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October 19, 1998

Office of the Secretary
Federal Communication Commission
1919 M Street N.W., Room 222
Washington, D.C. 20554

Re: Comments filing for FCC Docket 98-93

Dear Madam Secretary:

Attached herewith are comments with respect to the Commission's proposed rulemaking in Docket 98-93.

These comments are filed on behalf of United Audio Corporation, licensee of radio station KNXR, Rochester, Minnesota.

It is our desire that these comments be also circulated to the Commissioners. Therefore, an original and nine copies are submitted herewith.

The commentor can be reached at the above-listed address and phone/fax number. Any correspondence concerning these comments should be addressed in care of the undersigned.

Respectfully submitted,

UNITED AUDIO CORPORATION
Licensee of station KNXR



Thomas H. Jones,
President

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An Alternative Proposal to Part III, Section D of the FCC's Docket 98-93 concerning Class C FM stations

Overview

On June 11, 1998, the FCC adopted proposed rulemaking in Docket 98-93 to streamline the radio technical rules in parts 73 and 74 of the Commission's Rules.

United Audio Corporation, licensee of station KNXR, Rochester, Minnesota, files the comments herein as an alternative proposal with respect to Part III, Section D of the Commission's proposed rulemaking.

Class C FM stations are affected

In Part III, section D of the Docket, the FCC proposes to require all Class C FM stations with antenna height above average terrain (HAAT) between 300 and 450 meters (984 ft. to 1,476 ft.) to increase their antenna height to a minimum of 451 meters (1,480 ft.) or else be reclassified as a Class C-0 (C-zero) station.

Stations thereby reclassified would have their protected service contours reduced which would allow more drop-in stations to be placed in your now-protected service area.

The FCC's reasoning

In the new Docket, the Commission argues that 60% of the existing Class C stations are being overprotected because these 519 stations (60% of 863 stations) are operating with antenna heights below 450 meters (1,476 ft.). The FCC thereby reasons that it should give the 519 Class C stations a period of three years to increase their antenna height to at least 451 meters (1,480 ft.) or be reclassified to the new C-0 status with protected service area thereby reduced.

Docket 80-90 revisited

The irony of the Commission's new proposal is that back in 1983, when the proposals in Docket 80-90 were made part of the Rules, the FCC raised the bar for then Class C stations giving them three years to increase their antenna HAAT to at least 300 meters (984 ft.) or be reclassified as a C-1 station.

Many Class C stations invested heavily in new land, towers and transmission equipment to upgrade their stations to full Class C status. Such upgrades placed added debt on these stations who were constructing 1,000 ft. towers to meet the new requirement. Additionally, there were the frustrations and delays in dealing with local planning and zoning authorities, local citizens, air navigation hazard problems and approval from the FAA.

Now, when most of the stations who chose to upgrade have paid off the costs of their previous Class C upgrade, the FCC raises the bar again and says the station must increase its antenna height even higher to maintain its Class C status.

Economic impact on small entities

In Appendix A of the proposed rulemaking, the Commission describes its mandate to minimize significant economic impact on small entities. A small entity is defined as a station with a \$5-million or less annual revenue.

Constructing a new 1,500ft. tower would place a significant economic impact on even a station with \$5-million annual revenues, not to mention those with even less income!

Major benefits of alternative proposal

The proposal which follows, offers an alternative method for Class C FM stations with lower HAATs to meet the requirements of the proposed new rules more practically and economically because:

- No new site need be acquired
- Costly tower construction is eliminated
- Air navigation is not hampered
- FAA studies are not required
- Local zoning approval is not required
- In some cases, no equipment upgrade would be required

The alternative proposal

The alternative proposal simply permits Class C stations, who need to upgrade to meet the new Class C requirements, the option of increasing their Effective Radiated Power (ERP) to a level greater than 100 kw to a point which would accomplish the same coverage the station would attain if it were to increase antenna height to 451 meters (1,480ft.) while operating with an ERP of 100 kw. For many stations, installing a higher power transmitter or a second combined transmitter or a higher gain antenna would accomplish the upgrade. (See chart).

New proposal meets FCC's goals

The Commission, in its new rulemaking, proposes to maximize the coverage of all existing Class C stations. The FCC further proposes to give Class C stations with lower HAAT a means to maintain their Class C status and to retain their present protected service area. Further, the Commission expresses concern about minimizing the economic impact on small entities.

The "increased ERP" alternative proposal described herein meets all of the FCC's goals while significantly decreasing the costs and bureaucratic processes for the broadcaster.

The givens

Most Class C stations are locked in their present tower sites because of Docket 80-90 allocations, drop-ins or air navigation restrictions. Most Class C stations would likely want to preserve their Class C status and would like to increase their propagation to the new, full Class C coverage. For many stations, cost considerations and site relocation are impractical or impossible for increasing a station's HAAT. It is more economical to increase ERP with a new transmitter than to increase antenna height (HAAT) with a new tower and site.

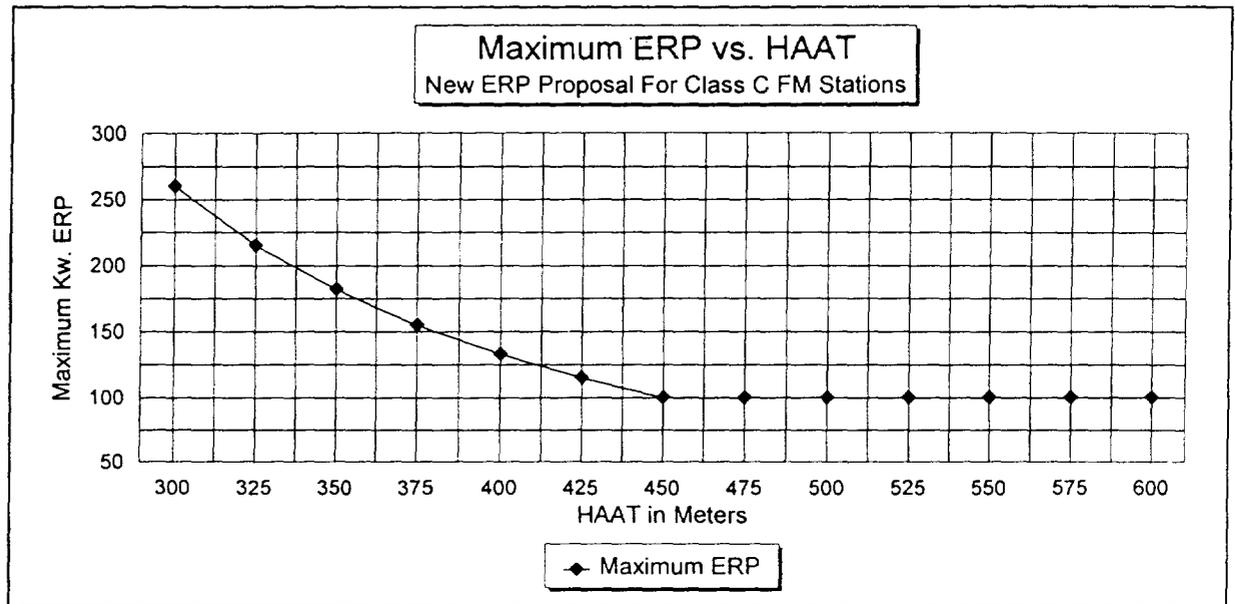
New proposal details

Coverage effectiveness of lower HAAT Class C stations could be brought up to the proposed new Class C standards by a simple increase in ERP. The alternative proposal would allow lower-height Class C stations to increase their ERP to maximize their coverage equivalent to the coverage of a station operating at 100 kw with an HAAT of 451 meters (1,480ft.).

Present-day antenna systems, transmission lines and transmitters are ready to accommodate the new proposed higher ERPs. Some stations already have equipment in place to affect an immediate upgrade to the new ERP limits.

The alternative proposal would give Class C stations 3 years to either increase HAAT to a minimum of 451 meters (1,480ft.) with an ERP of 100 kw. or to increase ERP to a level which would attain equivalent coverage (of 100 kw. ERP at 451 meters). If a station did not make one of the two upgrades, it would be reclassified to a C-0 status after the three-year period had expired.

The following graph and chart demonstrate the parameters of the alternative proposal.



HAAT Meters	HAAT Feet	Maximum Kw ERP	1 mv/m Contour
300	984	260	51.8 mi.
325	1,066	215	51.8 mi.
350	1,148	182	51.8 mi.
375	1,230	155	51.8 mi.
400	1,312	133	51.8 mi.
425	1,394	115	51.8 mi.
450	1,476	100	51.8 mi.
475	1,558	100	52.7 mi.
500	1,640	100	53.6 mi.
525	1,722	100	54.4 mi.
550	1,804	100	55.2 mi.
575	1,887	100	56.0 mi.
600	1,969	100	56.7 mi.

FCC Docket 98-93
Proposal for new ERP limits for Class C FM stations

Stations already operating at higher ERPs

Before the FM Table of Allocations and ERP limits were adopted in the early 1960s, some stations were operating with ERPs greater than 100 kw. These stations were "grandfathered in" when the allocations table was adopted.

The following chart details stations presently operating with more than 100 kw ERP demonstrating that such operation is practical and realistic.

Stations already operating in excess of 100 kw.

Frec.	Call	ERP	HAAT	Location
93.7	WBCT	320 kw	780 ft.	Grand Rapids, Michigan
97.3	KHKI	115 kw	450 ft.	Des Moines, Iowa
99.1	WSLQ	140 kw	1990 ft.	Roanoke, Virginia
99.7	WMC-FM	200 kw	908 ft.	Memphis, Tennessee
105.3	KCMS	115 kw	720 ft.	Edmunds/Seattle, Washington
104.1	WVGR	110 kw	600 ft.	Grand Rapids, Michigan
102.5	WMJQ	110 kw	1338 ft.	Buffalo, New York
90.9	WILL	105 kw	850 ft.	Urbana, Illinois
104.3	KBIG	110 kw	2893 ft.	Los Angeles, California
104.3	WOMC	190 kw	360 ft.	Detroit, Michigan
103.3	KRUZ	105 kw	2982 ft.	Santa Barbara, California
101.3	KIOI	125 kw	1161 ft.	San Francisco, California
100.5	KOTT	115 kw	380 ft.	San Mateo, California
99.9	KGOR	115 kw	1230 ft.	Omaha, Nebraska
99.5	WDCX	110 kw	640 ft.	Buffalo, New York
97.9	WNCI	175 kw	560 ft.	Columbus, Ohio
105.7	WOOD	265 kw	810 ft.	Grand Rapids, Michigan
94.5	WRVQ	200 kw	350 ft.	Richmond, Virginia
94.5	WNED	105 kw	708 ft.	Buffalo, New York

Summary

The FCC is charged with making the most efficient use of the FM spectrum. It also bears the responsibility of making its rulemaking open to public comment and adopting rules which are practical, realistic and in the public interest. It bears the further responsibility of adopting the rules which have minimal economic impact on those governed by such rules.

The alternative proposal presented herein meets all of these criteria. It offers 60% of present Class C FM stations an economical, practical opportunity to upgrade their facilities and provide even better service to the public while simultaneously helping the Commission attain its goal of efficient spectrum use.

Whether the Commission's proposed 3-year time frame for upgrade is realistic is highly questionable. There are only a handful of tower erection companies who can perform construction at heights over 1,000 ft. These companies are already overburdened with scheduled work for the estimated 900 TV towers which need to be replaced to meet the FCC's digital TV goals.

With only a casual examination of the two methods of upgrade, one can easily observe that fewer Class C stations will be able to upgrade with the Commission's proposed plan because it is fraught with many major obstacles. The alternative upgrade method can be implemented by many more stations because of its simplicity and reduced cost.

The Commission is urged to adopt and include this alternative "Increased ERP" proposal in its upcoming rulemaking.