

that the translator's coverage contour may not reach beyond a 40-mile radius from a station's transmitter site.⁴ The Commission found that this approach "will provide useful signal coverage without allowing a cross-service translator to extend an AM radio station's coverage beyond its 'core service area.'"⁵

Commenters overwhelmingly support the Commission's proposal,⁶ although many agree with NAB that the 40-mile limit should be modified or eliminated because it is unnecessary to confine a station's operation within the core service area.⁷ For example, some broadcasters support an extension of the limit to 50 miles or more to provide stations additional flexibility to find suitable sites for locating a translator.⁸ Others, including engineering consultants Du Treil, Lundin & Rackley, explain that any specific limit is undesirable given situations where directional antenna pattern shapes or ground conductivity restrict signal reception in some areas within an AM station's core service area.⁹

NAB noted that imposition of a 40-mile limit is no less arbitrary than the existing 25-mile limit, and often unrelated to using a translator to fill-in an AM station's service within

⁴ Further Notice, 30 FCC Rcd at 12174.

⁵ *Id.*

⁶ See, e.g., Comments of Charles M. Anderson, MB Docket No. 13-249, at 2, (Mar. 21, 2016); Comments of Blount Masscom, Inc., *et al.*, MB Docket No. 13-249, at 4-5, (Mar. 21, 2016); Comments of Scott Fybush, MB Docket No. 13-249, at 6, (Mar. 21, 2016).

⁷ Comments of the National Association of Broadcasters, MB Docket No. 13-249, at 3-4, (Mar. 21, 2016); Comments of AM Broadcast Licensees, MB Docket No. 13-249, at 5-6, (Mar. 21, 2016); Comments of Monterey County Broadcasters, Inc., MB Docket No. 13-249, at 1, (Mar. 21, 2016); Comments of Du Treil, Lundin & Rackley, Inc. (DRT), MB Docket No. 13-249, at 7, (Mar. 21, 2016); Comments of Bemidji Radio, Inc. (BRI), MB Docket No. 13-249, at 4, (Mar. 21, 2016); Comments of Butte Broadcasting Company, Inc., MB Docket No. 13-249, at 2, (Mar. 21, 2016).

⁸ Monterey County Comments at 1; Butte Comments at 2.

⁹ DRT Comments at 7.

the core service area.¹⁰ Indeed, any specific distance limit would still hinder access by listeners in areas beyond that limit, which is a growing concern as population centers change and commutes increase. Under the Commission's rules, a cross-service FM translator must provide "fill-in" service for an AM station within its core service area, and the station's 2 mV/m contour quantifies such an area.¹¹ Thus, a translator that is permitted to provide service within the boundaries of the station's 2 mV/m contour by definition provides "fill-in" service. No other mileage boundary is necessary, whether 25 or 40 miles or some other boundary. Accordingly, the Commission should not adopt the newly proposed 40-mile limit from the proposed criteria for locating a cross-service FM translator as it is unnecessary, if not counter-productive, to the purpose of a cross-service FM translator.

III. Relaxing the Main Studio Requirements Would Produce Efficiencies for AM Radio Broadcasters

The Commission has found that granting waivers to allow noncommercial stations to collocate their main studios at another commonly-owned station's facility beyond the parameters of the main studio rule¹² can improve the efficiency of noncommercial stations without undermining localism.¹³ The record demonstrates that extending this courtesy to AM

¹⁰ NAB Comments at 3-4.

¹¹ 47 C.F.R. § 74.1231.

¹² NOI, 30 FCC Rcd at 12180. 47 C.F.R. § 73.1125(a) lists three acceptable locations for a main studio: (1) within the station's community of license; (2) any location within the principal community contour of any AM, FM, or TV broadcast station licensed to the same community of license; or (3) within 25 miles from the center of a station's community of license. 47 C.F.R. § 73.1125(b)(2) permits waivers of the main studio rule.

¹³ See, e.g., Letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau, FCC, to Montana State University c/o Margaret L. Miller, Esq., KUHM-TV (Helena, MT), Facility ID #68717, (Sep. 18, 2015). To ensure localism, noncommercial broadcasters typically promise to regularly ascertain community interests, assign staff to engage in community events, and maintain a toll-free telephone number, among other efforts. See, e.g., Letter from Ms. Marlene Dortch, Secretary, FCC, to Donald E. Martin, Counsel, New Life Evangelistic Center, Inc., KNLN (Vienna, MO), Facility ID #87389, (Dec. 19, 2007).

radio stations would produce similar benefits for AM broadcasters and, in turn, enhanced service for listeners.¹⁴

First, doing so would unlock substantial cost savings. For example, Starboard Media owns three stations in the Chicago area, but may only collocate two of the stations under the existing rules. Starboard states that it spends approximately \$150,000 annually to separately house, staff and equip the third studio.¹⁵ Blount Masscom, which operates five AM stations in New England, estimates the cost savings of only one main studio waiver at \$90,000 annually, which “could mean the difference between able to keep a station on the air and serving the public and the station going dark because it is too much of a financial drain.”¹⁶

In an era of declining radio revenues, these are substantial sums, especially for minority broadcasters. MMTC explains that many minority owners entered the broadcasting industry relatively late, and are therefore less likely to own multiple stations in a single urban market that may be collocated under the existing rule. Instead, minority broadcasters and other smaller entities often assemble a cluster of stations in separate, more suburban markets.¹⁷ Allowing more AM stations to collocate outside the parameters of the main studio rule would substantially ease the financial strain of separate studios on minority and other smaller broadcasters. Doing so would also expand the geographic area where AM stations could locate their facilities, including more lower-cost areas.

¹⁴ Blount Comments at 2-3; Comments of Starboard Media Foundation, Inc., MB Docket No. 13-249, at 2, (Mar. 21, 2016); Comments of McCarthy Radio Enterprises, Inc. (MRI), MB Docket No. 13-249, at 20, (Mar. 21, 2016); Monterey Comments at 2; Butte Comments at 3; Comments of Multicultural Media, Telecom and Internet Council (MMTC), MB Docket No. 13-249, at 1-6, (Mar. 21, 2016).

¹⁵ Starboard Comments at 2.

¹⁶ Blount Comments at 4; Comments of Robert Bittner, MB Docket No. 13-249, at 4, (Mar. 21, 2016) (eliminating a main studio could save stations upwards of \$100,000 per year).

¹⁷ MMTC Comments at 3.

There is virtually no downside to relaxing the main studio rule for AM broadcasters. As the Commission has found, listeners rarely visit a station in-person, preferring to contact stations remotely by email or telephone.¹⁸ Starboard Media states, “in the past decade plus . . . the number of persons who have visited the stations’ main studios . . . is just about zero.”¹⁹ Moreover, the Commission recently eliminated one of the last remaining reasons for listeners to visit a station in person, amending its rules to require that radio stations post their files to a central, online database instead of maintaining paper files at the main studio.²⁰ Given that members of the public will be able to access a station’s public inspection file online, the purported need for a centrally located main studio is reduced even further, if not totally eliminated.²¹

The Commission should allow broadcasters maximum flexibility to collocate their main studios. Broadcasters would still retain incentives to maintain close ties with the local community, and most will seek to locate their studio in an area that is convenient for their audience, regardless of the rules.²² Broadcasters also will continue to serve their communities through locally-oriented content, regardless of where the content is physically created.²³ There is no need for the Commission to impose any particular distance limit on where such a facility may be located with respect to a station, or a specific limit on the

¹⁸ *Review of the Commission’s Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, 13 FCC Rcd 15691, 15964-65 (1998) (1998 Order).

¹⁹ Starboard Media Comments at 3.

²⁰ *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, Report and Order, MB Docket No. 14-127, DA 16-90 (*rel.* Jan. 29, 2016).

²¹ Blount Comments at 4; Monterey Comments at 2; Butte Comments at 3; MMTCC Comments at 2; MRI Comments at 20.

²² Monterey County Comments at 2; Starboard Media Comments at 4.

²³ MRI Comments at 21.

number of commonly-owned stations that may collocate in one facility.²⁴ No such limits exists for noncommercial stations.

The same reasoning supports relaxation of the Commission's requirement that broadcasters maintain a full-time management and staff presence at their main studio.²⁵ Meeting this obligation is expensive, and given listeners' preference for communicating with stations by email or telephone, largely unnecessary. Requirements that go beyond what is needed for marketplace purposes impose unnecessary costs and burdens on broadcasters, particularly smaller broadcasters.²⁶ Instead, stations should have broad discretion to determine their on-site staffing, provided they ensure a simple means for public contact, such as a widely available toll-free number and email address.

NAB requests that the Commission substantially relax its rules and policies for collocating and staffing AM radio station main studios. The Commission has determined that easing the main studio rule will produce cost savings that broadcasters can redirect toward programming and public service.²⁷ As MMTC aptly states, reducing the costs of operating AM radio stations will provide broadcasters more capital to invest in content that will "increase listenership and ultimately aid in the revitalization of radio."²⁸

²⁴ Blount Comments at 3; MMTC Comments at 5; Starboard Media Comments at 4.

²⁵ See *Jones Eastern of the Outer Banks, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 3615, 3616 (1991) (Jones Eastern), *clarified*, 7 FCC Rcd 6800 (1992) (Jones Eastern II).

²⁶ MMTC Comments at 5.

²⁷ 1998 Order, 13 FCC Rcd at 15964-65 (Commission relaxed the main studio rule, stating: "We believe these changes will reduce substantially the burdens the previous rule imposed on the licensee, and can generate savings that can be put to more productive use for the benefit of the community served by the station.").

²⁸ MMTC Comments at 4.

IV. Environmental Noise is the Most Critical Problem Facing AM Broadcasters

The Further Notice takes up the issue of interference among AM radio stations.²⁹ However, intra-service interference is not necessarily the primary cause of diminished audio quality on the AM band. Rather, it is man-made ambient noise caused by unintentional and incidental producers of RF radiation that often drives listeners away.³⁰ SBE provides a comprehensive description of the causes, including wireless systems and cheap electronic devices that have proliferated in recent years,³¹ as well as compact fluorescent and LED lights, electric power transmission lines, switching power supplies, computers, and smart phone chargers.³² The situation is only growing worse, as many stations can no longer reach listeners in areas they used to be able to serve, especially within buildings.³³

Unfortunately, despite repeated calls from the AM radio industry,³⁴ the Commission has failed to engage meaningfully with the root of the problem, seeking comment in the Further Notice only on allowing stations to increase power to help overcome ambient noise,³⁵ instead of considering ways to reduce the noise floor itself. This need not be an “either or” proposition. The Commission should explore the costs and benefits of power increases, but should couple such an inquiry with a thorough review of the relevant Part 15

²⁹ See, e.g., Further Notice, 30 FCC Rcd at 12167-68 (proposing changes to the nighttime and critical hours protections for Class A stations).

³⁰ Comments of the Society of Broadcast Engineers, Inc. (SBE), MB Docket No. 13-249, at 3, (Mar. 21, 2016).

³¹ *Id.*

³² NAB Comments at 6; see also Comments of Steven R. Bartholomew, MB Docket No. 13-249, at 1-3, (Mar. 21, 2016).

³³ Comments of AM Broadcast Licensees, MB Docket No. 13-249, at 1-2, (Mar. 18, 2016).

³⁴ See, e.g., SBE Comments at 1-3; NAB Comments at 6.

³⁵ Further Notice, 30 FCC Rcd at 12171 (proposing changes to the daytime protections of Class B, C and D stations).

and Part 18 rules, and rigorous enforcement of these rules.³⁶ It is incumbent upon the Commission to act, since the manufacturers of such products and devices have little or no incentive to police themselves, especially given their desire to use the least costly design practices available.

Commission enforcement in this area is largely complaint-driven. However, listener complaints are extremely rare, as listeners typically just change the channel or audio source.³⁷ Even if listeners did complain, the Commission lacks the staff to investigate, and recent cuts to the Commission's Enforcement Bureau field offices have only exacerbated this problem. The most efficient course is for the Commission to take steps to immediately reduce the presence and impact of ambient man-made noise. In this vein, NAB supports the proposals detailed in SBE's comments, including specific emission limits for unintentional and incidental radiators, lower limits for LEG light bulbs, improved package labeling for fluorescent bulbs, and substantially increased enforcement in power line interference cases.³⁸ We also endorse SBE's call for the Commission to alleviate ambient noise interference to FM radio signals.³⁹

We recognize that taking this issue on is a difficult challenge, but doing so would be well worth the required time and effort, because any practical approach to revitalizing AM radio service must include a strategic commitment to reducing ambient noise that degrades AM radio service.

³⁶ NAB Comments at 6.

³⁷ SBE Comments at 8.

³⁸ *Id.*, at 10-11.

³⁹ *Id.*, at 11.

V. Conclusion

For the reasons described above, NAB requests that the Commission modify its proposal for locating FM cross-service translators, relax the main studio rule and staffing requirements, and address the devastating effects of ambient man-made noise in the AM band.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Rick Kaplan", written in a cursive style.

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