

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

In the Matter of Review of)	
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Creation of a Low Power Radio Service)	MM Docket No. 99-25
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COMMENTS OF DAVID E. GRIFFITH

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August 22, 2005

I. SUMMARY

David E. Griffith (“Mr. Griffith”) welcomes this opportunity to submit comments in the Federal Communications Commission’s (“Commission” or “FCC”) Notice of Proposed Rulemaking in the proceeding captioned: *In the Matter of Creation of a Low Power Radio Service*, MB Docket No. 99-25.

Mr. Griffith urges the Commission to:

1. **Continue the Prohibition on the Multiple Ownership of LPFM Licenses.**
2. **Encourage Time Sharing of LPFM licenses to improve efficiencies and promote diversity.**
3. **Place restrictions on FM translators in order to protect and promote LPFM broadcasting.**
4. **Relax the second alternate channel interference rules to encourage LPFM licensing in metropolitan areas where spectrum is currently unavailable.**

II. NAME AND IDENTITY OF COMMENTER

1. The name and address of the commenter:

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Mr. Griffith is a concerned citizen with more than 35 years experience as a telecommunications engineer, is a radio enthusiast, and is a proponent of media diversification and the preservation of the free speech and free press guarantees of the First Amendment.

III. INTRODUCTION AND BACKGROUND

Mr. Griffith respectfully submits these reply comments in response to the March 17, 2005, Second Order on Reconsideration and Further Notice of Proposed Rulemaking ("Second Order") released by the Federal Communications Commission ("Commission") in the above-captioned proceeding.¹

Because of the critical impact action in this proceeding will have on promoting media diversity in this country, Mr. Griffith feels compelled to file these comments. The Commission should explore avenues to increase the availability of new spectrum for expanding local ownership, including community broadcast. The Commission's low power FM ("LPFM") docket opened spectrum for community broadcasting in rural areas, but spectrum in crowded metro markets continues to be scarce. The Commission needs to relax the second alternate channel interference rules in order to create additional space for low powered community broadcasting.

¹ *In the Matter of Creation of a Low Power Radio*, Second Order on Reconsideration and Further Notice of Proposed Rulemaking, MM Docket No. 99-25, (rel. March 17, 2005) ("Second Order").

IV. COMMENTS OF DAVID E. GRIFFITH

Mr. Griffith believes the Commission should ensure that LPFM broadcast ownership rules are structured such that opportunities are created to increase the degree of localism and community ownership available in local markets. Mr. Griffith requests that the Commission carefully review all of the issues in this proceeding and base its final decisions on how to best promote localism in the media and to support the public interest.

Specifically, Mr. Griffith endorses the following positions:

(1) Continue the Prohibition of Multiple Ownership of LPFM Licenses

The Commission should continue its prohibition on the multiple ownership of LPFM licenses.² LPFM is intended to promote localism. Today's Commission rules that allow multiple ownership of commercial stations has eroded both the degree of localism available in the broadcast media and the diversity of content available on local stations. The suggestion that multiple ownership may provide economies of scale and operational efficiencies is not a compelling argument when the net result is a reduction in true local ownership, a compromise of local programming and possibly a loss of a community's diversity.

² *Second Order* at 23.

(2) Time Sharing of LPFM licenses may have efficiencies and promote diversity

Time sharing of a single available channel in a community has the advantage of providing additional diversity and new ideas to a community. Licensees should be encouraged to share the use of their frequencies with other parties who can increase the level of local content and diversity. The Commission should also encourage time sharing in instances where there is an unresolved “tie among mutually exclusive applicants” for a license.³

(3) The Commission should place restrictions on FM translators in order to protect and promote LPFM broadcasting.

It is problematic, as Prometheus and others point out, that a large number of FM translator applications filed since 2003 include “non-local filers without any apparent connection to the communities specified [for service] in the applications.”⁴ The Commission asks for comments on the treatment of LPFM and FM translator applicants.⁵

LPFM applicants should be provided “primary” status over authorized and prior filed FM translator applicants. LPFM licensees are more likely to be community oriented, and in most cases will provide more diversity and localism to the service area than can be expected from the distant owner of the FM translator. In order to guarantee this added commitment to the community, LPFM applicants should be required to demonstrate how

³ *Second Order* at 25.

⁴ *Second Order* at 31.

⁵ *Second Order* at 33.

they will provide a greater degree of locally originated programming than is, or will be available, from the FM translator licensee or applicant.

The Commission should only provide “grandfathered” status to existing FM translators on a limited basis. FM translators that help to improve service coverage of a commercial FM station within its protected contour should qualify for this status. Translators that rebroadcast signals from a state university station to other areas of the state should also qualify.

In other instances, primarily for FM translators operated by non commercial educational (“NCE”) stations that are not directly affiliated with the local community, licensees should be provided a 12-month period to comply with one of the following options after an LPFM applicant has been granted “primary” status:

- 1) Cease all transmission if interference is predicted on either the same channel or adjacent channel assigned to the LPFM applicant,
- 2) Reduce the 60 dBu contour so that the translator will not interfere with the LPFM applicant, or
- 3) Construct a new directional antenna, such that there will not be interference within the 60dBu contour of the LPFM channel.

(4) The Commission should relax the second adjacent channel interference rules to encourage LPFM licensing in metropolitan areas where spectrum is currently unavailable.

The Commission took initial steps for increasing the availability of spectrum for LPFM broadcast in rural areas by adopting the recommendations of the Prometheus Mitre Study regarding the elimination of third adjacent channel interference rules. The same restrictions that previously applied to third adjacent channel interference, currently still apply to second adjacent channel interference. Unfortunately in crowded metropolitan areas, FM assignments are typically made to every fourth channel, meaning there is no spectrum available on third adjacent channels.

In most metropolitan areas, many second adjacent channels are currently unoccupied. The potential for increasing diverse neighborhood communications within the inner city via LPFM broadcast on these channels is enormous. Because of high population densities inside major cities as many as 10,000 to 50,000 listeners are within the reach of a single 10-watt LPFM (“LP10 class”) transmitter. Because of the limited coverage area, the same frequency could be reused throughout the metropolitan area for several different neighborhoods.⁶ However, under current Commission rules it is virtually impossible to locate an LPFM station in a crowded metro area that is not within the 70dBu contour of an authorized full service commercial or NCE FM station.⁷

⁶ This same-channel reuse follows the low-power transmitter principle used to expand cellular radio telephone capacity.

⁷ See 47 C.F.R. § 73.809 (a)(1).

As noted in the *Second Order*, “the predicted interference area to the full service station would be limited to a small area in the immediate vicinity of the LPFM station transmitter site.”⁸ In fact, based on theoretical extrapolations of the Commission’s FM field strength curves in Figure 1, §73.333, the 100 dBu contour for a 10-watt LPFM transmitter is within about 500 feet.⁹ The Commission’s rules for second and third adjacent channel separations of 40dB make sense when two fully powered stations are involved, because the high field strength coverage areas of the stations are large. On the other hand, the Commission should make exceptions for LPFM stations operating on the second or third adjacent channel due to the very limited area where the field strength level of the LPFM transmission is high.

It is recommended that the section 73.809 interference rules be modified to only apply to LPFM stations operating on the same channel, first adjacent channel, or intermediate frequency of a full service FM station. The 40 dB separation recommended in the Commission’s rules for the second adjacent channel, while following good engineering practices, attempts to cover worst case scenarios and does not take into account the availability of FM receivers having high sensitivity and selectivity characteristics.¹⁰ An LPFM station is less likely to cause second adjacent channel interference if its transmitter is located within the 70dBu contour of a full service FM station, than it would if its transmitter is located in the secondary service area (less than 60dBu) of the full service station. Therefore, the Commission should

⁸ Second Order at 38.

⁹ The 110 dBu contour of a 100-watt LPFM station will be within 500 feet.

¹⁰ Receivers with 60dB or greater selectivity on the second alternate channel are quite common (car radios, stereo receivers, and better quality portable radios).

eliminate its 40dB separation rule for the second adjacent channel for LPFM stations located in crowded urban areas.

V. CONCLUSIONS

1. **Continue the Prohibition on Multiple Ownership of LPFM Licenses.**
2. **Encourage Time Sharing of LPFM licenses to improve efficiencies and promote diversity.**
3. **Place restrictions on FM translators in order to protect and promote LPFM broadcasting.**
4. **Relax the second alternate channel interference rules in section 73.809 to encourage LPFM licensing in metropolitan areas where spectrum is currently unavailable.**

I appreciate your consideration of these comments.

DATED at Seattle, Washington, this twenty-second day of August, 2005.

DAVID E. GRIFFITH