

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Sections 74.1231) RM-9419
74.1232, 74.1233, 74.1284 of the)
Commission's Rules)

To: Mass Media Bureau

STATEMENT IN SUPPORT OF PETITION

Olmsted County Broadcasting Co. (hereafter Olmsted), by its attorneys, and pursuant to the Commission's Public Notice, DA 98-2527, released December 10, 1998, hereby expresses its support for the Petition for Rule Making of The American Community AM Broadcasters Association (hereafter ACAMBA) filed August 13, 1997, requesting the Commission to institute rule making to allow AM station licensees to rebroadcast their signals on FM translator stations as a fill-in service.^{1/} In support thereof, Olmsted respectfully states as follows:

1. Olmsted is the licensee of standard broadcast Station KOLM, Rochester, Minnesota. Olmsted put KOLM on the air in November 1963. The station operates on 1520 Khz with power of 10

^{1/} The Public Notice invited the submission of comments in support of or in opposition to the Petition within thirty days or on or before January 11, 1999. The comment deadline was subsequently extended to February 10, 1999.

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kilowatts during daytime hours. Olmsted has outstanding a construction permit to operate KOLM from a separate transmitter site with power of 0.8 kw (directional) at night (BP-960222AA, as extended, granted December 10, 1996).

2. ACAMBA avers that it is a non-profit trade association comprised of 193 (mostly standalone) AM stations in approximately thirty-seven states. ACAMBA says its organizational purpose and goals are to "(1) bring unity to AM broadcasters and to create a single vehicle to work toward needed changes and improvements for AM radio; (2) centralize efforts for improving AM radio and representing the interests of AM broadcasters; and (3) help AM stations obtain parity with other broadcast services through advocating and promoting beneficial changes throughout the industry" (ACAMBA Pet., pp. 1-2).

3. Pointing out that one "great disadvantage faced by AM stations is their ability to compete as a result of weak nighttime signals", ACAMBA proposes that the Commission's FM translator rules be amended "to allow for the use of an FM translator station as a fill-in service for AM standalone stations (those stations without a commonly owned or programmed FM station) with a licensed daytime power not exceeding 2,500 watts and a licensed nighttime power not exceeding 500 watts" (Ibid., pp. 2, 4).

4. Olmsted supports ACAMBA's proposal because it will promote competition in the commercial radio service and materially enhance the ability of many AM stations to serve the public interest. Olmsted does have serious reservations with respect to ACAMBA's restrictions on eligibility.

5. First, there is no apparent reason to limit the eligibility of AM stations to those operating with daytime power of 2,500 watts or less. The restriction is arbitrary inter alia because the propagation of AM signals materially depends not only upon power output but also upon the operating frequency, ground conductivity and antenna directivity. A 2,500 watt daytime power limitation would also create an incentive for some AM licensees to reduce daytime power and a disincentive for other AM licensees to increase daytime power. In short, there is no apparent reason for imposing an eligibility restriction based on daytime power and there are compelling policy reasons not to do so.

6. Second, restricting eligibility to AM stations with nighttime power not exceeding 500 watts is also arbitrary. The propagation of AM signals at night is materially affected by the operating frequency, directivity and nighttime limit as well as power output. For example, while KOLM is authorized to operate at 800 watts at night, in fact, its computed interference free (12.9 Mv/m) nighttime contour is predicted to serve only 60.54%

of the area and 86.76% of the population within Rochester's corporate boundaries (Appendix A hereto). An FM translator would enable KOLM to provide fill-in service to circa 40% of Rochester's area and 13% of its population. At minimum then, AM stations should be permitted to use FM translators to fill-in service to their community of license irrespective of their nighttime operating power.

7. Third, it would be arbitrary to restrict the eligibility for FM translator fill-in stations to AM standalone licensees. Especially in this era of consolidation, many AM stations with minimal or no nighttime coverage are operated in combination with other commonly owned (or brokered) AM and FM stations. Improving their nighttime service through fill-in FM translators would both promote competition and provide new service to the public. Conversely, restricting eligibility to AM standalones would provide a disincentive to consolidation and the concomitant efficiencies to be derived from combined operations.

8. In sum, Olmsted urges that it would promote competition and better serve the public interest to restrict the eligibility for FM fill-in translators to three classes of AM licensees, those owning (1) daytime only stations, (2) fulltime AM stations with power not to exceed 500 watts, or (3) fulltime AM stations which do not provide interference free nighttime service to the

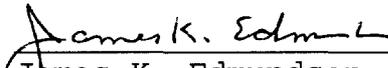
entirety of their communities of license. The predicted 1 Mv/m contour of the fill-in FM translator should be confined within the predicted or measured 0.5 Mv/m daytime contour of the AM station.

WHEREFORE, Olmsted supports ACAMBA's Petition and urges the Commission to institute rule making, consistent with the foregoing comments, looking toward the adoption of rules permitting the use of FM translators to fill-in the nighttime signals of AM stations.

Respectfully submitted,

OLMSTED COUNTY BROADCASTING CO.

By:



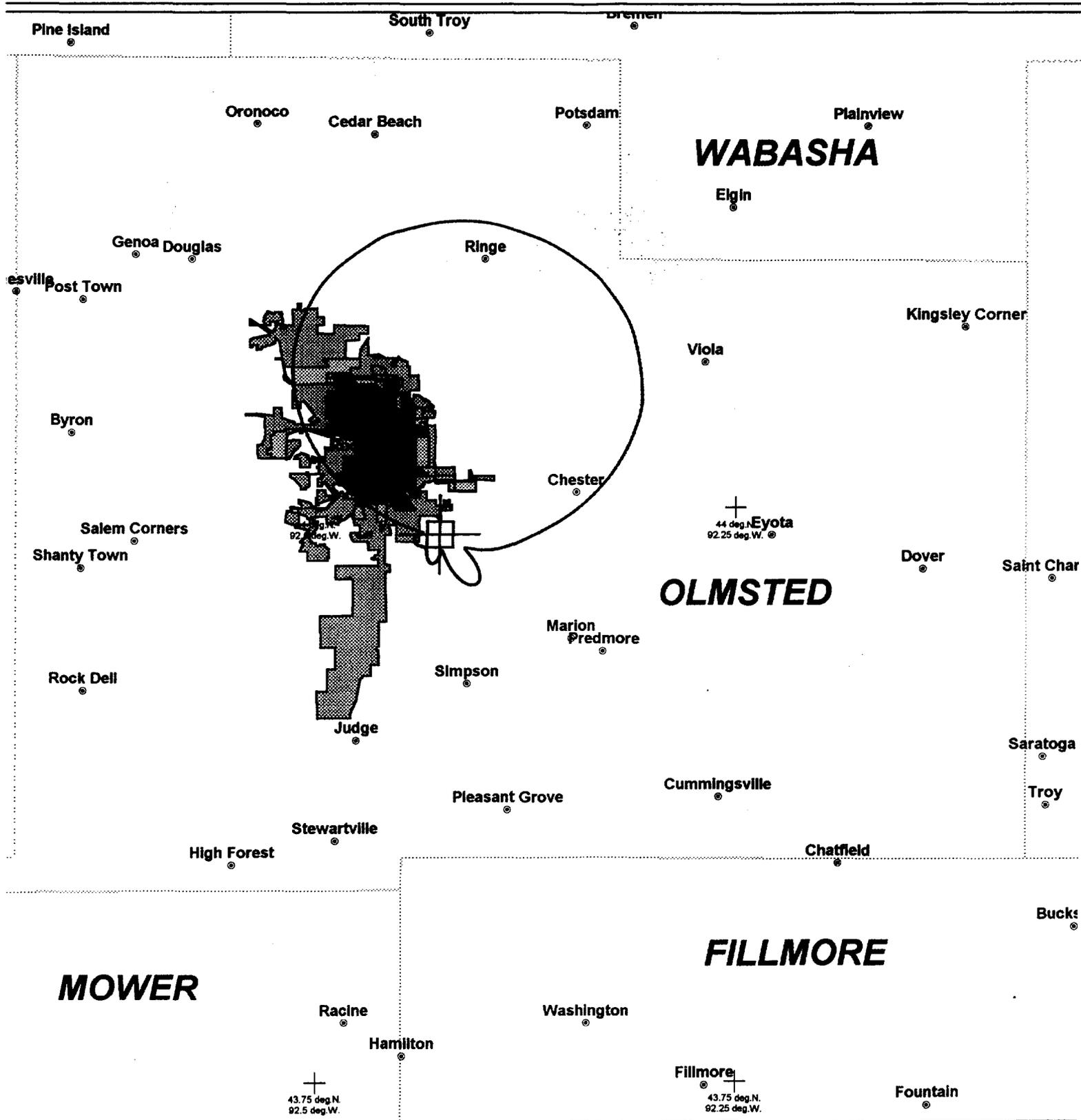
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February 10, 1999

APPENDIX A

KOLM - PROPOSED

Nighttime Service Contour



Certificate of Service

I, Sherry L. Schunemann, a secretary in the law office of Smithwick & Belendiuk, P.C., do hereby certify that a copy of the foregoing "Statement in Support of Petition" was mailed by First Class U.S. Mail, this 10th day of February, 1999 to the following:

Mr. Gordon W. Godfrey
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W., Room 566
Washington, D.C. 20554
(Via Hand Delivery)

Mr. Bryan Smeathers
Pres., American Community
AM Broadcasters Association
One WMTA Drive
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Sherry L. Schunemann