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Tuesday, March 29, 2016

Federal Communications Commission  
445 12<sup>th</sup> 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

Reply Comments Re: DA 13-2224 FCC NPRM MB Docket No. 13-249  
Revitalization of the AM Radio Service

**I. PREFACE..... 1**

**II. COMMENTS RE: COMMENTS OF DTS, INC..... 1**

**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. COMMENTS RE: COMMENTS OF DTS, INC.**

DTS advocates: “With regard to the FNPRM and the NOI, DTS urges the Commission to use this proceeding to encourage the further rollout of digital AM service and to ensure that any additional changes the Commission makes to its AM rules take into account their potential impact on digital service.” We note that the exclusive selection and authorization of the iBiquity digital technology for use in AM and FM broadcasting by the Commission already substantially promoted (arguably unduly) said technology. In the absence of competitive authorized digital technology, iBiquity, now DTS, was uniquely positioned to birth, nurture and grow its enterprise sans noisome alternative marketplace challengers. Although some vehicle manufacturers offer digital-

capable dashboard radios, nevertheless these car radios are understood to account for the bulk of digital radio sales verses purchase of standalone household radios. Anecdotal accounts to-date suggest public disinterest and apathy toward digital AM broadcasting. The advent of FM broadcasting decades ago with its inherently noise-free reception and considerably broader audio bandwidth directed the public to select FM for quality music listening, while AM serves primarily news, sports, and talk programming. Accordingly, therefore, the inherent qualitative advantages of digital reception may be lost on the AM listener, with the exception of elimination of atmospheric static. Thus, there would appear to be little compelling reason for the AM program listener to demand digital AM reception. Perhaps in recognition of this assertion, some digital-equipped stations have discontinued their digital service. Furthermore, we understand from our discussions with station owners that upon commencement of commercial announcements on the digital channels, the fees owing to iBiquity (DTS) are viewed as excessive and threaten the profitability of the digital operation – a further disincentive inhibiting the growth and adoption of digital AM broadcasting. In summary, it would appear digital AM broadcasting has suffered the same trajectory as an earlier technical innovation, AM stereo.

DTS continues: “The main constraints confronting AM broadcasters using the hybrid mode of the HD Radio system are interference from analog broadcasts to the digital signal and the need to constrain digital operations in order to protect existing analog operations. The all digital AM system eliminates these problems. As the Commission is aware, the all-digital AM HD Radio system moves the digital energy to the center of the AM channel, thereby reducing overlap between adjacent channel AM signals and reducing the adjacent channel interference that limits AM station coverage. The absence of an analog signal eliminates host analog interference to the digital signal, thereby extending the range of AM digital broadcasts.” In point of fact, the opposite effect is currently evident in the main AM band, namely digital sidebands from some stations

contribute to the degradation of reception of other first, second, and third adjacent channel analog AM stations. While DTS herein makes the argument that center-channel digital transmission absent analog AM modulation would be cleaner, nevertheless universal exclusive digital transmission is not the prevailing scheme, and we believe the side-by-side existence of the two modulation schemes has proven mutually destructive to both modulation schemes. . .

DTS argues: “In the alternative, if there Commission determines there is not sufficient support in the industry to use all-digital broadcasts at this time, the Commission should require that any new stations introduced in the expanded band include hybrid digital broadcasts in their initial offerings. It would be illogical to introduce new AM broadcasts that cannot offer the highest quality audio experience for listeners and that would require additional upgrades in the future in order to provide digital service. Requiring digital service from the beginning will help the Commission to ensure the longer term viability and relevance of any new stations introduced in the expanded bands.” As we noted above, it would appear the consumer marketplace has already determined ‘there is not sufficient support in the industry to use all-digital broadcasts at this time,...’ We view with alarm DTS’ recommendation ‘... the Commission should *require* [emphasis ours] that any new stations introduced in the expanded band include hybrid digital broadcasts in their initial offering’ to be a bald reach for forced implementation of their technology even beyond their privilege of exclusive technical monopoly. In addition, in view of the slow consumer adoption of digital AM in the main band, it is highly dubious that forced introduction of digital AM in the expanded band would enjoy greater consumer acceptance. We urge the Commission to disregard the urgings and recommendations herein put forth by DTS insofar as we view digital transmission within the AM broadcast band to be a failed experiment and detrimental to the AM broadcasting service.