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Federal Communications Commission  
Marlene Dortch, Secretary  
445 12<sup>th</sup> Street S.W. -- The Portals  
Washington, DC 20554

**RE: Reply To Oppositions To Petition For Reconsideration (Docket 99-325)**

Dear FCC Commissioners and Staff:

I hereby submit this Reply to Oppositions filed in FCC Docket 99-325 by the National Association of Broadcasters (NAB) and iBiquity Corporation, respectively, on February 19, 2003. Both documents oppose a Petition For Reconsideration that was filed by The Amherst Alliance and dozens of other parties on October 25, 2002.

I am a party to the October 2002 Petition For Reconsideration, as well as other unresolved petitions and motions filed with the FCC on the IBOC matter.

I urge the Commission to reject the iBiquity and NAB Oppositions and act favorably on the October 2002 Petition For Reconsideration.

That IBOC digital radio signals cause interference to adjacent channel AM stations and beyond is no longer a theoretical concern, but a practical reality. IBOC interference has been monitored as far as 1,000 miles from the offending station. Regarding empirical evidence of IBOC interference, I urge the Commission to consider with care the Reply Comments on Frederick Vobbe, a broadcast engineer from Ohio, filed on February 11, 2003. Other recent filings in Docket 99-325 (especially in the four months since Amherst's Petition for Reconsideration) also report negative listening experiences due to AM IBOC interference.

This new information simply confirms data long-held by iBiquity that IBOC signals pose a significant risk of causing widespread interference, especially on the AM band. As early as March 6, 2002, iBiquity has been aware of the interference problems with its AM broadcast standard, as referenced in a report to the National Radio Systems Committee by Jeff Littlejohn, Senior Vice President of Engineering for Clear Channel Communications (a major investor in iBiquity).

In his statement, which includes data personally gathered during a Clear Channel/iBiquity field analysis of IBOC's effects on a Clear Channel-owned station in the Washington, D.C. area, Littlejohn questions whether IBOC can work at all on the AM broadcast band, as it cannot conform to the FCC's own frequency allocation and interference protection standards:

The current AM allocation rules require Co-Channel stations to provide 20:1 protections to each other and first adjacent channel stations to provide 2:1 protection to each other. While this works fine in the all-analog environment, it does not seem to be sufficient in the presence of IBOC. This energy above 10KHz from the proposed Hybrid IBOC signal

sufficiently exceeds the energy present in the current analog AM signal. For this reason, the amount of energy provided to a first adjacent station is significantly more detrimental than our current allocation rules allow for.<sup>1</sup>

For this reason, the authorization of IBOC broadcasting, whether “interim” or otherwise, should not have been even considered until after the Commission had:

(1) initiated and completed comprehensive testing and evaluation of competing Digital Radio technologies; and

(2) completed action on all relevant outstanding petitions and rulemakings on the IBOC issue, including those that identified these concerns.

Both iBiquity and the NAB cite the fact that no alternative to IBOC was offered during the standards proceeding as evidence that our Petition for Reconsideration is groundless. As iBiquity is a company with heavy investment from the radio industry, can we honestly say that the presentation of an alternative was at all possible? The Eureka-147 standard was originally rejected because of the U.S. military’s claim on that segment of spectrum. Since Canada’s adoption of the IBOC standard, the military has found these frequencies less useful. If the possibility exists that the spectrum could be re-assigned, it would indeed be frivolous not to at least examine the opportunity.

I also find it laughable that iBiquity cites a 1% adoption rate for its IBOC technology as a “strong introduction of HD Radio technology among broadcasters.”<sup>2</sup> Considered in light of the radio industry’s collective financial backing of the enterprise, one would have to say that, in general, the radio industry is not happy with its investment. Substantial resistance to the adoption of IBOC by forces within the industry that created it should be enough to give the FCC pause on this issue.

Regarding the EIS Request in FCC Docket 99-325, which was made on July 18, 2002 by The Amherst Alliance, myself, and several other parties: while the Commission has yet to formally rule on the request itself, it briefly mentioned the issue in its October 11, 2002 Order approving “interim” IBOC transmissions.

The Commission reasoned that since tower modifications were not necessary for the the implementation of IBOC, an EIS was unnecessary in this matter. However, the Commission failed to consider the fact that tower construction and/or modification is not the only way that the environment can be affected.

For example, radio’s transition from analog to digital would require the disposal and replacement of

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<sup>1</sup> Jeff Littlejohn, “Statement of Jeff Littlejohn, Senior VP of Engineering Services, Clear Channel Communications, Regarding AM IBOC Field observations,” presented to the National Radio Systems Committee, March 6, 2002, p. 4. Online in Adobe Acrobat format at <http://www.diymedia.net/stuff/ccibocamrept.pdf> (Originally released online by the National Association of Broadcasters)

<sup>2</sup> iBiquity Digital Corporation Opposition and Comments, filed February 19, 2003, p.2. This is based on the FCC’s own widely circulated figure of 13,000 licensed radios stations in the United States.

analog radios rendered obsolete upon the cessation of hybrid IBOC signals. James Jason Wentworth of Alaska, in Reply Comments to this Docket filed on February 24, 2003, notes that approximately 520,000,000 radios will eventually have to be scrapped and replaced.

Please prevent both an avoidable reduction in the number of choices on the radio dial *and* an unnecessary negative impact on our already-saturated waste stream. Reject both Oppositions and approve the outstanding October, 2002 Petition for Reconsideration. Please also consider positive action to approve all outstanding petitions and motions filed by the Amherst Alliance, with the support of myself and other cosignatories.

Respectfully submitted,

John Anderson