Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Digital Audio Broadcasting Systems	)	**MM Docket No. 99-325**
and Their Impact on the Terrestrial	)	
Radio Broadcast Services	)	

To: The Commission

COMMENTS OF PRESS COMMUNICATIONS, LLC

1. Introduction. Press Communications, LLC, ("Press") hereby responds to the Commission's Further Notice of Proposed Rulemaking and Notice of Inquiry ("FNPRM") in the above-captioned proceeding, FCC 04-99, released April 20, 2004. Press is the licensee of three Class A FM stations and one AM station in the State of New Jersey.[1] Because of severe spectrum congestion in the New York-Philadelphia corridor, all three of Press' FM stations are "short-spaced" and do not meet normal mileage separation requirements to other co- and adjacent-channel stations; they operate with restricted power at least in certain directions. These Comments will focus on the need to address the additional interference that will be piled on short-spaced Class A stations when co- and adjacent-channel stations commence IBOC digital operation. They will also address the special problems of AM stations, like WHTG, that must operate with very restricted power at night.

2. Short-Spaced FM Stations. The existence of short-spacing is the result of stations built before the present spacing requirements were locked in. Some existing facilities were

[1] The stations are WBHX(FM), Facility ID 56233, Tuckerton; WHTG(AM), Facility ID 72323, and WHTG-FM, Facility ID 72324, Eatontown; and WWZY(FM), Facility ID 32983, Long Branch. Press has also been approved to acquire WBBO(FM), Facility ID 59495, Ocean Acres, New Jersey; however, the parties have not yet closed on this transaction.

grandfathered at the time the first FM Table of Allotments was adopted in the early 1960s.[2] Others were grandfathered, but denied the right to increase power, when the Commission authorized most Class A stations to increase power to 6 kW in 1989.[3] All of the grandfathered stations find themselves in an undesirable situation in terms of interference, because they do not enjoy the mileage separations from other co-channel and adjacent-channel stations that normally protect stations from interference within their protected service area. As the "little guys on the block", with the lowest power limit of any commercial FM station class, these short-spaced Class A stations receive, and must suffer the consequential audience loss from, daily interference, particularly interference from much larger Class B1 and B stations to which they may be short-spaced.[4]

3. IBOC Opportunity to Remedy. The industry migration to the IBOC digital FM broadcast technology requires a re-examination of the situation of stations that receive abnormally high interference, so that the problems in analog broadcasting are not unnecessarily carried forward into the digital environment. The need for special attention is accentuated by the fact that IBOC digital FM stations intentionally transmit signals outside their normal 200 kHz bandwidth -- outside the bandwidth that was a fundamental assumption when the FM Table of Allotments was created -- and inside the bandwidth allocated to a co-channel or adjacent-channel

---

[2] *Second Report and Order*, Docket No. 14185 (FCC 62-1243) 23 RR 1845 (1962).

[3] *Second Report and Order*, MM Docket No. 88-375, 4 FCC Rcd 6375 (1989).

[4] Larger stations are Class B1 and B in New Jersey, but there are even more powerful Class C1, C0, and C stations outside the most densely populated states in the Northeastern Corridor and on the West Coast that acerbate the problem of short-spacing in an IBOC environment.

stations.[5] The Commission should take this unique opportunity, at a time of a fundamental change in FM technology, to restore balance to the relationships among potentially interfering FM signals.

4. FM Solutions. There are various ways that the Commission might address the short-spaced IBOC interference problem. One is to adjust the relative digital power levels of short-spaced stations on a case-by-case basis, to ensure that neither station unduly interferes with the other, and each can serve an appropriate geographic area. Another approach, particularly where short-spacing exists only above or below a station's authorized channel but not both, would be to require a station partially to suppress power in the digital sideband on the side of its channel toward a short-spaced station, while maintaining full power in the other sideband. Regardless of the precise method adopted, the Commission must recognize that it has not adequately tested the IBOC interference potential facing co- and first-adjacent short-spaced stations, obtain information on the extent of those problems, and explore viable solutions.

5. AM Station Problems. WHTG(AM) is a Class D station, authorized to operate with 500 watts daytime and only 126 watts at night. The low nighttime power level does not provide adequate service to its market in the analog mode. The Commission recognizes that IBOC digital AM operation will compound AM interference problems, because the digital signal shares spectrum with first-adjacent channel AM stations, and because of ionospheric "skip" propagation at night.[6] While the NAB has recommended extending nighttime IBOC authorization to all AM

---

[5] While it is true that the emission mask for analog FM stations set forth in Section 73.317 of the Rules provides for some emissions outside the allotted 200 kHz bandwidth, those emissions are unintentional and are not counted on to convey information to listeners. The IBOC system requires reliable intentional signal transmission outside a station's analog bandwidth.

[6] FNPRM at pp. 17-18, par. 42-43.

stations,[7] Press strongly disagrees. However well powerful AM stations may be able to survive additional interference from IBOC broadcasting by other stations, the addition of any more interference especially to stations with highly restricted nighttime power will be disastrous, with a high probability of making those stations' nighttime signals useless and forcing them to simply cease operation at night. That result must be avoided. Indeed, the interference potential to AM stations is not limited to night time operations, but will be experienced to both day and night time service from AM stations.

6. AM Solutions. Press is not aware of any workable solution for nighttime IBOC AM operation that will not cause more harm than good, in terms of both interference and audio degradation.[8] That is not to say that AM stations should remain analog. Digital broadcasting is clearly the wave of the future and should not be blocked. However, if FM stations are able to migrate successfully with hybrid operation and no additional spectrum allocation, Press does not believe that an in-band solution is realistic for AM. Instead, the expanded band from 1605 to 1705 kHz should be devoted entirely to digital radio broadcasting, with the 535-1605 kHz band reserved for analog operations, at least for the time being. Later on, as more stations elect to operate in a digital-only (not hybrid) mode, it may be possible to carve out some segments below 1605 kHz for digital broadcasting. Ultimately, the entire AM band may be turned over to digital-only operation, after more is known about the impact of interference in the IBOC

---

[7] *Id.*, at p. 18-19, par. 44.

[8] *See* discussion of audio degradation in the FNPRM at p. 18, par. 43. Press believes that the FNPRM understates the audio degradation problem.

environment, and perhaps even with a change in the authorized channel bandwidth if experience shows that is appropriate.

7. Conclusion. Press believes that the Commission has plunged ahead to quickly, perhaps based on being too enamored of all things digital, and that more careful attention must be paid to the fate of smaller FM and AM stations which are squeezed into the spectrum with short-spaced or very low power facilities and which will suffer the most from IBOC interference. As it is required to do, the Commission recently agreed with the Small Business Administration ("SBA") that it will give more consideration to the impact of its actions on small businesses.[9] The implementation of digital radio broadcasting is a good occasion for the Commission to fulfill its commitment to the SBA. Press urges that it do so, by finding solutions, as suggested above, that will not leave small broadcast stations crippled when industry giants adopt new technology.

Respectfully submitted,

PRESS COMMUNICATIONS, LLC

By: _____
Alan C. Campbell
Michelle A. McClure

Its Attorneys

Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave., N.W., Suite 200
Washington, D.C. 20036-3101
Tel. 202-728-0400
Fax 202-728-0354

June 16, 2004

[9] *See* "FCC Agrees To More Fully Consider Impact on Small Business," SBA Press Release June 10, 2004, SBA #04-21 ADVO. The Commission has not issued its own a press release about the agreement.

CERTIFICATE OF SERVICE

I, Daniella Knight, do hereby certify that I have, this 16th day of June, caused a copy of the foregoing "Comments of Press Communications, LLC" to be sent by first class United States mail, postage prepaid, to the following:

Thomas M. Sullivan, Esq.
Chief Counsel for Advocacy
Mail Code 3114
U.S. Small Business Administration
409 Third St., S.W.
Washington, DC 20416

Daniella Knight