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

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of	)	
	)	
Creation of a Low Power	)	
Radio Service	)	MM Docket No. 99-25
	)	
	)	RM-9208
	)	RM-9242

To: The Commission

COMMENTS OF NATIONAL RELIGIOUS BROADCASTERS

National Religious Broadcasters ("NRB") hereby submits its comments concerning the Commission's proposal in the above-referenced proceeding to "establish rules authorizing the operation of new, low power FM (LPFM) radio stations."[1] NRB is a national association of radio and television broadcasters and programmers whose purpose is to foster and encourage the broadcast of religious programming. NRB and its members therefore have a direct interest in the outcome of this proceeding.

The *Notice* proposes the establishment of as many as three new classes of LPFM stations. In order to make room in the existing FM band for some or all of these stations, the

[1] *See Creation of a Low Power Radio Service (Notice of Proposed Rulemaking)*, MM Docket No. 99-25, FCC 99-6, ¶ 1 (rel. Feb. 3, 1999) ("Notice").

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Notice proposes that the FCC eliminate its existing second- and third-adjacent channel protections for full-power FM stations.[2]

NRB respectfully opposes the elimination of these existing protections, regardless of the underlying justification, because of the potential interference that would result from the overcrowding of stations. As the *Notice* itself reflects, there is precedent to draw upon for this concern—the situation in the congested AM band, "where many stations currently experience significant interference and degraded reception."[3] The unintended consequences of what became an over-expansion of the number of AM stations have been exceedingly painful for many licensees in that band in terms of audience reach, finances, and the overall reputation of AM radio. It has taken much effort on AM licensees' part (as well as that of the agency itself) to cope with or overcome these obstacles.

Given this background, the Commission should not run such a risk again. Unfortunately, it appears that the interference potential of the proposed LPFM stations is quite real. NRB has reviewed the data contained in the "FM Receiver Interference Test Results Report" being submitted in this docket by the National Association of Broadcasters.[4] The test

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[2] *Notice* at ¶ 43 ("these protections would limit substantially the number of channels available for low power radio generally and could preclude altogether the introduction of LPFM service in mid-sized and large cities").

[3] *Notice* at ¶ 17. NRB certainly agrees with the Commission's conclusion that adding low power stations in the AM band would be counter-productive to the ongoing efforts to improve the quality of reception in that band.

[4] Carl T. Jones Corporation, "FM Receiver Interference Test Results Report" (prepared for the National Association of Broadcasters and dated July 1999) ("NAB Receiver Study").

results indicate that, among other problems, FM receivers are not all created equal with respect to their ability to overcome interference. Although the mileage separations proposed in Appendix B of the *Notice* would seem to offer adequate protection from a theoretical standpoint, receivers in the field do not always perform as predicted. In particular, portable radios, clock radios, and personal "Walkman" radios are considerably less able to handle and reject interfering signals than are automobile and home stereo receivers, particularly if there is any relaxation of the mileage separations.

These results should be of concern to the Commission for several reasons. First, of course, is the general degradation of service that any listener using a portable radio, clock radio, or Walkman-type radio would experience. Literally millions of listeners may experience poor reception of their once-favorite channels—or no reception at all in some cases.[5]

Furthermore, NRB is struck by the implications raised by interference results that track by receiver type. It is the inexpensive, typically older receivers—those most likely to be owned by the less affluent listeners, including the urban and rural poor and the elderly—that are most vulnerable. Listeners who can afford expensive car radios or home stereo

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[5] There are approximately 100,000,000 households in the United States, according to the U.S. Census Bureau. *See* <www.census.gov> (reporting statistical estimate for 1996). Assuming that __ percent have automobiles, [cite], and the vast majority of the ___ percent that have television, [cite], also have some radio receiver in the home, it seems a fair guess that—as a low estimate—there are at least __ radio receivers in use by Americans. It also seems fair to assume that at least half of the total are of the type that the NAB Study demonstrates are susceptible to interference from the proposed LPFM stations.

components are less likely to be harmed by the interference posed by LPFM stations; these same listeners also would have the wherewithal to purchase the best new clock radios, etc., to replace older receivers that would no longer function well once LPFM stations become operational. But economically disadvantaged listeners would suffer the loss of quality FM radio service without having the means to buy their way out of the problem.

This result would be ironic, to say the least, for it is completely at odds with the efforts of the Commission and other communications policymakers to ensure that disadvantaged Americans are not left behind as our nation moves forward into the electronic information age.[6] The result of adopting the LPFM proposal would be completely unintended, of course, but the consequences would be no less hurtful. Radio was the first electronic information highway to link Americans together and provide the same level of access to information for all. FM stations' success in fulfilling this mission should not be put in jeopardy.

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[6] *See, e.g.*, FCC News Release, Statement of Chairman William Kennard on FCC Adoption of Plan to Reform Schools and Libraries Discount Procedures (June 12, 1998) ("This Nation has an obligation to make sure that our neediest kids have an on-ramp to the network that leads to tomorrow's opportunities"); National Telecommunications and Information Administration, *Falling Through the Net: Defining the Digital Divide / A Report on the Telecommunications and Information Technology Gap in America*, July 1999, at xiii (noting "the persistence of the digital divide between the information rich (such as Whites, Asians/Pacific Islanders, those with higher incomes, those more educated, and dual-parent households) and the information poor (such as those who are younger, those with lower incomes and education levels, certain minorities, and those in rural areas or central cities)").

For the foregoing reasons, NRB urges the Commission not to adopt the LPFM proposals set forth in the *Notice*.

Respectfully submitted,

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August 2, 1999

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