

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Digital Audio Broadcasting Systems )  
And Their Impact On the Terrestrial Radio ) MM Docket No. 99-325  
Broadcast Service )

**Supplemental Response of iBiquity Digital Corporation**

iBiquity Digital Corporation (“iBiquity”) by its attorneys, hereby submits these Supplemental Response Comments in the above proceeding. These Supplemental Response Comments are offered solely to address a new issue raised for the first time in reply comments submitted to the Commission on July 18, 2002.<sup>1</sup> Specifically, iBiquity objects to the request that the Commission prepare an Environmental Impact Statement (“EIS”) concerning In-Band On-Channel Digital Audio Broadcasting (“IBOC DAB”) technology. As described in greater detail below, there is no legal or factual justification for undertaking an EIS in this proceeding.

The Commission’s rules are quite explicit concerning the National Environmental Policy Act. IBOC technology will not involve any of the actions enumerated in Section 1.1307 of the Rules that require preparation of an Environmental Assessment.<sup>2</sup> Therefore, there is no basis for taking action on the submitted request.

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<sup>1</sup> iBiquity hereby respectfully requests that the Commission waive its rules and accept this Supplemental Response. *See* 47 C.F.R. § 1.415(d). This Supplemental Response is limited to a single issue that was first raised in a Reply Comment in this proceeding. *See* Comments of Don Schellhardt et al., MM Docket No. 99-325 (July 18, 2002). As discussed in greater detail herein, the issue raised by Mr. Schellhardt is based on a misunderstanding on the nature of iBiquity’s IBOC system. In order to correct the record, iBiquity respectfully requests that the Commission accept this Supplemental Response.

<sup>2</sup> 47 C.F.R. §1.1307.

The Schellhardt request demonstrates a complete misunderstanding of the nature of IBOC. Because IBOC technology allows broadcasters to introduce digital signals alongside existing analog broadcasts, the introduction of IBOC by itself does not require the construction of new broadcast towers or facilities.<sup>3</sup> The average station will be able to convert to digital broadcasts with the introduction of a digital exciter using a pre-existing digitally-compatible transmitter. Moreover, because the digital signal operates at a fraction of analog power, the introduction of IBOC will not increase risks of radio frequency radiation exposure. For example, the digital FM signal operates at 1% of analog power with a *de minimis* impact on the radiation of a typical station.

The Schellhardt request assumes radio broadcasters will need to undertake significant construction to implement IBOC. This simply is not true. There may be broadcasters that choose to make changes in their broadcast facilities due to non-IBOC related factors, and those proposed changes will require environmental assessments in appropriate cases. That requirement will be a result of changes in the broadcast facilities not the introduction of IBOC.

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<sup>3</sup> This is unlike DAB proposals that require new spectrum where 1000s of new transmitters and antennas would need to be constructed and operated.

Based on the foregoing iBiquity respectfully requests the Commission dismiss the Schellhardt request and move forward with an immediate endorsement of IBOC DAB.

Respectfully submitted,

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