

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

In the Matter of )  
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Digital Audio Broadcasting Systems and their ) MM Docket No. 99-325  
Impact on the Terrestrial Radio Broadcast Service )  
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**COMMENTS OF CLASSICAL 1360, LLC**

Classical 1360, LLC (“Classical”)<sup>1</sup> submits these comments in response to the Commission’s *Public Notice*<sup>2</sup> seeking comment on the National Association of Broadcasters’ (“NAB”) recommendations filed in this proceeding concerning nighttime operation of AM In-Band/On Channel (“IBOC”) digital radio. The NAB recommendations were the result of the review of various technical reports filed by the iBiquity Digital Corporation<sup>3</sup> by the NAB’s Ad-Hoc Technical Group on AM IBOC Nighttime Performance (the “Technical Group”)<sup>4</sup>

For the reasons set forth below, Classical supports the NAB recommendation that the Commission authorize AM broadcasters to commence nighttime IBOC broadcasts with appropriate interference resolution mechanisms. Classical further endorses the NAB recommendation that this authorization be granted on a blanket basis to all AM broadcasters that are licensed for nighttime analog service, but in the event the Commission is unwilling to extend the blanket authorization already granted for AM daytime digital service, then it should expeditiously grant requests for Special Temporary Authorizations (“STA”) from individual AM licensees seeking to implement nighttime AM digital operations and provide a mechanism to convert such STA to full authorization after addressing, if applicable, any interference issues.

Classical strongly supports the FCC’s efforts to develop final rules for digital service. It believes the improved audio quality of the digital AM signal has the potential to transform the listening public’s views of AM radio and to significantly enhance AM radio’s ability to compete with new forms of news and entertainment. Classical formats WKAT (not surprisingly) with a classical music format (the only such full-time format in the Miami-Fort Lauderdale market) and

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<sup>1</sup> Classical is the FCC licensee of AM station WKAT, North Miami, Florida and is a licensee of the iBiquity Digital Corporation’s HD Radio System.

<sup>2</sup> *Public Notice* DA 04-1007 released April 14, 2004 (“*Public Notice*”).

<sup>3</sup> “AM Nighttime Compatibility Study”, iBiquity Digital Corporation, May 23, 2003; “Field Report AM Nighttime Compatibility” iBiquity Digital Corporation, October 31, 2003 and “Field Report AM Nighttime Performance” iBiquity Digital Corporation, October 20, 2003.

<sup>4</sup> See NAB Recommendations dated March 5, 2004.

the ability of the public to enjoy such musical compositions is significantly enhanced by the ability of WKAT to broadcast in digital format. At this juncture, Classical is awaiting delivery of its digital exciter and is prepared to commence AM digital broadcasts. It would greatly enhance the viability of the digital signal and encourage Classical's listeners to adopt the digital standard by having Classical commence full time 24 hour digital broadcasts, rather than having to change back over to analog at sunset.

While AM radio is operating in the 21<sup>st</sup> Century, some of the regulations imposed upon it still harken back to the early 20<sup>th</sup> Century. While certain of these regulations were appropriate at that time (in order to foster the reception of broadcast signals over a significantly greater distance to provide service to unserved areas); such considerations today, in the presence of FM stations, broadcast television, cable television, satellite radio and television, and wired and wireless internet services, are a quaint anachronism.

Real world testing of AM nighttime digital operations (as reported by other commenters in this proceeding<sup>5</sup>) suggests that existing nighttime analog signals were more adversely affected by existing reception conditions than adjacent IBOC digital signals.

At this early stage in the implementation of digital broadcasting, the FCC must continue its efforts to foster the digital conversion. The FCC should authorize full digital nighttime operation for all AM stations. Classical recognizes there is a greater risk of interference to existing analog signals from nighttime operation of the HD Radio system. However, it is Classical's understanding that any increased interference will occur primarily at the edge of or outside a station's protected coverage area. Classical believes any impact on listeners in these areas will be greatly offset by the great benefits HD Radio technology will offer the majority of listeners in our primary service area. Existing AM services are severely limited by the many impairments that affect analog broadcasts. HD Radio technology is the first viable solution to many of AM radio's problems and will ensure the continued success of AM. As a result, Classical is willing to tolerate some increased interference in the short run to derive the full benefits of digital.

It will be difficult for stations to introduce new services or to encourage their listeners to convert to digital if AM broadcasts continue to exclude nighttime service. Our listeners expect continuity of service. It will be difficult to convince listeners that digital is beneficial if those benefits disappear every time the sun sets. Classical encourages the FCC to authorize immediately and permanently AM stations to commence digital broadcasts at night. To the extent that there are instances of harmful interference to adjacent stations, the FCC should encourage and permit stations to work together to resolve interference through creative approaches, including reductions in digital power if necessary. In the event that stations are not willing or able to resolve issues in a cooperative fashion, the FCC's existing complaint procedures can adequately address any unresolved matters. Alternatively, the FCC should grant individual AM stations Special Temporary Authorizations ("STA"), as it did initially with AM daytime digital operations, with the opportunity to quickly convert those STAs into full authorizations absent evidence of interference with others while operating under such STA.

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<sup>5</sup> See *Comments of Buckley Broadcasting*, filed May 19, 2004.

Classical also encourages the FCC to avoid undue regulation of the digital service. The FCC's Further Notice proposes many regulations for the digital service. At a minimum, the digital service should not be burdened with greater restrictions or more regulations than are already imposed on existing analog services. Flexibility at this stage in the rollout of the technology will allow broadcasters and equipment manufacturers to take fuller advantage of the many benefits offered by HD Radio technology. The FCC should structure its rules to encourage innovation absent evidence of interference to other users.

In conclusion, Classical supports the NAB recommendations and requests the Commission to authorize AM nighttime digital operations as quickly as possible.

RESPECTFULLY SUBMITTED,

CLASSICAL 1360, LLC

By Its Counsel:

ANTHONY T. LEPORE, ESQ., P.A.

P.O. Box 823662

South Florida, FL 33082-3662

(954) 433-2126

By: \_\_\_\_\_/S/  
Anthony T. Lepore, Esq.