

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Creation of a) **MM Docket No. 98-25**
Low Power Radio Service)

To: The Commission (filed electronically)

REPLY COMMENTS OF PRESS COMMUNICATIONS, LLC

1. Press Communications, LLC (“Press”) hereby submits these Reply Comments in response to the Commission’s Further Notice of Proposed Rulemaking (“FNPRM”) in the above-captioned matter, FCC 05-75, released March 17, 2005. Press encourages the Commission to think beyond the technical solutions proposed in the FNPRM to offer more flexibility in the licensing of LPFM stations, solutions that could limit potential interference to the service areas of full service commercial FM stations and, at the same time, provide LPFM with usable spectrum. For example, other solutions, such as the possible use of the low-band analog VHF television channels, would better serve the radio broadcast industry and create more efficient use of the broadcast spectrum. There are too many unknown variables facing the traditional FM broadcasting industry at this time, such as new satellite and Internet competition and undetermined interference issues proposed by the conversion to digital audio broadcasting, that it is an inopportune moment for the Commission to further curtail the ability of full service commercial FM stations to serve their licensed Section 307(b) communities. While Press’ Comments and Reply Comments in this proceeding, and others, focus on New Jersey, its concerns are relevant to the issues confronting the commercial FM broadcast radio industry nationwide.

2. The New Jersey Broadcasters Association ("NJBA") Petition. The historical background for these Reply Comments is well documented in the Petition for Rulemaking (RM-11099) filed by NJBA on May 27, 2004 (the "NJBA Petition"). The NJBA Petition is incorporated herein by reference as are the Comments filed by Press in that proceeding on November 8, 2004 in support of the NJBA Petition.

3. Additionally, it is important to note that the population of our country has vastly increased since the rules governing FM radio were created. While the population has exploded, the amount of spectrum allocated to FM radio has remained constant. The population of the United States in 1930 was 122,288,177 people. According to the Census Bureau, the population grew to 295,203,830 on January 5, 2005. The amount of radio spectrum has not been supplemented to provide additional service to our populace. The Commission, and the public interest, would be well served if a more efficient method of using the existing spectrum can be found, so that new service can be introduced to serve the population, and the licensed service area of existing FM full service stations can be protected from unnecessary interference.

4. Low-Band VHF Channels. The television industry is preparing for a historical realignment of its allotted spectrum to accommodate the transition to digital television. In doing so, the Commission will be determining what channels television licensees will be operating on after the transition. Based on industry reaction, it appears that Channel 2 through 6 are not optimal for digital television use. Indeed, a review of the Commission's records shows that few television licensees are opting to use these channels after the digital transition. The use of one or more of these channels to accommodate LPFM stations should be explored by the Commission, providing them with an uncluttered span of spectrum to operate while avoiding any interference to full service FM commercial broadcast stations. A television channel is 6 MHz wide. Because

FM channels use 0.2 MHz spacing, if a low-band VHF channel is allocated for LPFM and other secondary uses, as many as 30 new FM channels would be made available for LPFM service. This is the type of solution that the Commission should be striving to find to address the concerns of the LPFM industry, not solutions that have the potential to harm existing FM full service broadcasters.¹

5. LPFM Interference to Full Service Stations. The Commission should not allow any interference to full service FM stations by LPFM stations. Currently, the Commission prohibits LPFM stations from interfering with full service stations within their 70 dBu contours. This is not adequate protection for full service FM broadcasters. As Press has shown in the NJBA Petition proceeding, up to 50% of the audience for its Class A stations, live outside of the stations' 60 dBu contour.² To allow any LPFM interference, predicted or actual, to full service FM broadcasters must be prohibited. Protection that is limited to a full service station's 60 dBu contour ignores the reality that much of a station's actual audience resides or commutes beyond

¹ While Press recognizes that this proceeding is limited to addressing the Commission's rules for LPFM stations, the proposed analog use of a low VHF channel for LPFM stations could also solve potential interference problems caused by NCE FM translators to full-service commercial FM stations. If the channel was devoted to NCE use, both LPFM and NCE FM translators could use this newly opened up spectrum. FM translators could receive higher powered allocations using the VHF channel and the translators would not cause interference to full service FM stations in the non-reserved band. There could also be also a need for FM audio services for special events, such as the Olympics, state fairs, and other civic events. Currently, there is no specific place for such occasional uses in the FM band. A lower VHF channel offers a convenient solution that can address this problem created by these important, periodic broadcast events. Should the Commission opt not to create additional reserved band spectrum, it nevertheless should require that NCE FM translators operating in the non-reserved band must follow the same technical rules established for that band as applicable to commercial operators.

² See the NJBA Petition, p. 33 and Exhibit 9.

that area. The LPFM rules must be revised to protect full service FM broadcasters from interference wherever it occurs, including beyond the 60 dBu contour.³

6. In sum, the Commission's goal of providing more flexibility in the licensing of LPFM stations is an understandable goal. However, Press is concerned that the measures the Commission is considering will do more to hurt the FM broadcasting industry as a whole, rather than help LPFM stations. The answer to the perceived limited spectrum available for NCE FM services, including LPFM, NCE FM translators or new services, does not lie in limiting the service of existing commercial FM broadcasters, especially those of lower powered full-service stations such as Class A FM stations. The Commission should explore additional solutions including finding additional spectrum for these services. In light of this, the last thing the Commission should consider doing is limiting the service area of existing commercial FM broadcasters.

Respectfully submitted,
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³ Some LPFM licensees do not have the resources or knowledge base to ensure that full service FM broadcast stations are protected from detrimental interference. The Commission admits in the FNPRM that LPFM licensees have not always been able to adequately respond to inquiries from the Commission regarding the technical operation of their stations. Additionally, the Commission cannot police LPFM operation as it has other priorities such as ferreting out illegal pirate operators.