

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington DC**

In the matter of:)
)
Establishment of an Indoor Sports) RM-9682
Entertainment Radio Service)
 (“ISERS”))

REPLY COMMENTS OF REC NETWORKS

In this reply comment filing, we will uphold our support for the proposed ISERS and respond to some of the statements that were made in Comments.

RM-9682 is not the service proposed by RM-9246

Several commenters stated that the above captioned proceeding should be denied based solely on the fact that the FCC did not act on RM-9246. RM-9246 called for a 10 watt “special event” radio service with facilities similar to those being proposed under MM Docket 99-25 as a “microradio” station or as proposed by REC Networks (“REC”) as a Class D2 station. RM-9682 calls for a lower powered radio service which can only be used *inside enclosed locations*. REC added conditions to the proposal which would be required to obtain our endorsement. These include that the seating capacity for the structure must exceed 15,000 persons and that the structure’s primary use is professional or amateur *sports*. This would exclude large theaters and concert halls as suggested in the NAB’s comments. RM-9246 did not restrict stations to enclosed locations. For non-enclosed locations, such as stadiums and race tracks, REC endorses the use of part time Class D2 LPFM stations coordinated through LPFM Frequency Coordinators.

Who will be the license holder?

Under the REC plan for RM-9682, the owner of the arena would be the licensee. This would reduce the number of licensees and reduce the administrative and enforcement burden on the Commission. Since the arena is the licensee, the broadcast equipment can remain at the location at all times, reducing the chance of possible interference to reception inside and outside the structure through the incorrect installation of equipment.

What about the rights holder of the game?

We feel that is an issue that is between the sports league and the local station or radio network and should not be considered in the rulemaking process. REC will assume that by the time this service is implemented on a full time basis, there will be terms and conditions placed in the contracts between the leagues and the local stations and radio networks which address arena broadcasting.

Foreign language broadcasting.

As America becomes more diverse, the sports leagues are reaching out to attract new audiences. Many Major League Baseball teams have Spanish language broadcasts. In the Los Angeles area, at least one Spanish language radio station has been in the top 3 stations in the market for several years. We feel that sports fans who are limited in their knowledge of the English language is entitled to be able to listen to play-by-play broadcasts. The sports leagues can use one of their radio channels to provide alternate language play-by-play programming, especially in markets where no foreign-language station has rights to carry the sports league's games.

Part 15 devices and the broadcast industry contradiction.

In various proceedings, the opinion of the broadcast industry is that many low power transmitters on the same channel would not be efficient use of spectrum. We find it real interesting that the NAB would suggest the use of “multiple Part-15 transmitters” placed throughout the stadium. More transmitters would mean more things that can go wrong. If one transmitter drifts off frequency, you lose the entire experience. We feel that a simple 2 to 5 watt transmitter for each channel, perched near the ceiling of the structure would better cover the arena than a multiple Part 15 devices.

Persons with disabilities.

The NAB feels that different alternatives can be used for persons with disabilities. The only other service that we can think of is the new “Low Power Radio Service” which utilizes channels in the 216 MHz band. The power levels of this service and the need to use special proprietary receivers would cause a burden on the arena operator and the spectator. Utilizing the regular FM band makes readily available inexpensive FM radios usable by persons with disabilities without requiring them to “rent” a receiver and the presence of such a receiver would “label” the spectator as “disabled”.

People with Nerve Deafness.

Nerve Deafness is a medical condition where a person is still able to hear but may not be able to understand specific words due to surrounding sounds. People with Nerve Deafness continue a normal life and do not qualify for protections under the Americans with Disabilities Act. ISERS would assist those who suffer from Nerve Deafness to be able to better hear the public address announcers.

Preclusion of future LPFM stations.

Inner Ear expressed concern that ISERS would prevent new LPFM stations in the urban markets. In REC's original comments, the ISERS would be sub-secondary to all broadcast stations, full power, LPFM, translators and boosters. Our proposal calls for ISERS stations to be placed on channels which would be outside the 54 dBu (50,10) interference contours of other stations on the co-channel and first adjacent channels. In our comments, we had reviewed each NHL arena and made channel suggestions. The channels suggested are outside the 54 dBu contour mentioned earlier in the paragraph but is not spaced sufficiently to fully protect a 10 watt microstation. REC, a supporter of the LPFM service as proposed in MM Docket 99-25, does not feel that the implementation of the ISERS would preclude the coordination and assignment of future LPFM stations. Actually, REC is proposing that ISERS stations are coordinated through the same frequency coordinators that REC is proposing to assist with the proposed LPFM service. *ISERS AND LPFM ARE COMPATIBLE.*

Dedicated receivers would not be in the public interest.

Other systems designed for event broadcasting which use land mobile frequencies or 49 MHz channels require special receivers which would have to be purchased in advance or rented at the arena. Rented receivers would cause an extreme burden on the arena operator through the ongoing maintenance of the units as well as concerns over theft. For the spectator, having to stand in line at a window to rent the receiver and standing in another line to return the receiver would cause an extreme inconvenience to the spectator. In MM Docket 99-25, the Commission has proposed that no new spectrum be used for this service because it would cause a "consumer hardship". We feel the same applies for this service.

Protection of the reserved band channels.

As a promoter of an all non-commercial LPFM service, REC Networks can understand National Public Radio's concerns over ISERS stations operating in the reserved (88-92 MHz) band. REC has found that even if the ISERS had unlimited access to the reserved band, not too many reserved band channels would be available. This is due to the high number of NCE-FM stations, their translators as well as the distant translators of stations more than 400km away from their primary stations. In our channel search study for the ISERS, we only found one market (San Jose) where we were forced to use a reserved band channel in order to keep the same number of channels consistent with the other arenas mentioned. However ISERS channels will be selected, REC would like to see it in rules that the ISERS applicant must search for a channel or channels in the non-reserved band. Reserved band channels should only be used if a study shows that no additional non-reserved band channels can be allocated. The use of more than one reserved band channel would be prohibited. We feel that allowing arenas to use a single reserved band channel when no additional channels are available for their needs is efficient spectrum use and would be in the public interest.

In Conclusion

REC feels that this radio service will promote diversity by allowing those with disabilities as well as those who do not understand English to be able to enjoy sporting and entertainment events. ISERS will help the local economy around the arena by permitting local small, minority and female owned businesses located near the arena to be able to a narrow audience. Many arenas are located in urban redevelopment zones and the extra business generated by these

ISERS stations would be a shot in the arm for the local economy. ISERS uses existing radios and does not require the rental of special radios and is compatible with all radio services including the proposed LPFM service.

REC Networks respectfully requests that based on the reasons mentioned in this filing, we urge the Commission to consider this petition further by issuing a Notice of Proposed Rulemaking.

Respectfully Submitted,

Richard-Michelle Eyre
REC Networks
P O Box 2408
Tempe, AZ 85280-2408
rec@recnet.com
<http://www.recnet.com>

CERTIFICATE OF SERVICE

This is to certify that a copy of this filing will be served on the following organizations:

NATIONAL HOCKEY LEAGUE
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 "L" Street NW
Washington DC 20037-1526
mccombsh@dsmo.com

(Served by electronic mail with the consent of the petitioner.)

NATIONAL ASSOCIATION OF BROADCASTERS
1771 N Street NW
Washington DC 20036

NATIONAL PUBLIC RADIO, INC
635 Massachusetts Avenue NW
Washington DC 20001

INNER EAR COMMUNICATIONS INC
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209