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FEDERAL COMMUNICATIONS COMMISSION  
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445 12<sup>th</sup> Street, SW, Room TWB204  
Washington, D.C. 20554

**Re: MM Docket 99-25  
Low Power Radio**

Dear Ms. Salas:

Transmitted herewith on behalf of Peter and John Radio Fellowship, Inc., the licensee of FM station WRBS, Baltimore, Maryland, is the original with nine copies (five for distribution to the Commissioners) of its comments in the above-referenced proceeding.

Yours very truly,

James P. Riley  
Counsel for  
Peter and John Radio Fellowship, Inc.

JPR:jpg  
Enclosures

No. of Copies rec'd 0 + 10  
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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	MM Docket 99-25
	)	
Creation of a Low Power	)	RM - 9208
Radio Service	)	RM - 9242
	)	

**COMMENTS OF PETER AND JOHN RADIO FELLOWSHIP, INC.**

Peter and John Radio Fellowship, Inc. ("Peter and John"), the licensee of FM station WRBS, Baltimore, Maryland, by counsel, submits its comments in this proceeding.

WRBS is a pioneer FM station,<sup>1</sup> and is a grandfathered (pre-1964) short-spaced station. It is short-spaced (i.e., less than the minimum distances specified in Section 73.207 of the FCC's Rules) to five other FM stations. WRBS is one of the most severely short-spaced stations in the nation.

Although WRBS is a Class B station, with a nominal maximum power of fifty kilowatts and a class contour distance of 52 kilometers, per section 73.211, it radiates well below that power in the directions of its short-spacings and produces service contours in those directions well short of a fully spaced Class B station. For example, WRBS is, site-to-site, less than 120 kilometers from co-channel Class B station WIKZ, Chambersburg, Pennsylvania, less than one-half the specified minimum separation. On the azimuth towards WIKZ, WRBS is limited to radiating 5.75 kilowatts, barely ten percent of normal Class B FM power.

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<sup>1</sup> The original construction permit for WRBS was granted in 1959.

For WRBS and other short-spaced pioneer FM stations, and their listeners, it is imperative that if the Commission authorizes an LPFM service it do so with rules that protect these short-spaced stations and leave open the possibility that through negotiations, contingent applications and allotment rule making proceedings these stations can eliminate, or substantially reduce the degree of, short-spacing which now severely restricts their service.

To this end, Peter and John urges the Commission to include these principles in any LPFM rules it may adopt:

1. No Waivers. Appendix B of the low power service NPRM sets forth separation for co-channel, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> adjacencies between LPFM stations and full power stations. The preface to the Appendix B table states that "Full service domestic stations were assumed to operate at §73.211 maximum facilities." That means, to Peter and John, that any LPFM applicant must propose a site separated from the WRBS site according to the Appendix B separations, notwithstanding WRBS's short-spacings and consequent power suppressions. To protect the possibility for WRBS to someday work free of short-spacing and/or the power suppressions it now suffers, no LPFM applicant should be authorized a transmitter site vis-a-vis WRBS other than on the same separation basis that would apply if WRBS were indeed operating with maximum omnidirectional Class B facilities, like any non-short-spaced Class B station.

The Commission should make it clear at the adoption of LPFM rules, if it decides to authorize such a service, that it has no intention of granting any waivers of LPFM separation requirements, including waivers based upon arguments of

existing interference, existing shortspacings or suppressed power and resultant shorter radius to service contour. If such waivers were ever entertained and granted, WRBS would suffer a deterioration of existing service and would, conceivably, be locked forever into its short-spaced status.

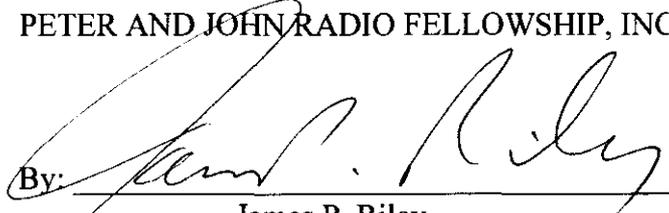
2. No Primary Status. As a corollary to the first principle stated above, the Commission needs to take one additional step (short of deciding not to authorize an LPFM service) to keep open the possibility that WRBS and other short-spaced stations may cooperatively rearrange their assignments and allotments and become, or move toward becoming, fully spaced stations. The Commission should in the LPFM rules provide that no LPFM station located within the greatest separations distance applicable to the pertinent grandfathered short-spaced FM station (for WRBS, it would be 241 kilometers, co-channel B to B) no LPFM authorization will be given primary status on the three channels above and below and co-channel to the grandfathered short-spaced station. This will provide, for stations like WRBS, the degree of flexibility that exists today in considering changes in assignments and allotments. It will prevent LPFM from becoming the cement that forever causes WRBS and other short-spaced stations to remain short-spaced and unable to maximize service to the public.
3. Do Not Abandon 2<sup>nd</sup> and 3<sup>rd</sup> Adjacent Channel Protection. To make the foregoing principles effective, the Commission must not abandon 2<sup>nd</sup> and 3<sup>rd</sup> adjacent separation requirements. Both to protect the already hemmed in WRBS signal, and to keep open the possibility that WRBS and other short-spaced stations will

be able to improve their situations, it is crucial that the Commission not abandon 2<sup>nd</sup> or 3<sup>rd</sup> adjacent channel protection. WRBS and other short-spaced stations have, by definition, more proximate co-channel and 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> adjacent channel stations than do other FM stations. These short-spaced frequencies suffer noise pollution already. The Commission should not permit the level of this pollution to rise, nor should it foreclose the possibilities for ending the pollution caused by severe short-spacing.

If the Commission adopts rules for an LPFM service which do not adhere to the principles set out above, it will have substantially worsened, and perpetuated, the technical impairments already being endured by short-spaced FM stations. The Commission must avoid that outcome.

Respectfully submitted,

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By: 

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