

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

In the Matter of )  
 )  
Amendment of Sections 73.62 ) MB Docket No. 03-151  
and 73.1350 of the )  
Commission's Rules )

To: The Commission

**COMMENTS OF  
THE NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (“NAB”)<sup>1</sup> submits these comments in response to the Commission’s *Notice of Proposed Rulemaking*. In the Matter of Amendment of Sections 73.62 and 73.1350 of the Commission’s Rules, *Notice of Proposed Rulemaking*, MB Docket No. 03-151 rel. July 7, 2003 (hereinafter “*Notice*”). The purpose of the *Notice* is to resolve an ostensible conflict between Sections 73.62 and 73.1350(d)(2) of the Commission’s Rules regarding the operation of AM stations with directional antennas. *Notice* at ¶ 1. Both of these rules are invoked when an AM broadcast station’s directional antenna operating parameters exceed the required  $\pm 5\%$  current and  $\pm 3$  degrees phase tolerances, or when any monitoring point field strength exceeds the value specified on the station license. Specifically, Section 73.62 of the rules provides that, whenever the operating parameters of a directional antenna cannot be maintained within the tolerances specified in the rule, an AM broadcast station has

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<sup>1</sup> NAB is a nonprofit, incorporated association that serves and represents America’s radio and television broadcast stations.

twenty-four hours to identify any excessive monitoring point field strengths followed by *three hours* to take corrective action. *See* 47 C.F.R. § 73.62(b). Section 73.1350(d)(2), however, requires “any condition of antenna parameters or monitoring points out of tolerances specified elsewhere in this part or by the station’s instrument or authorization” requires termination of operation within *three minutes* unless power is reduced sufficiently to eliminate any excess radiation. 47 C.F.R. §73.1350(d).

The Commission states that this “inconsistent directive leaves AM licensees unclear as to the correct course of action they must take when they observe out-of-tolerance indications.” *Notice* at ¶ 2. NAB agrees. As the Commission correctly observed, due to the reactive nature of AM directional antenna arrays to varying climate changes and ground conductivity, almost all arrays “experience some amount of instability.” *Notice* at ¶ 6. The current three minute rule is an unnecessarily severe requirement to correct common changes in AM directional antenna operating parameters. Further, Section 73.1350(d) does not distinguish between minor and major out-of-tolerance emissions.

Thus, NAB strongly supports the Commission’s proposal that, unless operation poses significant disruption to another licensee or poses “a threat to life or property,” the three minute rule should not apply to instances of minor out-of-tolerance AM directional antenna operating parameters. *Notice* at ¶ 7. We also support the proposed three hour rule for operations which are likely to result in minor interference to other licensees and a twenty-four hour rule to determine minor operating variances caused by environmental

changes. *Id.* NAB applauds the Commission's effort to provide regulatory certainty for licensees and we look forward to continued progress in streamlining the AM directional antenna regulatory process.

Respectfully submitted,

**NATIONAL ASSOCIATION OF  
BROADCASTERS**

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A handwritten signature in black ink, consisting of a stylized star-like symbol followed by the name "Bobeck".

John G. Marino  
Vice President  
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Henry L. Baumann  
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Aug. 29, 2003