

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the matter of)

Amendment of Sections 74.1204(a) and 73.807 of the)
Commission's Rules)

) RM - 11099
)
)

REPLY COMMENTS OF REC NETWORKS

REC Networks ("REC") has been an advocate for the Low Power FM (LPFM) radio service dating back to the original petitions for rulemaking. Today, REC continues to be the leading provider of information and engineering data to LPFM applicants, prospective applicants and stations. REC is also involved in spectrum issues that would impact the access of broadcast bands to private citizens, especially in our Area of Interest of Southern California, Arizona and Nevada¹.

REC completely disagrees with Educational Media Foundation's (EMF) suggestion that the New Jersey Broadcasters Association (NJBA) proposal to impose a 44 dBu contour² protection and the 20 D/U protection on second adjacent channel only apply to LPFM stations and not translators.

While it is true that LPFM stations are legally allowed to be up to a subsequently authorized full power commercial station's city-grade (70 dBu) or a non-commercial station's service (60 dBu) contour³, in some cases it may not be practical for a LPFM station to continue operating so close to a full power station. The Commission specifically gave LPFM stations the flexibility to make the determination if the full power encroachment activity would result in an *actual* interference situation⁴. The FCC has recognized that even though an LPFM station may be operating in

¹ - While our "area of interest" is in the southwestern United States, REC involves itself in matters that have an overall impact on Commission policy regarding the LPFM service as a whole.

² - EMF Comments at 3.

³ - §73.809(a)

⁴ - See Creation of a new Low Power Radio Service MM Docket 99-25 R&O at 66.

another station's city grade contour, there may be other factors such as terrain shielding that would prevent the LPFM from interfering with the full power station. If the full power FM station does experience interference, then upon service, the LPFM station must shut down until the interference is resolved and approval is reached by the Commission⁵.

We also note that unlike translators, LPFM stations do not have the same flexibility that translators have to be able to resolve interference issues and get back on the air. Translators are permitted flexible power levels, directional antennas and more flexibility to move locations on a minor change application than an LPFM does. Unlike LPFM, the Commission has allowed translators to retreat to Channel 200 (87.9 MHz) when no other channels are available and there is no interference to full power TV Channel 6 operations⁶.

The "city grade" rule for LPFM stations was put into place because the FCC recognizes that the LPFM station should not be precluded because it just happens to cross a theoretical line of interference. The FCC also recognizes in this rule that a full power station's core responsibility is to its principal communities. If the FCC intended to have stations serve audiences out to the 44 dBu contour, then it would have imposed the 44 dBu contour to all stations (full power FM, NCE-FM, translators, boosters, LPFM, etc.). Of course, if this was imposed, many translators and full power stations would then be short spaced. Any fringe coverage beyond the service area is just that, fringe coverage, not entitled coverage.

⁵ - See Creation of a new Low Power Radio Service MM Docket 99-25 R&O at 67.

⁶ - See Calvary Chapel of Twin Falls, Inc. - K200AA, Sun Valley, NV. Application BLFT-20040329AMY.

As we pointed out in *Comments*, new LPFM stations are not widely available in New Jersey therefore most of this proceeding is moot as it applies to LPFM. Translators on the other hand, can be dropped in a lot easier than LPFMs can. For this reason, REC must oppose NJBA's petition as it relates to translators and we need to look for better ways to regulate translators, especially in the post 80-90, post-LPFM and post-Great Translator Invasion environment. We feel the public interest would be better served by imposing all new translators (or only new "distant" translators⁷) to a distance spacing criteria similar to LPFM.

Respectfully Submitted,

Rich Eyre for
REC Networks
P O Box 40816
Mesa, AZ 85274-0816
rec@recnet.com
<http://www.recnet.com>

⁷ - REC defines a "distant translator" as one that has its' ultimate primary station located at least 400 km and in a different state than the translator.