enhance AM broadcast quality by adopting these *FNPRM* proposals, which would only serve to create vast new areas of signal interference, both near and far. The end result would be to drive away existing listeners of the AM band, thereby harming the economic viability of those AM stations providing valued, high quality programming and key information conduits in the nation's responses to emergencies.

Respectfully submitted,

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March 21, 2016

**COMMENTS OF THE AM RADIO PRESERVATION ALLIANCE
ON FURTHER NOTICE OF PROPOSED RULE MAKING**

LIST OF EXHIBITS

Exhibit	Topic
A	Class A AM Radio Stations Licensed to the Members (or to their Respective Licensee Subsidiaries) of The AM Radio Preservation Alliance
B	B-1: 56 Class A AM Stations Represent a Significant Proportion of Listening (Nielsen National Regional Database) B-2: Class A AM Stations Drive Overall AM Relevance (Nielsen Audio)
C	Analysis of Population Losses of <i>FNPRM</i> Class A Proposal (Cavell, Mertz & Associates, Inc.)
D	Analysis of Population Losses of <i>FNPRM</i> Class A Proposal by American Indian Lands (Cavell, Mertz & Associates, Inc.)
E	Support from Class A AM Station Skywave Listeners E-1: WGY, WCKY, WLW, WTAM, KOA, WHO, KFI, WHAS, WLAC, WOR, KFAB, KEX, WRVA, KFBK, WOIA, WWVA E-2: WBT E-3: KXEL
F	<i>FNPRM</i> Nighttime Interference-Free (“NIF”) Service Losses: F-1: WPHT F-2: WSB F-3: KMOX F-4: Sample Nighttime Upgrade Scenario: 1210 kHz, 1120 kHz, 750 kHz
G	WWL(AM), New Orleans, Louisiana, Statement of Diane Newman before the FCC, September 15, 2005
H	WWL/WRNO Hurricane Katrina Recovery/Rebuilding Programming, 24/7Coverage, 4 th Quarter Report, October – November 6, 2005
I	I-1: “A Lifeline Sent by Airwave,” Ellen Barry, <i>Los Angeles Times</i> , September 10, 2005 I-2: “Radio station offers a virtual trip back home,” James Rainey, <i>Tribune Newspapers</i> , January 2, 2006
J	J-1: Letter dated October 6, 1994, from American Meteorological Society to Kirk Melhuish, WSB(AM) J-2: E-mail correspondence dated April 9, 1998, from Ben Reagan to Kirk Melhuish, c/o W.S. Buggy J-3: Letter dated February 16, 2000, from Greg Brooks, Communications Coordinator, Walton Electric Membership Corporation, to David Meszaros, General Manager, WSB(AM) J-4: “Hurricane Hugo: Destruction in Charleston: Atlanta’s WSB Kept on Top of Airwaves: Widespread Listeners Stay Storm-Informed,” <i>The Atlanta Journal</i> and the <i>Atlanta Constitution</i> , September 23, 1989
K	Primary Entry Point (“PEP”) Class A AM Stations
L	Class A AM LP-1 Stations

Exhibit	Topic
M	Letter of James de Castro, President and General Manger, WGN-AM Radio
N	"Kentucky Hero Called Truckers." Chalcedon
O	"D.C. sniper: Bozo recalls 'the night it all went down,'" Reed Black, <i>Landline Magazine</i> , October 10, 2009
P	<p><i>FNPRM</i> Increase in Critical Hours Interference</p> <p>P-1: WCKY, Cincinnati, OH</p> <p>P-2: WPHT, Philadelphia, PA</p> <p>P-3: WBT, Charlotte, NC</p> <p>P-4: KMOX, St. Louis, MO</p> <p>P-5: WBAL, Baltimore, MD</p> <p>P-6: KFAB, Omaha, NE</p>
Q	<p>Impact of <i>FNPRM</i> Proposed Change to 2 mV/m Contour Protection for Class B, C and D AM Stations</p> <p>Q-1: Interference Received to WONE Upgrade from Upgrades</p> <p>Q-2: Existing WONE Received Interference</p> <p>Q-3: Interference Caused by WONE Upgrade</p> <p>Q-4: Existing WONE Caused Interference</p> <p>Q-5: Interference Received to WWBG Upgrade from Upgrades</p> <p>Q-6: Interference Caused by WWBG Upgrade</p> <p>Q-7: Existing WWBG Interference Caused and Received</p>

EXHIBIT A

CLASS A AM STATIONS LICENSED TO THE MEMBERS (OR THEIR LICENSEE
SUBSIDIARIES) OF THE AM RADIO PRESERVATION ALLIANCE

Alliance Member	Class A AM Station(s)
Alpha Media LLC	KFQD, Anchorage, AK; KNZR, Bakersfield, CA
Bonneville International Corporation	KIRO, Seattle, WA; KSL, Salt Lake City, UT
CBS Radio Inc.	KDKA, Pittsburgh, PA; KMOX, St Louis, MO; KNX, Los Angeles, CA; KRLD, Dallas, TX; KYW, Philadelphia, PA; WBBM, Chicago, IL; WBZ, Boston, MA; WCBS, New York, NY; WCCO, Minneapolis, MN; WFAN, New York, NY; WPHT, Philadelphia, PA; WSCR, Chicago, IL; WTIC, Hartford, CT
Cox Media Group, LLC	WSB, Atlanta, GA
Cumulus Media Inc.	KAAY, Little Rock, AR; KGO, San Francisco, CA; KNBR, San Francisco, CA; WABC, New York, NY; WBAP, Fort Worth, TX; WJR, Detroit, MI; WLS, Chicago, IL
Entercom Communications Corp.	WWKB, Buffalo, NY; WWL, New Orleans, LA
Family Stations, Inc.	WFME, New York, NY
Grand Ole Opry, LLC	WSM, Nashville, TN
Greater Media, Inc.	WBT, Charlotte, NC
Hearst Stations Inc.	WBAL, Baltimore, MD
Hubbard Radio, LLC	KSTP, St. Paul, MN; WFED, Washington, DC
iHeartMedia + Entertainment, Inc.	KENI, Anchorage, AK; KEX, Portland, OR; KFAB, Omaha, NE; KFBK, Sacramento, CA; KFI, Los Angeles, CA; KOA, Denver, CO; WCKY, Cincinnati, OH; WGY, Schenectady, NY; WHAM, Rochester, NY; WHAS, Louisville, KY; WHO, Des Moines, IA; WLAC, Nashville, TN; WLW, Cincinnati, OH; WOAI, San Antonio, TX; WOR, New York, NY; WRVA, Richmond, VA; WTAM, Cleveland, OH; WWVA, Wheeling, WV
NRG License Sub, LLC	KXEL, Waterloo, IA
Scripps Media, Inc.	KFAQ, Tulsa, OK
Townsquare Media, Inc.	KWKH, Shreveport, LA
Tyler Media, L.L.C.	KOKC, Oklahoma City, OK
Tribune Broadcasting Company, LLC	WGN, Chicago, IL