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December 4, 1998

Ms. Magalie Roman Salas
Secretary Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: **MM Docket No. 98-93**
Comments of Greater Media Radio Co.

Dear Ms. Salas:

As a courtesy to Greater Media Radio Co., I am submitting herewith an original and eleven copies of its reply comments in the above-referenced docket.

Please call me with any questions regarding this submission.

Sincerely,

J. Thomas Nolan

JTN/kd

Enclosures

cc: Daniel M. Lerner

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

In the Matter of	)	
1998 Biennial Regulatory Review -- Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules	)	MM Docket No. 98-93

To: The Commission

REPLY COMMENTS OF GREATER MEDIA RADIO COMPANY

I. Introduction

1. Greater Media Radio Company (hereafter,"GMRC") hereby submits its Reply Comments to comments filed to the Notice of Proposed Rule Making and Order released by the Commission on June 15, 1998 in MM Docket No. 98-93 ("the NPRM"), seeking to streamline the Commission's radio technical rules. GMRC is licensee of WPLY, Media, Pennsylvania, a commercial Class B station serving the Philadelphia metropolitan market. In our original comments and for additional reasons stated herein, we generally support the adoption of any proposals which would give licensees greater freedom to relocate their FM stations to sites better suited to provide local service.[1] In particular, we offered an alternative proposal to assist stations in the congested Northeast corridor of the United States. This alternative was called the

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1. For example, GMRC supports the proposal of Richard L. Harvey to amend Section 73.215(e) to accommodate pre-1989 Class A stations that are unable to achieve full 6 kW Class A facilities and therefore are willing to be protected only as 3 kW stations. See Comments of Richard L. Harvey at Page 9, Section 5.

"Class B0 (B-Zero)" proposal, which we believe the Commission should adopt, either in addition to, or as a replacement for, the "negotiated interference" concept.

II. Additional details of the "Class B0" proposal

2. Following discussions with other interested parties during the past several weeks, we wish to clarify some of the points raised in our original Comments, in regard to our "Class B0" plan. To review, this proposal would allow Class B stations in Zones I and I-A to voluntarily reclassify to a new designation which we have dubbed "Class B0," under which they would retain the same 50 kW ERP/150 meter HAAT facilities, but would be protected to the 60 dBu (1 mV/m) contour rather than the 54 dBu (0.5 mV/m) contour.[2]

3. First, we want to make it abundantly clear that our plan would allow those Class B stations choosing to reclassify to Class B0 only to receive interference up to their 60 dBu service contours. They would continue to be required to protect other Class B stations to the 54 dBu contour. We note that the existing "B to B" FM separation requirements in Sections 73.207(b)(1) and 73.215(e) of the Rules are identical to the "B to C2" requirements. Therefore, if the Class C2 spacings are applied to Class B0 stations (as we have proposed), there will be no loss of protection to Class B facilities that have not reclassified. However, in situations involving a pair of Class B stations where both stations have reclassified to Class B0, the separation between those two stations could be reduced to the existing "C2 to C2" minimum distance.

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2. The Commission may find it appropriate to retain the "Class C2" designation for these stations, regardless of the zone in which they operate.

4. As an added benefit, our proposal would probably permit some Class B1 stations to upgrade to the B0 classification in certain locations where they cannot presently upgrade to Class B, allowing a substantial increase in service area and population. This would be more likely in rural areas of Zones I and I-A than in the densely-populated areas. This point was raised by Mr. Jefferson G. Brock, of Graham Brock, Inc., in a letter we recently received.[3]

A. The "Class B-Zero" proposal satisfies the "four principles" set forth by the NAB

5. Although the majority of commentors favor increased FM siting flexibility, the National Association of Broadcasters (NAB) opposed the adoption of the Commission's "negotiated interference" concept. On Page 6 of its comments, the NAB identified four principles under which it believes the issues raised in the NPRM should be reviewed and judged by the Commission.[4] As discussed below, GMRC's "Class B-zero" plan does not compromise these principles, but furthers the interests of both the general public and broadcasters.

B. The "Class B-Zero" plan satisfies NAB's first principle: Preserving the Technical Integrity of the FM Band

6. We note that the 60 dBu contour defines the protected coverage area of all non-commercial educational FM stations (including Class B NCE-FM facilities), as well as Class A, C, C1, C2, and C3 commercial FM stations. In fact, over 88 percent of FM facilities are normally protected to the 60 dBu contour,[5] so this is clearly the prevalent standard. Our plan

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3. Graham Brock, Inc. has commented in this proceeding. A copy of this letter is attached in Appendix A.

4. See Comments of the National Association of Broadcasters, filed October 20, 1998, Page 6.

5. According to the most recent data published by the Commission, there are about 7,600 authorized "full service" FM facilities. Of these, approximately 900 are commercial

provides this recognized degree of protection while avoiding the uncertainty of the "negotiated interference" proposal.

C. The "Class B-Zero" plan satisfies NAB's second principle: Providing Reasonable Applicant Flexibility

7. In the past, NAB has recognized the increasing need for FM antenna siting flexibility, most recently in its comments with regard to MM Docket 96-120.[6] In the instant proceeding, the NAB opposes "negotiated interference" and the reduction of second-adjacent and third-adjacent channel separations, but offers no alternative plan for stations needing some relief of the existing spacing rules, either for improvement of their facilities or for reasons beyond their control, such as DTV displacement. Our plan will provide additional reasonable flexibility to existing Class B stations in congested areas, the group of stations we believe need it the most.

D. The "Class B-Zero" plan satisfies NAB's third principle: A favorable Cost / Benefit Analysis

8. For many Class B stations, our plan will provide benefits comparable to the "negotiated interference" proposal at a fraction of the cost that would be incurred by applicants

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Class B or B1 allotments, normally protected to 54 or 57 dBu, respectively. The remaining 6,700 facilities (88 percent of the total) are normally protected to the 60 dBu contour. Further, we note that many Class B stations, particularly in the largest markets, are not actually protected to the 54 dBu contour at present, due to grandfathered short spacings. Therefore, it is likely that fewer than ten percent of all FM stations are afforded full 54 dBu protection.

6. *See* Reply Comments of the NAB in Docket 96-120 , Executive Summary: "NAB's position is also founded on the recognition that scores of FM stations -- not just the grandfathered, short-spaced stations that are the focus of this proceeding -- may soon be required to seek new antenna sites. Thus there is a present and growing need for the Commission to adopt a policy of reasonable flexibility in allowing FM stations to relocate antenna facilities."

and the Commission under a policy that permits "negotiated interference." Because it works within the framework of the existing FM technical rules and uses the present Class C2 separations in the spacing tables, it is administratively convenient and could be adopted immediately. Also, we expect it will permit many Class B stations to relocate to more desirable sites (particularly toward Class A stations) without the need to install costly directional antennas as would presently be required under Section 73.215[7] or a "negotiated interference" plan.

E. The "Class B-Zero" plan satisfies NAB's fourth principle: Minimizing Negative Effects on IBOC DAB Development

9. The various "In-Band On-Channel" (IBOC) Digital Audio Broadcasting systems have been designed to work within the existing FM allocations framework, which is based on 60 dBu contour protection for the overwhelming majority of existing stations. Because our "Class B-zero" proposal will provide this recognized level of protection, no questions about compatibility with IBOC-DAB are raised. Moreover, as we noted previously, full 54 dBu contour protection of existing Class B stations is the exception, rather than the rule, in the most highly populated markets.[8] This situation has existed ever since the spacing tables were adopted

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7. *See* Comments of Mullaney Engineering, Inc., filed October 20, 1998, at bottom of Page 6, discussing first-adjacent Class A and Class B facilities: "Section 73.215 requires the station proposing a 1 km short-spacing to compensate for not only the proposed 1 km shortage but also for the built-in 12 km shortage for a total protection of 13 km." However, by permitting Class B stations to reclassify as Class B0, our plan would allow a move 7 km closer to a first-adjacent Class A station without operating under Section 73.215, and avoiding the need for a directional antenna.

8. Eight of the top ten Arbitron radio markets (New York, Los Angeles, Chicago, San Francisco, Philadelphia, Detroit, Boston, and Washington) fall within Zones I or I-A. The majority of Class B stations in these markets were authorized prior to 1964 and most are short-spaced under the current rules, so they are not receiving full protection to the 54 dBu contour at the present time. The total estimated 12+ population within these eight

and is unlikely to change in the future. Any IBOC-DAB system which is to prove viable in the marketplace will need to perform reliably in major markets, so we expect it will be tolerant of interference between the 60 dBu and 54 dBu contours of existing Class B stations.

III. Summary

10. The Commission has traditionally taken a strict and unwavering approach to the FM mileage separation rules.[9] Limited relief was provided when Section 73.215 was adopted in 1989; however, since that time, many of the minimum separation limits have been increased,[10] reducing the ability for stations to relocate to more desirable sites. Although we believe waivers of the FM spacing rules should be granted in unusual cases which would clearly further the public interest, for example, to resolve severe cases of RITOIE interference, our experience at WPLY has shown that the waiver process is extremely frustrating, not to mention expensive and time-consuming. This opinion is shared by other commentors.[11] Although the Commission's "negotiated interference" concept is certainly a step in the right direction, we fear that it may fall to opposition from other parties. Therefore, as an alternative or addition to the Commission's proposal, we offer the "Class B0" plan, which simply makes existing Class C2 separations available nationwide and would be purely voluntary for any Class B station seeking needed flexibility in relocating its facilities.

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markets is 52,331,000 persons, based on Fall 1998 Arbitron statistics. These markets alone comprise nearly a quarter of the estimated national 12+ population of 222,200,000 persons.

9. *See* NPRM, Paragraphs 24 and 25.

10. In particular, the minimum separations toward Class A stations were increased when the power limit was increased from 3 to 6 kilowatts.

11. *See* Comments of Hardy & Carey , filed October 20, 1998, at Page 31; Comments of Mullaney Engineering, Inc., filed October 20, 1998 at page 6.

Respectfully submitted,

Daniel M. Lerner
Chairman
(e-mail: dan@y100.com)

Mark D. Humphrey, CPBE
Director of Engineering
(e-mail: mark@y100.com)

Greater Media Radio Company
WPLY(FM)
1001 E. Baltimore Pike
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December 4, 1998

Appendix A

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

November 16, 1998

Mr. Mark Humphrey
Greater Media Radio Company
1003 East Baltimore Pike
Media, PA 19063-5170

Dear Mark:

I would like to thank you for forwarding me a copy of the comments filed by Greater Media Radio Company in MM Docket #98-93. We find your Class B0 proposal interesting since it would most likely give many Class B facilities greater latitude in relocating, were they to voluntarily accept being protected to the 60 dBu contour, rather than to the 54 dBu contour. I have been involved with several stations who were located in Zone 1 and moved across the zone border to become a Class C facility. In some cases, they actually became a C3 facility for less stringent spacing requirements, as compared to a B1 facility, as well as actually upgrading to C1 or higher class facilities in other cases.

Your comments mentioned the fact that §73.207 and §73.215 are already set up for minimum shortspacing issues, as they relate to C2 facilities, and since the B0 would effectively be a Class C2 facility, those same spacing requirements would be in place. However, you do not indicate whether you are actually proposing places where a B0 upgrade may be possible for a Class A or Class B1 facility. While this is unlikely in major metropolitan areas, in less populated areas of Zone 1 and in some cases Zone 1A, there are facilities that might be able to make improvements based on this different classification. This is just a point of interest based on reviewing your narrative.

Thank you again for forwarding the comments to my attention. Should you have any follow-up questions, please do not hesitate to contact me.

Sincerely,

Jefferson G. Brock
Graham Brock, Inc.

JGB/kd

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