

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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

**REPLY COMMENTS OF iHEARTMEDIA + ENTERTAINMENT, INC.**

These Reply Comments are submitted in MB Docket No. 13-249 by iHeartMedia + Entertainment, Inc. (“iHM”). iHM, through its indirect subsidiaries, is the licensee of 246 AM radio broadcast stations licensed by the Commission, including 18 Class A, 154 Class B, 40 Class C and 34 Class D AM stations.

These Reply Comments are limited in scope to the portion of the Commission’s First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, 1/ that proposes to revise Section 74.1201(g) of the Commission’s rules on the siting of FM cross-service fill-in translators, addressed at Paragraphs 66-68 of the *FNPRM*. 2/ iHM supports liberalizing the geographic conditions to qualify an FM translator to rebroadcast an AM station signal, and urges the Commission to undertake such reform as soon as possible so that

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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) (the “*First Report and Order*” or the “*FNPRM*”).

2/ iHM is a participant in the AM Radio Preservation Alliance, which has filed Comments, and will be filing Reply Comments, in this docket, regarding the *FNPRM* proposals to change interference protections for AM stations. These separate Reply Comments of iHM reflect solely iHM’s position on FM cross-service fill-in translators.

AM licensees may avail themselves of such geographic flexibility during the current and upcoming AM-only FM translator application windows. <sup>3/</sup>

iHM has long been a proponent of modifying the current geographic limits of cross-service fill-in FM translators to better accommodate the realities of AM transmitter locations and irregular AM service contours. For example, in its Comments on the initial Notice of Proposed Rule Making in this docket, <sup>4/</sup> iHM urged the Commission to revise its siting rule to allow AM stations the flexibility of meeting the *greater* of a daytime 2 mV/m contour *or* a 25-mile limit from the AM transmitter site encompassing the FM translator's 60 dB $\mu$  contour. <sup>5/</sup>

iHM noted in its *NPRM* Comments that besides generally limiting the flexibility of AM stations to use FM translators to boost reception of their programming by the public, the additional 25-mile radius limit has had the unintended consequence of preventing AM stations from locating a fill-in FM translator where it may most be needed. <sup>6/</sup> Moreover, for those AM stations that have moved out of the urban core for economic reasons due to land value changes, those AM stations employing directional antennas, and those AM stations whose

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<sup>3/</sup> The first modification application window for AM stations to modify and/or relocate FM translator stations runs through July 28, 2016; the second modification application window will be held from July 29, 2016 through October 31, 2016. *See* Public Notice, DA 1491 (rel. Dec. 23, 2015). Furthermore, the Commission has authorized two subsequent windows in 2017 for applications for new FM translators by AM licensees. *See First Report and Order* at ¶ 17.

<sup>4/</sup> *See Revitalization of the AM Radio Service*, Notice of Proposed Rule Making, 28 FCC Rcd 15221 (2013) (“*NPRM*”). The Comments and Reply Comments of iHM on the *NPRM* were filed by Clear Channel Communications, Inc., since renamed iHeartCommunications, Inc.

<sup>5/</sup> *See* Clear Channel Communications, Inc. Comments at 5-7 (dated Jan. 21, 2014) (“iHM *NPRM* Comments”); *see also* Clear Channel Communications, Inc. Reply Comments at 4-5 (dated Mar. 20, 2014) (“iHM *NPRM* Reply Comments”).

<sup>6/</sup> *See* iHM *NPRM* Comments at 6.

business hubs have expanded away from the transmitter site, the predicted daytime 2 mV/m contour may not encompass the business district. <sup>7/</sup> Thus, iHM, as well as many other commenters on the *NPRM*, supported reform of the overly restrictive geographic limits of Section 74.1201(g). <sup>8/</sup>

In the *FNPRM*, the Commission agreed that “some additional degree of flexibility is appropriate,” and proposed to revise the geographic siting rule so that “the coverage contour (1 mV/m) of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the greater of either the 2 mV/m daytime contour of the AM station or a 25-mile (40 km) radius centered at the AM transmitter site, but that in no event may the translator’s 1 mV/m coverage contour extend beyond a 40-mile (64 km) radius centered at the AM transmitter site.” <sup>9/</sup>

There is widespread support in the comments in this proceeding for increasing cross-service FM translator siting flexibility to allow the 1 mV/m contour of the FM translator rebroadcasting an AM station to be contained within the *greater* of the 2 mV/m daytime contour of the AM station *or* a 25-mile (40 km) radius centered at the AM transmitter site. <sup>10/</sup> As explained by the National Association of Broadcasters (“NAB”), the current “lesser of” criteria “are too restrictive in certain situations, such as where a station’s transmitter site is located far

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<sup>7/</sup> See *id.* at 7.

<sup>8/</sup> See iHM *NPRM* Reply Comments at 4 and n.12 (citing other supportive comments).

<sup>9/</sup> See *FNPRM* at ¶ 68.

<sup>10/</sup> See, e.g., BAS Broadcasting, Inc. (“BAS”) Comments at 2; Family Life Broadcasting System Comments at 1-2; AM Broadcast Licensees Comments at 5-6; Hatfield & Dawson Consulting Engineers, LLC Comments at 4; Scott Fybush Comments at 6; Carl T. Jones

[Footnote continued]

from a population center because of land costs. ... the rule can make it difficult for stations to cover a core service area that is located beyond the 25-mile radius but within the 2 mV/m contour, preventing stations from using an FM translator where it is needed the most. The rule also does not take into account the directionality of numerous AM stations and the possibility that a null in the directional pattern of an AM station may exclude otherwise suitable translator locations.” <sup>11/</sup> Likewise, the engineering consulting firm of du Treil, Lundin & Rackley, Inc. (“dLR”) supports the proposed “greater of” reform: “This will give needed flexibility for dealing with the complicated coverage areas that AM stations sometimes have due to directional antenna pattern shapes and/or uneven ground conductivity surrounding their transmitter sites.” <sup>12/</sup>

Certain commenters, including the NAB and dLR, while supporting the adoption of the “greater of” *FNPRM* reform of the cross-service FM translator siting rule, expressly recommend that the Commission not enact the proposed outer 40-mile (64 km) limit. <sup>13/</sup> Others suggest that, in addition to adopting the “greater of” proposal, the Commission should substitute a more generous outer limit, such as a 60-mile (96 km) radius from the AM transmitter site. <sup>14/</sup>

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[Footnote continued]

Corporation Comments at 8; Charles M. Anderson Comments at 3; Cohen, Dippell and Everist, P.C. Comments at 9; Robert Bittner Comments at 3.

<sup>11/</sup> See NAB Comments at 1-2 (footnotes omitted).

<sup>12/</sup> See dLR Comments at 7.

<sup>13/</sup> See NAB Comments at 3-4 (“the newly proposed 40-mile cap should be eliminated as unnecessary because the existing 2 mV/m contour cap effectively constrains operation to the station’s core service area”); see also dLR Comments at 7.

<sup>14/</sup> See, e.g., Latin World Broadcasting, Inc. Comments at 2-3; Sunrise Broadcasting Corporation Comments at 4-5; Communications Technologies, Inc. Comments at 5; Mountainplex Media, LLC Comments at 2-4.

In contrast to the extensive support for proposals to relax Section 74.1201(g) in order to conform it to the reality of AM radio service, only a few commenters are opposed to increased flexibility for cross-service FM translators, wishing instead – notwithstanding the irregularity of AM service contours and transmitter locations – to impose even more rigid definitions of a “fill-in” translator than specified in today’s rule. <sup>15/</sup> However, in the *FNPRM*, the Commission found that *more* siting flexibility, not less, would allow AM stations to obtain useful signal coverage from a rebroadcasting FM translator: “we agree that some additional degree of flexibility is appropriate, especially given the factual situations (e.g., highly directional antenna patterns with deep signal nulls) described by some commenters.” <sup>16/</sup> To undertake a retrenchment of the usefulness to AM stations of FM translators, as suggested by these opposing comments, would undermine what the Commission has recognized as “the successful deployment of cross-service FM translators by AM stations since the Commission’s 2009 authorization to use FM translator stations to rebroadcast the signal of a primary AM station on an FM frequency.”<sup>17/</sup>

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<sup>15/</sup> See Edward Paul De La Hunt Comments at 3-4 (the 1 mV/m contour of a fill-in FM translator station should be fully contained within the 2 mV/m daytime contour of the AM station, and the fill-in translator proposed transmitter site should be located within the 5 mV/m daytime contour of the AM station); McCarthy Radio Enterprises, Inc. Comments at 15-16 (entire 1 mV/m FM translator contour should fall within the host AM station’s 2 mV/m contour and at least 51% of the translator’s 70 dBu geographic coverage area should cover areas within the AM’s community of license, except where the translator is mounted on the host AM station’s tower); cf. REC Networks Comments at 4-8 (supports in certain situations siting flexibility past the 2 mV/m contour; fill-in FM translator should be limited to a 25-mile radius around the AM transmitter site except in limited number of circumstances).

<sup>16/</sup> See *FNPRM* at ¶ 68.

<sup>17/</sup> See *FNPRM* at ¶ 7; see also *NPRM* at ¶ 18 (the Commission’s introduction of cross-service FM translators in 2009 has been an “unqualified success”). Moreover, how would the

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Thus, unlike other, more complex and contentious proposals in the *FNPRM*, this item is ripe for immediate, separate action by the Commission. As stated by NAB:

NAB's proposed modification of the translator coverage criteria is modest, but would provide substantial, immediate benefits to AM stations and their listeners, and in particular to stations participating in the newly implemented 250-mile modification windows. 18/

And from BAS Broadcasting:

BAS Broadcasting respectfully requests that the FCC move swiftly in adopting non-controversial modifications that can provide immediate benefits to AM broadcasters nationwide, such as the revision to Section 74.1201(g) of its rules, while the Commission continues to evaluate the more complicated portions of the *NPRM*. 19/

iHM concurs with those commenters respectfully requesting that the Commission adopt a more flexible geographic cross-service FM translator siting rule as soon as possible, so that this reform may apply to applications filed in the on-going and upcoming AM-only FM translator windows.

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[Footnote continued]

more restrictive translator siting rules recommended by these comments be administered? Would existing cross-service FM translators that become non-compliant due to the rule revision be grandfathered, or instead would the licensees have to reduce the translator's service contour or relocate the translator's transmitter to come into compliance with a more restrictive siting definition? Would compliance with a more restrictive siting rule be required for minor modifications of the translator or for minor changes to the AM signal? And if grandfathering were permitted, then post-rule authorized FM translators rebroadcasting an AM signal would be second-class vehicles for assisting listeners in receiving AM programming, as compared to those cross-service translators authorized pre-rule change.

18/ NAB Comments at 4.

19/ BAS Comments at 2.

Respectfully submitted,

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April 18, 2016