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Monday, March 28, 2016

Federal Communications Commission
445 12Th Street, SW,
Washington, D.C. 20554

Re: DA 13-2224 MB Docket No. 13-249

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Please accept the attached document as Reply Comments pertinent to the Notice of Proposed Rule Making in the Matter of Revitalization of the AM Radio Service. Thank you.

Sincerely,

James B. Potter

Document also submitted via the FCC ECFS Website

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

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

To: The Commission

I. PREFACE

James B. Potter, *et.al.*, ("We" "Our") welcome the opportunity provided by the Federal Communications Commission ("FCC" "Commission") to submit our Reply Comments concerning MB Docket No. 13-249, Further Notice of Proposed Rule Making ("FNPRM"). We take the position that the AM broadcasting service – the historically first and virtually ubiquitous American mass communications medium – should be perpetuated indefinitely albeit with certain changes to the legal and technical bases of station operation.

II. OUR REPLY TO COMMENTS SUBMITTED BY THE AM RADIO PRESERVATION ALLIANCE

A. WE PROTEST THEIR MAJOR PREMISE

We quote their introductory paragraph for reference: "Without sufficient study 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…. These *FNPRM* proposals clearly would diminish or eliminate the ability of established listeners to tune-in to well-known and treasured AM stations providing high-quality programming, running counter to the public interest. [1]" We strongly support the Commission in this

[1] Comment submitted by the AM Radio Preservation Alliance, Summary, Paragraph 1.

regard according to our belief and understanding that once-popular medium- and long-distance AM program consumption -- while valid decades ago – is no longer extant. We believe the utility and desirability of medium- and long-distance AM broadcasting has been diminished over time (1) by the emergence of other compelling and competing media for delivery of news and entertainment to audiences once focused on AM radio, including: FM radio, satellite delivery, Internet services via feature-rich cellular phones, et.al.; and (2) by the deterioration of the AM listening experience caused by spectral noise pollution generated by modern electronic appliances and, notably, the introduction of iBOC digital sidebands.

Anecdotally and experientially, we understand the listening public, which once massively consumed medium- and long-distance AM radio programs in the bygone era, is now well-below critical mass and to the point where, accordingly, we believe legacy signal contour protections afforded Class A stations beyond the boundaries of their respective Communities of License ("COL") can no longer be reasonably justified. Furthermore, insofar as we believe inbound skywave signals from distant Class A stations into the coverage areas of the lower-Class stations are now and will continue to be obscured by various sources of noise interference, and are therefore without consequence or audience, we argue: (1) for permitting existing stations co-channel with Class A stations to operate with nighttime power equal to daytime power, at minimum; and (2) for permitting lower-Class stations with nighttime directional antenna arrays to either ease their protective patterns or operate omnidirectionally as circumstances permit without causing undue interference to other lower-Class stations.

We believe enhanced signals from lower-Class stations will nevertheless be dominated by the signal strength of the Class A stations within their COL boundaries, and therefore will not be perceived by local listeners to those Class A stations. Furthermore, heterodynes (annoying tones and whistles), formerly the bane of nighttime AM broadcast listening, have been virtually eliminated

from the AM dial through introduction of improved, high-stability frequency-determining elements (oscillators) in recent generation AM transmitters.

In short, we believe there will be no material consequence or detriment to either the Class A stations or the enhanced lower-Class stations should the Commission's proposals be adopted.

B. WE DISPUTE THEIR INTERFERENCE CONCERNS AND AUDIENCE CLAIMS

Throughout their text they decry the potential loss of listeners, as: "…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 from the AM dial altogether.[2]" We believe their claims of nighttime long-distance skywave listening are highly dubious. But of greater counter significance is the abundance of spectral noise interference emitted from certain electronic devices and appliances (unintended radiators) and iBOC sidebands which have already substantially degraded medium- and long-distance AM reception. Spectral noise pollution alone has already driven 'more listeners from the AM dial altogether.' We argue the overlay of additional relatively weaker co-channel carriers emanating from enhanced lower-Class stations hundreds or thousands of miles away from the Class A COLs would be of no genuine consequence to the Class A stations thus affected, particularly within and near their COL boundaries.

C. WE DEFEND THE BENEFITS TO UPGRADES TO CLASS B AND D STATIONS

In their illustrative case of WPHT, Philadelphia, they argue "…the loss are of service to the public… from potential nighttime co-channel interference due to Class B 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 gain of the co-channel upgrading Class B and D stations would be significantly *outweighed* by the population losses for WPHT and other illustrative cases analyzed in these Comments.[3]" We believe such predictive assertions are pure conjecture and unknowable. Program

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[2] *Id.*

[3] *Id.*

content, commercial density, audio fidelity and other factors play a role in attracting or repelling listenership, not signal dominance alone. Furthermore, gains and losses of population coverage are but one factor in weighing the merits of this argument. Of greater significance and benefit, we believe, are the qualitative and quantitative gains in local COL signal penetration and around-clock program provision attained by enhancing Class B and D stations by eliminating nighttime power reductions and possibly also directional antennas, irrespective of the alleged and conjectured population losses by the Class A co-channel stations.

D. WE POINT TO THEIR CALL FOR PROTECTION FROM COMPETITION

"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.[4]" We view the above as disingenuous; a transparent appeal to the Commission for protection from competition as a means of limiting pecuniary erosion rather than salvation of the AM broadcasting service. We believe a multiplicity of stations enhances listener choice among a variety of radio outlets, and that restricting competition through regulatory means is anathema to traditional American principles.

We note with interest the news item pertaining to Alliance member CBS: "CBS plans to sell or spin off its radio assets in the coming year, acknowledging that the business has become slow-growth and a drain on resources that can be better directed to content production and digital endeavors.[5]

[4] *Id.*

[5] http://variety.com/2016/tv/news/cbs-radio-stations-sale-investors-1201730033/

III. OUR REPLY TO COMMENTS BY NATIONAL ASSOCIATION OF BROADCASTERS

A. WE OBJECT TO NAB SUPPORT OF CROSS-SERVICE TRANSLATORS

The NAB states: "…NAB supports the Commission's relaxation of the criteria for re-locating a cross-service FM translator (although requests eliminating the newly-proposed contour limit) …[6]" We believe the emergence and popularity of FM translators supplants and subverts AM broadcasting rather than enhancing the medium as some interested parties extol; that FM translators irretrievably seduce the AM audience away from the underlying AM stations; anecdotally, that FM translators provide an delusional migratory path for transition from AM operation to FM operation with hoped-for eventual shuttering of the AM operation -- none of which has anything whatever to do with reinforcing the value of the AM broadcasting service, but rather contributes to the diminishment and demise of it.

B. WE OBJECT TO NAB SUPPORT OF RELAXATION OF LOCAL STUDIO RULE

The NAB states: "… NAB supports the Commission's relaxation… of the main studio rules for AM broadcasters…[7]" We believe the 'main studio rule[8]' intends to provide convenient physical public access to the public's airwaves for a variety of purposes in the public interest, including, for example, extemporaneous airing by local residents of opinions surrounding contemporary social and law-enforcement issues; of community presentations and protestations; announcements and descriptions of local events, et. al. The proposed elimination of local studio facilities and public access to same subverts the presumed intent of the local studio rule. We believe NAB's support of elimination of the main studio rule would further remote station operations at the expense of local community physical access to radio stations. We believe the availability of such virtual station access as toll-free 800 phone numbers, Internet access to the Public File, et. al., is not equivalent to personally arriving at the entrance of the main studio to engage with responsible station personnel to request reasonable access to the broadcasting facilities for the reasons outlined above. We

[6] Comment of National Association of Broadcasters (NAB), Page 1.

[7] *Id.*

furthermore conjecture in cases of stations serving urban minority communities, the need to travel a considerable distance to access a local radio station studio once relocated away from the urban center might place an undue burden upon citizens seeking access to their station(s) of interest.

C. WE AGREE WITH THE NAB CALL FOR FCC ENFORCEMENT OF PART-15 RULES

"NAB submits that the most important action the Commission could take to improve AM radio reception is to control and reduce the ever-increasing noise floor that degrades AM signal quality. AM radio is hindered by a variety of unintentional and incidental radiators, including electric power transmission lines, electronic sign boards, compact fluorescent and LED lights and computers, to the point where many stations no longer enjoy interference-free service out to the 0.5 mV/m contour. We have urged the Commission to review the Part 15 rules and other policies, and where appropriate, inject more specificity into the rules to clarify that all such devices fall within the Commission's purview. We have also asked the Commission to more rigorously enforce violations of these rules.[9]" We strongly agree with NAB's recommendation for the Commission to take enforcement action in this regard. We furthermore add our strong objection to the existence of iBOC digital sideband interference into adjacent channels, which, in a similar manner to the above-described interference, has also led to the deterioration of medium-to long-distance AM radio listening enjoyment.

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[8] 47 CFR 73.1125 Station main studio location

[9] Ibid NAB