



daytime operations on 1130 kHz at a power of 1,000 Watts, would be permitted to add a nighttime operation with a power of up to 50,000 Watts.<sup>4</sup> This permitted change would result in a single station night limit of 31.2 mV/m for WBBR, causing a potential loss of service to 18,776,960 people within WBBR's present nighttime 0.1 mV/m groundwave service contour, a 73.8% population loss. As shown in Figures 2A and 2B, WBBR's resulting nighttime interference free service area will barely reach 25 km outside of New York City. In fact, service is also likely to be compromised in portions of the most local audience in the five boroughs of New York City.

It is important to note that in the New York market, nighttime hours operations cover key drive time periods. Listeners in the New York, New Jersey, Connecticut tri-state listening area have some of the longest commute times in the country. A study by the New York City comptroller estimates that people in WBBR's listening area have an average 75.6-minute commute per day.<sup>5</sup> To serve those listeners, WBBR provides drive time programming from 5am to 10am and from 3pm to 7pm. WBBR's drive time programming, which occurs in key part during nighttime operations, includes local traffic four times per hour, local weather four times per hour, local news four times per hour, and local sports two times per hour. In addition, the remainder of drive time is made up of WBBR's unique financial news and information programming, which caters to the needs of our particular market's commuting audience with an interest in New York and international financial markets and market-moving events.

As shown in Figures 2A and 2B, eliminating nighttime skywave protection would drastically reduce the listenable area during key portions of drive time. Figure 2B provides the Commission with an expanded view of the potential interference that would result from the proposed changes. As stated above, the proposed rule would result in 73.8% population loss and a listenable area of less than 25 km from New York City and in some directions, less than 10 km. For example, as shown in Figure 2B, listeners in Newark, NJ, Elizabeth, NJ, Scarsdale, NY, and Hicksville, Long Island will receive unlistenable noise instead of WBBR's locally tailored programming. Figure 2B also shows a 25 mile diameter from New York City. While many commuters who rely on drive time radio programming originate their commutes outside that area, even within that close-in portion of the commute the resulting interference area is significant. In addition, the proposed changes to Critical Hours operations described in section 3 below will also impact portions of WBBR's drive time programming.

We encourage the Commission to gather similar data from as many regions and stations as possible to assess the potential national impact of the proposals in the Further Notice. In our local study, we expect that the 73.8% of the population will no longer have access to WBBR's signal and will instead experience unlistenable noise. They will not receive valuable local and financial news and information programming from WBBR and they also will not receive alternative programming from another station.

This unlistenable interference would impact a significant listening area and in addition to impacting key daily drive time listenability, would compromise WBBR's ability to provide emergency news and

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<sup>4</sup> WRRL is currently a Class D AM station but under the proposal in the Further Notice, would be permitted to apply for authorization to increase power to 50,000 Watts at night, subsequently converting it to a Class B AM station as indicated on Figures 2 and 2A.

<sup>5</sup> See *Comptroller Stringer Report Finds New York is America's Hardest Working City*, p.3, March 18, 2015 (at [http://comptroller.nyc.gov/wp-content/uploads/documents/documents/Longest\\_Work\\_Weeks\\_March\\_2015.pdf](http://comptroller.nyc.gov/wp-content/uploads/documents/documents/Longest_Work_Weeks_March_2015.pdf)), stating that the New York commute averages 6 hours and 18 minutes per week.

information to its local audience. See section 3 below for discussion of WBBR's role in broadcasting during Hurricane Sandy, a particular emergency situation.<sup>6</sup>

### **3. The Commission Should Maintain Current Critical Hours Interference Protection Standards on Class B, and D AM Stations**

The Commission has proposed to reduce the daytime protection for AM Class B, C, and D stations by reducing the protected contour from the 0.5 to the 2 mV/m contour and eliminate the Critical Hours protection standards for Class B and D stations.<sup>7</sup> BCI agrees with other commenters that the proposed daytime change may have unintended consequences,<sup>8</sup> and add our particular concern about the impact of the Commission's proposed elimination of Critical Hours protections.

The requirement to provide protection to Class A daytime service during Critical Hours should not be removed. BCI commissioned a study of the impact of such a reduction in protections and provide the results in attached Figures 3 and 4. WPYB, a Class D station in Benson, North Carolina operating at 1130 kHz, is licensed at 6.5 kW daytime but reduces to 1.0 kW during Critical Hours.<sup>9</sup> Should the Critical Hours power reduction requirement be eliminated (but with all other daytime interference protection rules remaining unchanged), WPYB would be permitted to operate at 6.5 kW during Critical Hours. At a 6.5 kW daytime power during Critical Hours, we expect that the interference created would impact a population of 918,397, primarily in New Jersey as shown in Figures 3 and 3A. Moreover, if the Commission's other proposed daytime protections are also implemented, WPYB could increase daytime power to 11.0 kW; with no Critical Hours protection, the population that is predicted to receive interference from WPYB would increase to 1,678,215.

We note for the Commission that the affected area of New Jersey is a coastal region that has been heavily impacted by significant weather events in the past few years. WBBR takes seriously its responsibility to provide emergency broadcast services during significant events in the New York tri-state area, including New Jersey. For example, during Hurricane Sandy in October 2012, WBBR provided news and information regarding the preparations for and aftermath of Hurricane Sandy, including information specifically tailored to assist audience members in coastal areas of New Jersey.

Moreover, during Hurricane Sandy, BCI determined that it was "necessary to the safety of life and property"<sup>10</sup> for it to provide omni-directional, noncommercial coverage of the events during nighttime hours in addition to its daytime coverage, consistent with Commission requirements. It was imperative to the safety of life and property of the WBBR audience, including in coastal areas, that WBBR was available during nighttime hours to provide listeners in its service area with up-to-the minute reports and information. We expect that the new night facilities that would operate upon implementation of the

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<sup>6</sup> We note that the results of the proposed change in the Further Notice may be tempered because while the Further Notice proposes relaxing interference protections toward Class A stations like WBBR, WRRL would still be required to protect other Class B stations at night under the rules requiring skywave interference protection toward other Class B co-channel stations. However, the proposed rules would not preclude WRRL from using a simple directional antenna to achieve a very substantial portion of the 50,000 Watt maximum power that would be permitted in the direction of WBBR.

<sup>7</sup> Further Notice, 30 FCC Rcd at 12172.

<sup>8</sup> See generally, *Comments of Hatfield & Dawson Consulting Engineers, LLC; Comments of Carl T. Jones Corporation*.

<sup>9</sup> WPYB currently has no nighttime operations and operates with reduced power during Critical Hours, therefore we provide the Commission with a study of the potential impact of WPYB during Critical Hours only.

<sup>10</sup> 47 C.F.R. § 73.1250(f)

Commission's proposed rules could increase interference and create risk that even omni-directional coverage would not reach WBBR's local population in an emergency.

The proposals in the Further Notice would impact WBBR's ability to provide such emergency news and information to its local audience. Figures 3 and 3A show the impact on the audience during Critical Hours and also consider the impact that the nighttime interference protection proposal would have on the WBBR audience as shown in Figures 2 and 2A. We expect that the affected population will receive interference and noise, (and therefore no access to WBBR's local news and information) or at best in some limited portions of the impacted area, will receive garbled momentary signals from alternative stations in West Virginia (at night) or North Carolina (during Critical Hours) that would be less likely to include timely news and information relevant to WBBR's local audience.

#### **4. Conclusion**

The nighttime and Critical Hours changes proposed in the Further Notice will have a negative impact on WBBR's local audience, including drastically decreased listenability at night and Critical Hours impact to vital shore areas (including during key drive time periods affected by both nighttime and Critical Hours changes), dramatically increased noise on the channel, and the potential reduction of WBBR's ability to disseminate emergency information. Based on our local studies described above and in the attached Figures, we are concerned about the impact to WBBR's audience and potential similar interference situations throughout the AM band. We ask the Commission to examine the engineering data and the potential impact on listenability in the band and if it chooses to take any action, make limited cautious changes with predictable impacts on the AM band.

Respectfully submitted,

BLOOMBERG COMMUNICATIONS INC.

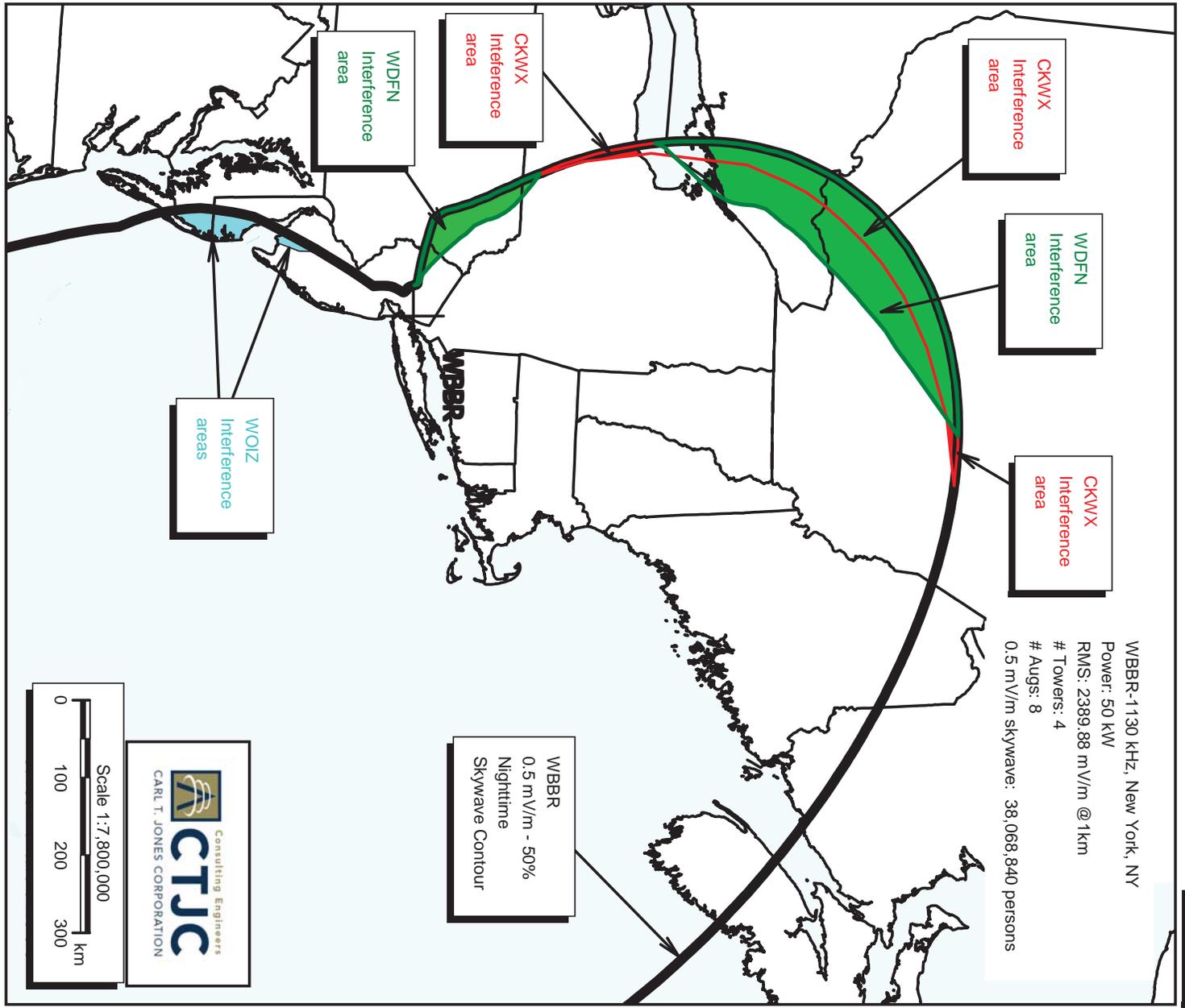
By: 

Richard K. DeScherer, Secretary

Dan Grossman  
Pamela Strauss  
Karen Lawson

731 Lexington Avenue  
New York, NY 10022  
April 18, 2016

FIGURE 1



**PRESENT PROTECTED NIGHTTIME SERVICE AREA WITH EXISTING INTERFERENCE**

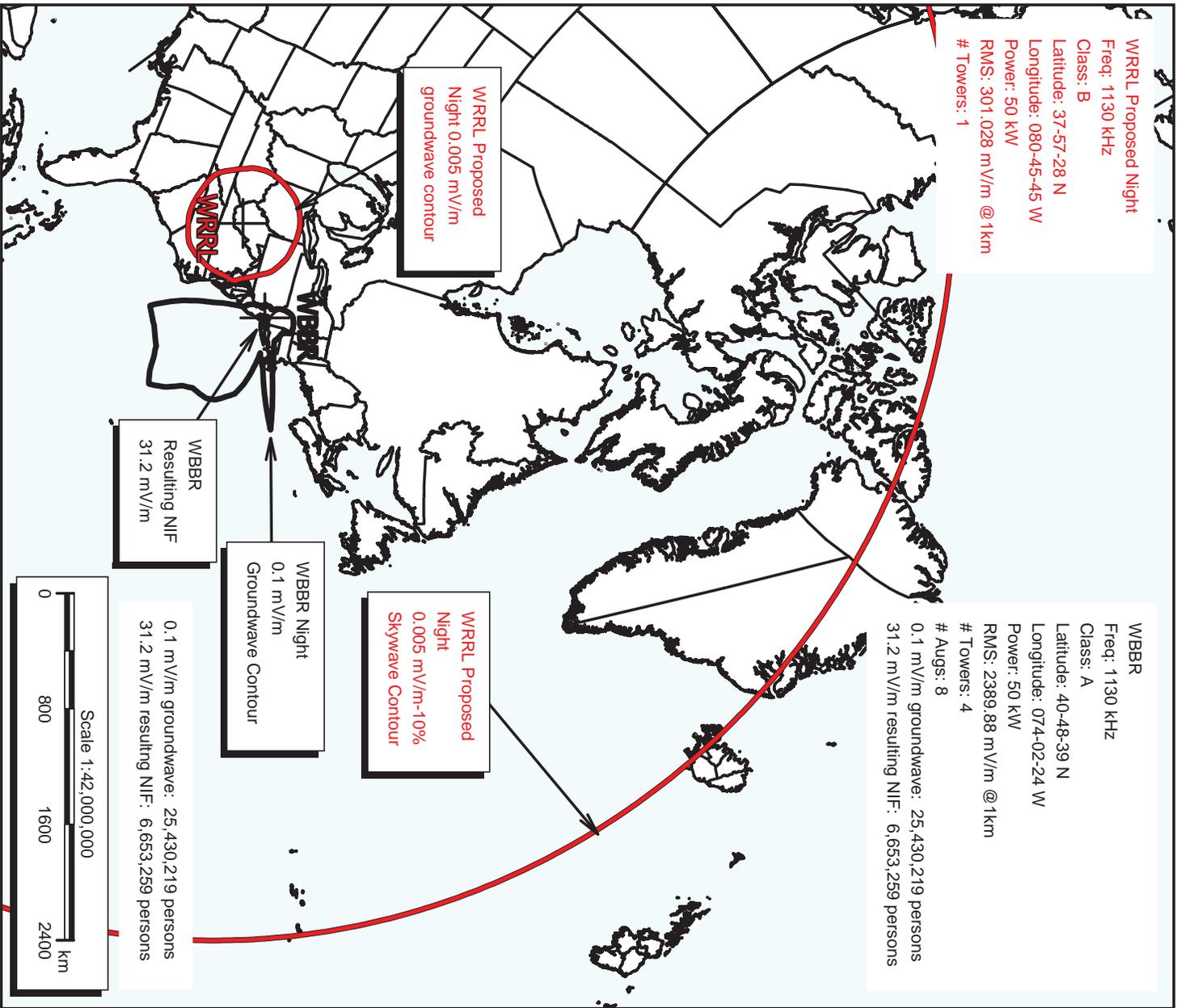
**POPULATIONS WITHIN INTERFERENCE AREAS**  
 WDFN: 484,280 persons  
 CKWX: 52,477 persons  
 WOIZ: 318,691 persons

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 Total: 855,448 persons  
 - 1,649 persons (common interference area shared between WDFN & CKWX)

TOTAL: 853,799 persons\*

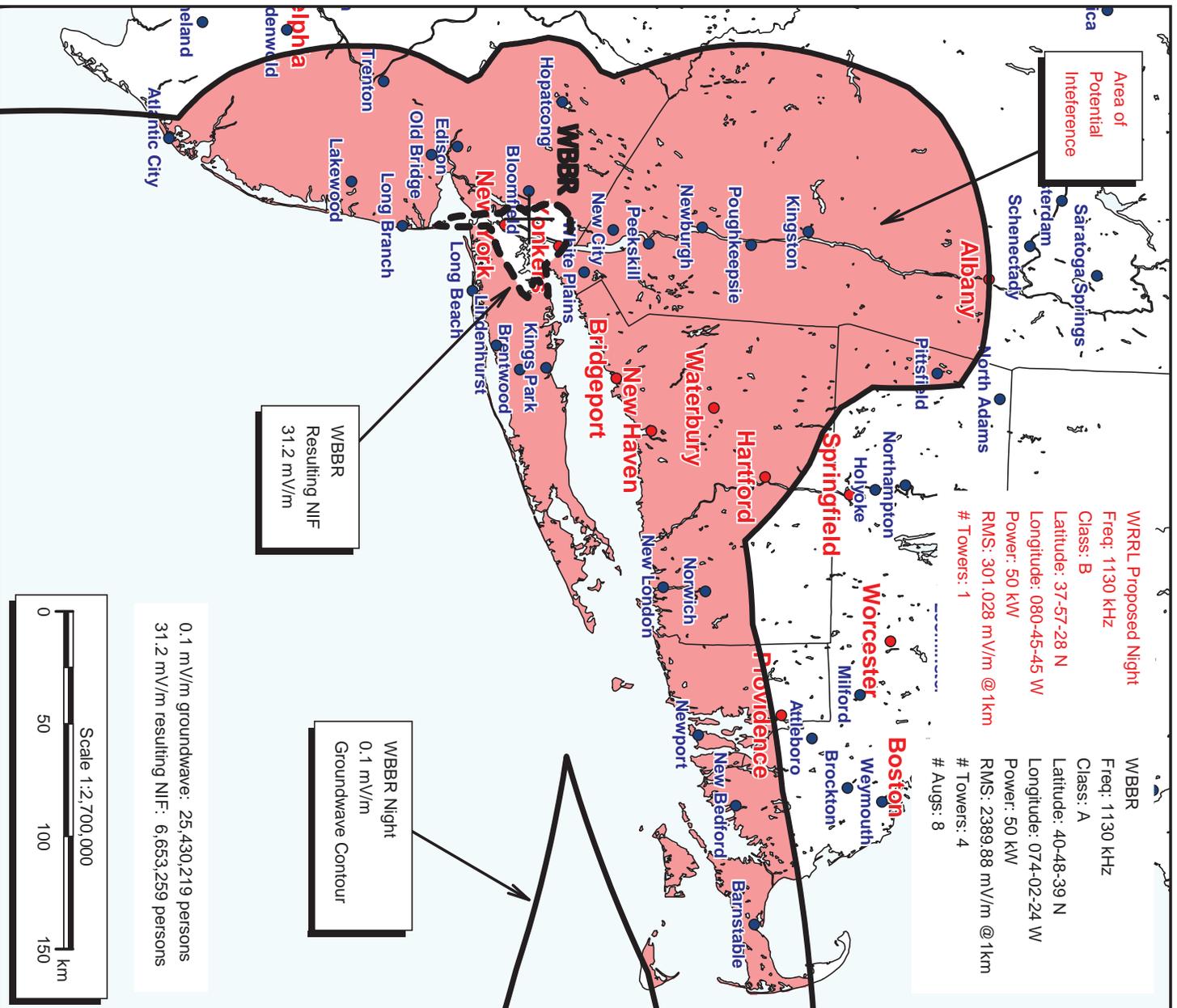
\*Population counts are within the US only.

FIGURE 2



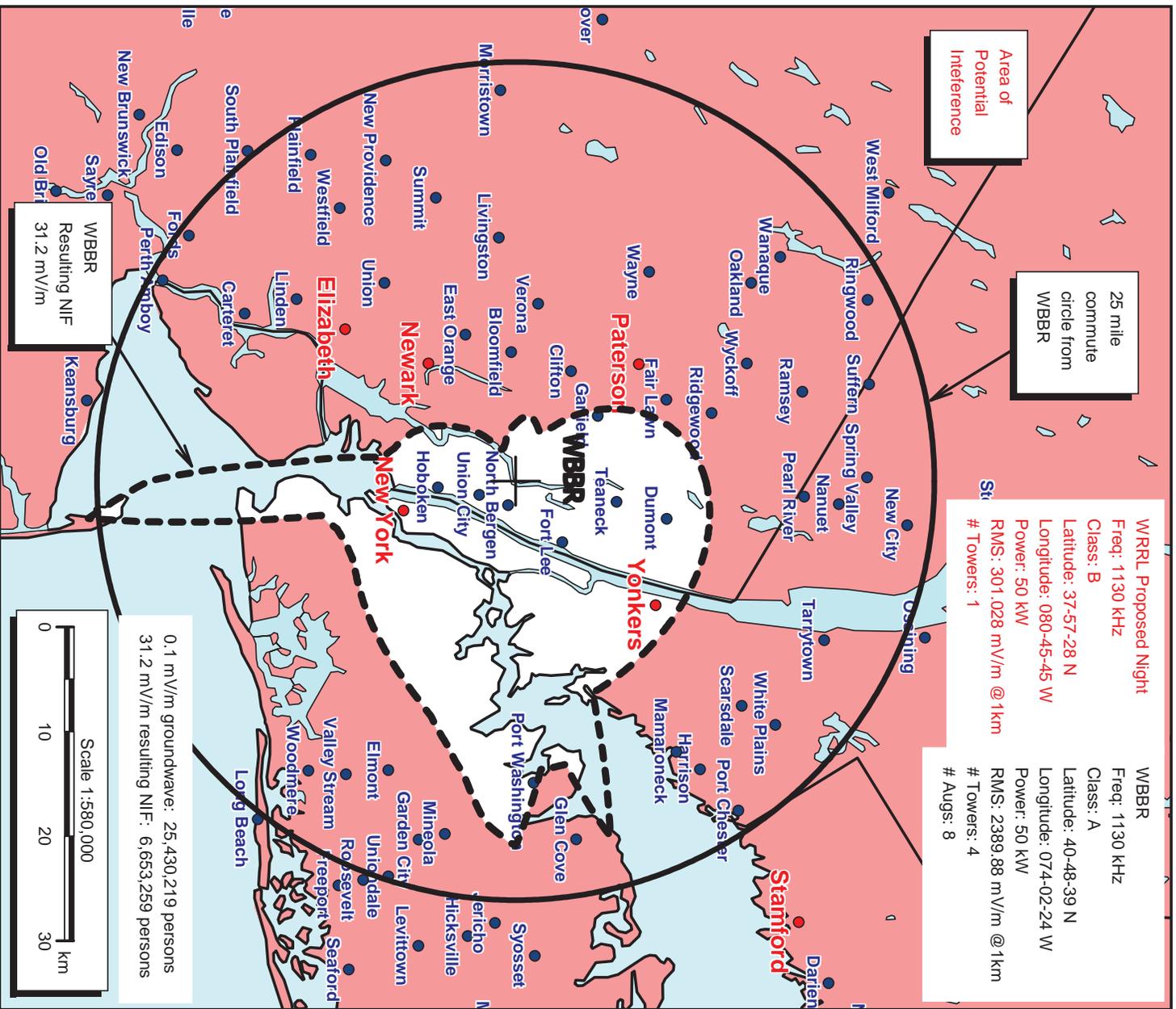
CHANGES IN NIGHTTIME PROTECTION TO WBBR  
UNDER THE PROPOSED CHANGES  
IN THE FCC'S FURTHER NOTICE

FIGURE 2A



INTERFERENCE DURING NIGHTTIME TO WBBR  
 UNDER PROPOSED CHANGES  
 IN THE FCC'S FURTHER NOTICE  
 (EXPANDED)

FIGURE 2B



INTERFERENCE DURING NIGHTTIME TO WBBR  
 UNDER PROPOSED CHANGES  
 IN THE FCC'S FURTHER NOTICE  
 (FURTHER EXPANDED)

FIGURE 3

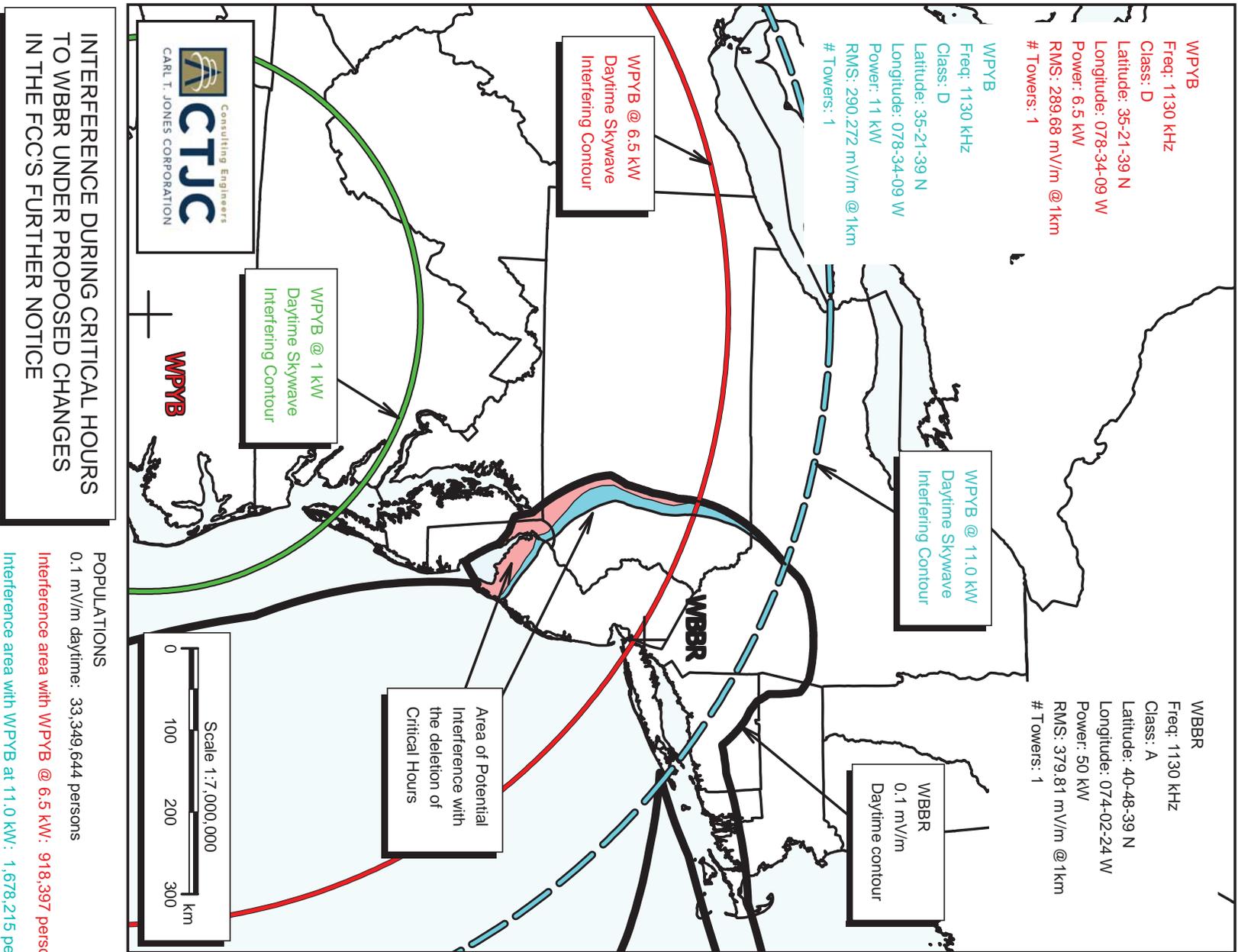
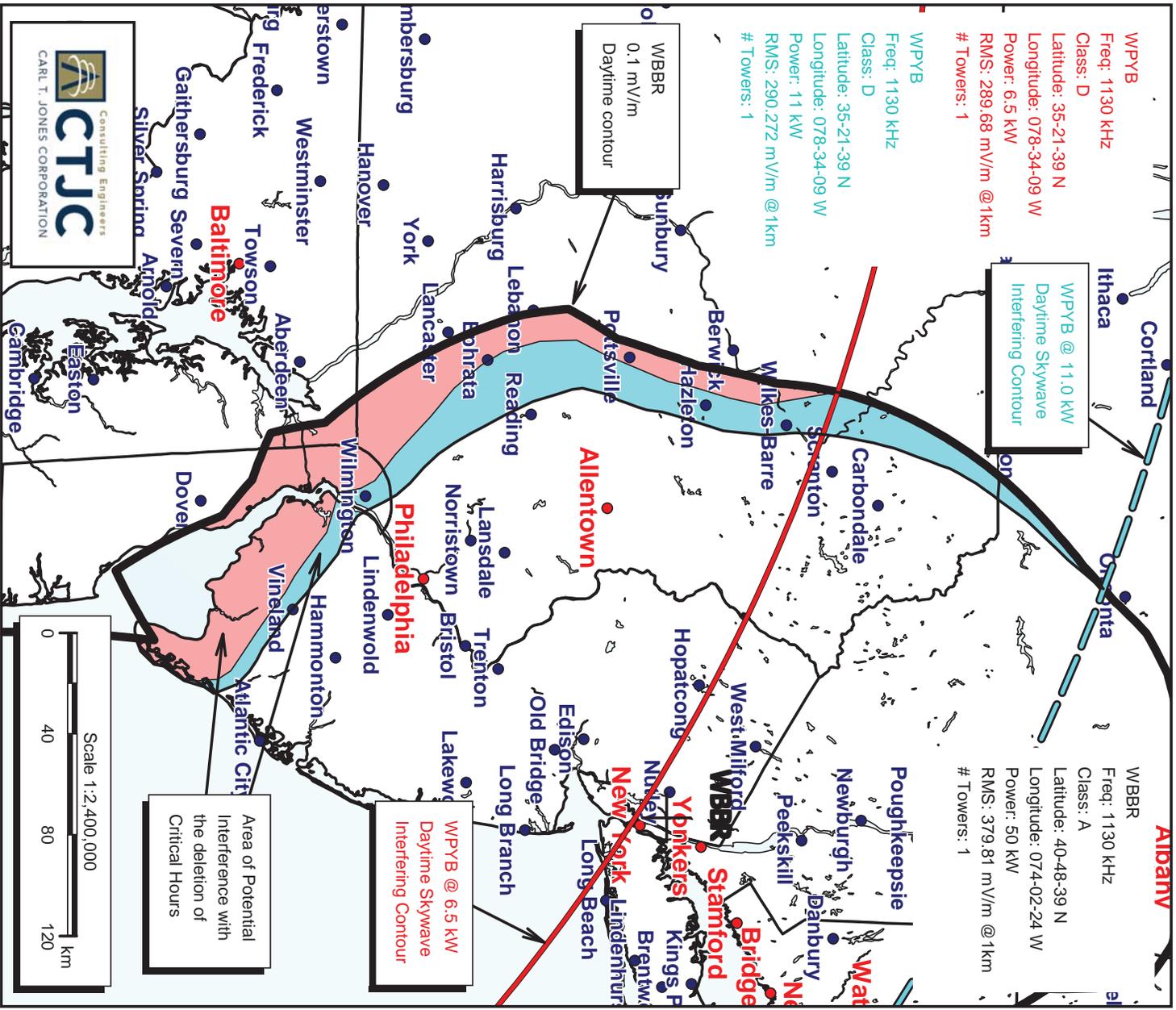


FIGURE 3A



INTERFERENCE DURING CRITICAL HOURS TO WBBR UNDER PROPOSED CHANGES IN THE FCC'S FURTHER NOTICE (EXPANDED)

POPULATIONS

0.1 mV/m daytime:	33,349,644 persons
Interference area with WPHYB @ 6.5 kW:	918,397 persons
Interference area with WPHYB at 11.0 kW:	1,678,215 persons