

*Before the
Federal Communications Commission
Washington, DC 20554*

In the Matter of)	
)	
Revision of Procedures Governing Amendments)	MB Docket No. 05-210
To FM Table of Allotments and Changes)	RM-10960
Of Community of License in the Radio Broadcast)	
Services)	

COMMENTS

The firm of du Treil, Lundin & Rackley, Inc. (dLR) respectfully submits these Comments in the above captioned proceeding relating changes in the procedures for making certain modifications to broadcast facilities. dLR has provided consulting engineering services to the broadcasting industry for over 60 years including assisting broadcasters in preparing hundreds of rulemaking petitions and applications to make major changes in broadcast facilities. dLR is cognizant of the arduous task the Federal Communications Commission (FCC) has undertaken in this proceeding to streamline pending rulemaking proceedings and as such, these comments are being provided to assist the FCC in developing these procedures.

Paragraph 10 – Permit AM and FM Station Community of License Changes by Minor Modification Applications

dLR supports the proposed rule to permit community of license changes for both AM and FM (including those FM stations residing in the non-commercial band) as a minor modification application. It has become apparent that the current process to modify the community of license of an existing station is a needlessly extensive procedure, both in FCC and applicants time and cost resources, that could be substantially simplified if uncomplicated rules and policies are developed as to the minimum aural service requirements that need to be maintained in any vacated community of license.

Also, it is important to realize the dynamic creation and expansion of communities within the United States, which itself encourages the redistribution of radio services to maintain the equitable distribution of such services. Since dLR relocated to the state of Florida, we ourselves have observed the creation of communities caused by the rising and shifting population to the southern states. Many of these new communities, for example, Lakewood Ranch located near Sarasota, presently have no authorized AM or FM services, but are unquestionably deserving of an aural service(s).¹ The present extensive rulemaking and major change application process impedes many existing stations in making such modifications to the deserving communities of license. In addition, existing congested frequency allocation issues only rarely permits the creation of a new FM “drop-in” allotment except in isolated geographic locations. Therefore, a streamlined process as proposed by the FCC would permit existing stations to more readily modify their community of license to more deserving new or larger communities, such as Lakewood Ranch.

This rule change should also permit the subject station proposing to modify its community of license to simultaneously make other minor modifications such as its station class and/or operation on an adjacent channel (and I.F. related channels), as long as the proposed modification is mutually-exclusive with the existing facility.

Paragraph 27 – Contingent Applications

dLR also agrees with the Commission that minor community of license change modification applications could be filed with a “pack” of other contingent applications as permitted by Section 73.3517(e) of the Commission’s Rules. Furthermore, dLR believes that these other contingent applications do not need to be directly mutually-exclusive with the “lead” application, in-as-much the other applications may also propose to modify their community of license to the community that the lead application is proposing to

¹ Lakewood Ranch is a new community that now has an approximate population of 15,000 persons that just 10 years ago had virtually no population. An existing AM station filed a recent major change application (BMJP-20040129AFZ) to relocate its community of license to Lakewood Ranch – but that application is presently mutual exclusive with other major change applications. Therefore, no AM or FM services are presently authorized to Lakewood Ranch.

vacate.² Also, non-minor modifications to other stations on either a voluntary or involuntary basis (such as channel substitutions) to accommodate the “lead” pack application should be permitted. However, the “lead” application in a pack should remain mutually exclusive with both its authorized and proposed facilities.

It is believed that permitting the aforementioned suggested contingent application packs would significantly reduce the number of proposed petitions for rulemakings submitted to the Commission as many petitions now involve 4 or fewer stations and also, it is assumed these application packs would be processed by the FCC application processing team. Hence, the application processing team should have a more speedy resolution than a comparable rulemaking proceeding and therefore be an incentive for the applicants to effectuate the proposed modifications via a contingent application pack instead of a rulemaking.

Paragraph 35 – Limit the Number of Channel Changes that May be Proposed in One Proceeding to Amend the Table

dLR believes that if the suggested contingent application pack concept is implemented as pondered by the Commission, permitting non-minor modifications to other stations and allotments to accommodate the “lead” pack application, there will no be need for a need for a “cap” or limit on the maximum number of channel changes proposed in one rulemaking proceeding. This is because the application pack could likely be processed more promptly than a rulemaking proceeding, therefore encouraging applicants seeking to modify their facilities to pursue the application route instead of the rulemaking route. However, dLR believes that substantial public interest improvements could be implemented by allotment changes of more than five channel modifications. And since it is likely that the Commission will have fewer rulemakings to process with the proposed changes, these remaining more complicated rulemakings should not overwhelm the FCC allotment processing team.

² And these contingent application packs should also include stations of other services, such as AM and non-commercial FM stations, to modify their community of license to perhaps a community proposed to be vacated by the “lead” application.

Paragraph 40 – Seek Comment as to the Circumstances Under Which Relocation of a Community’s Sole Transmission Service to Become Another Community’s First Local Transmission Service is in the Public Interest.

dLR has no specific recommendation as on what scenario a station can relocate its community of license, either as a sole transmission service or with other transmission services remaining in that community. However, dLR has undertaken a review of the coverage of all authorized AM and FM stations in the contiguous United States and determined that most of the country is well served with an equitable distribution of radio services – and those areas not receiving aural services are essentially the non-populated western United States area where the federal government owns much of the land. The maps showing the FCC predicted 60 dBu coverage contours for all authorized FM stations and the 0.5 mV/m groundwave daytime coverage contours for AM stations are provided in Figure 1. Also provided in Figure 1 is another map showing the population centroids. By visually inspecting the population centroid map and the coverage maps, it can be verified that the areas with few and/or no reception services also have essentially few and/or no population.

Therefore, dLR commends the Commission in successfully implementing Section 307(b) of the Communications Act of 1934, which seeks the fair, efficient and equitable distribution of radio service. Furthermore, dLR respectfully suggests that since so many services are available throughout the country, the Commission does not need to be deeply troubled in determining the minimum number of reception and/or transmission services remaining within a community of license proposed to be vacated - as the minimum distance separation allotment requirements between stations preclude wholesale changes to the number of reception services available in any one area. While we agree there should be some minimum reception standard, dLR defers to other comments on those proposed standards.

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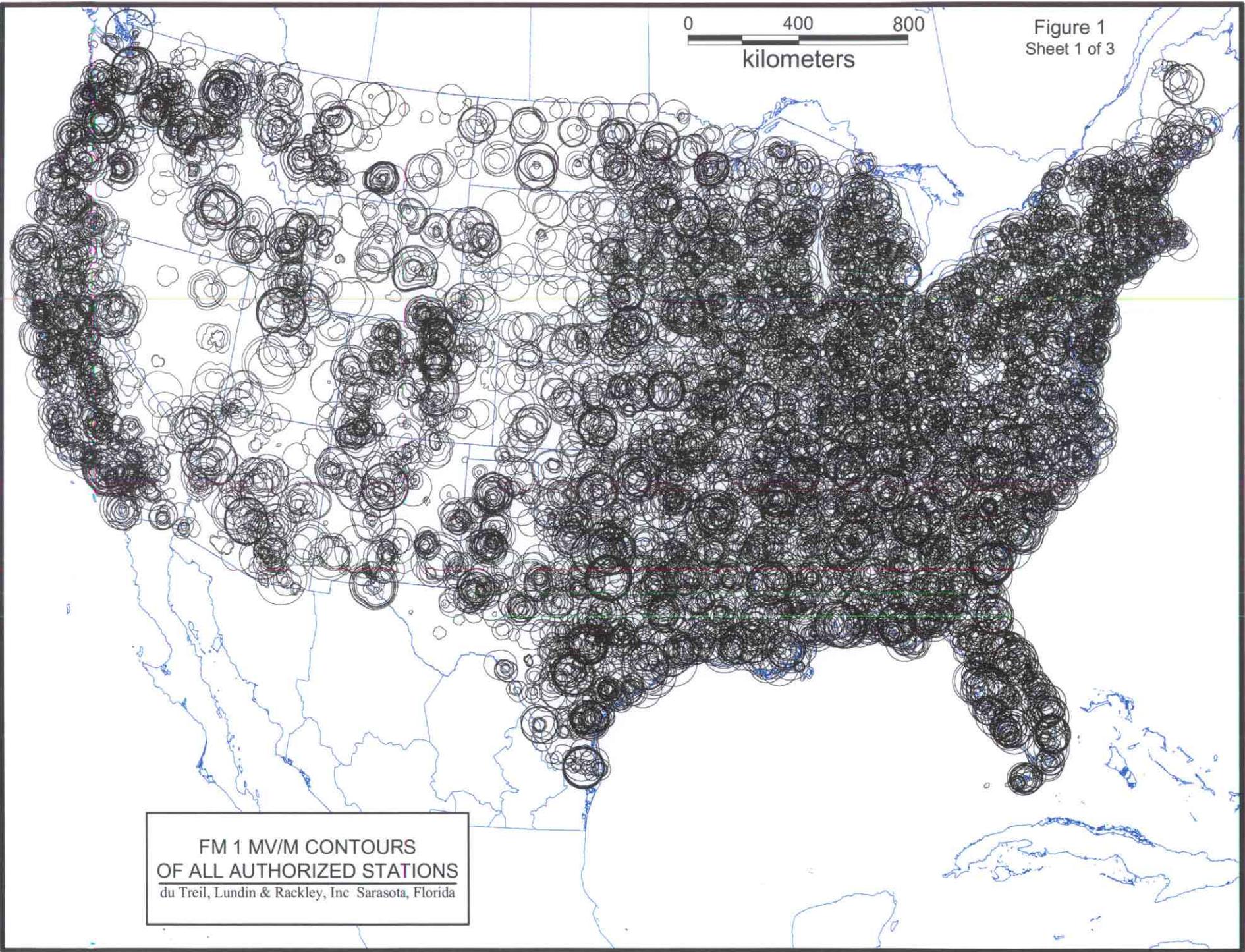
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kilometers

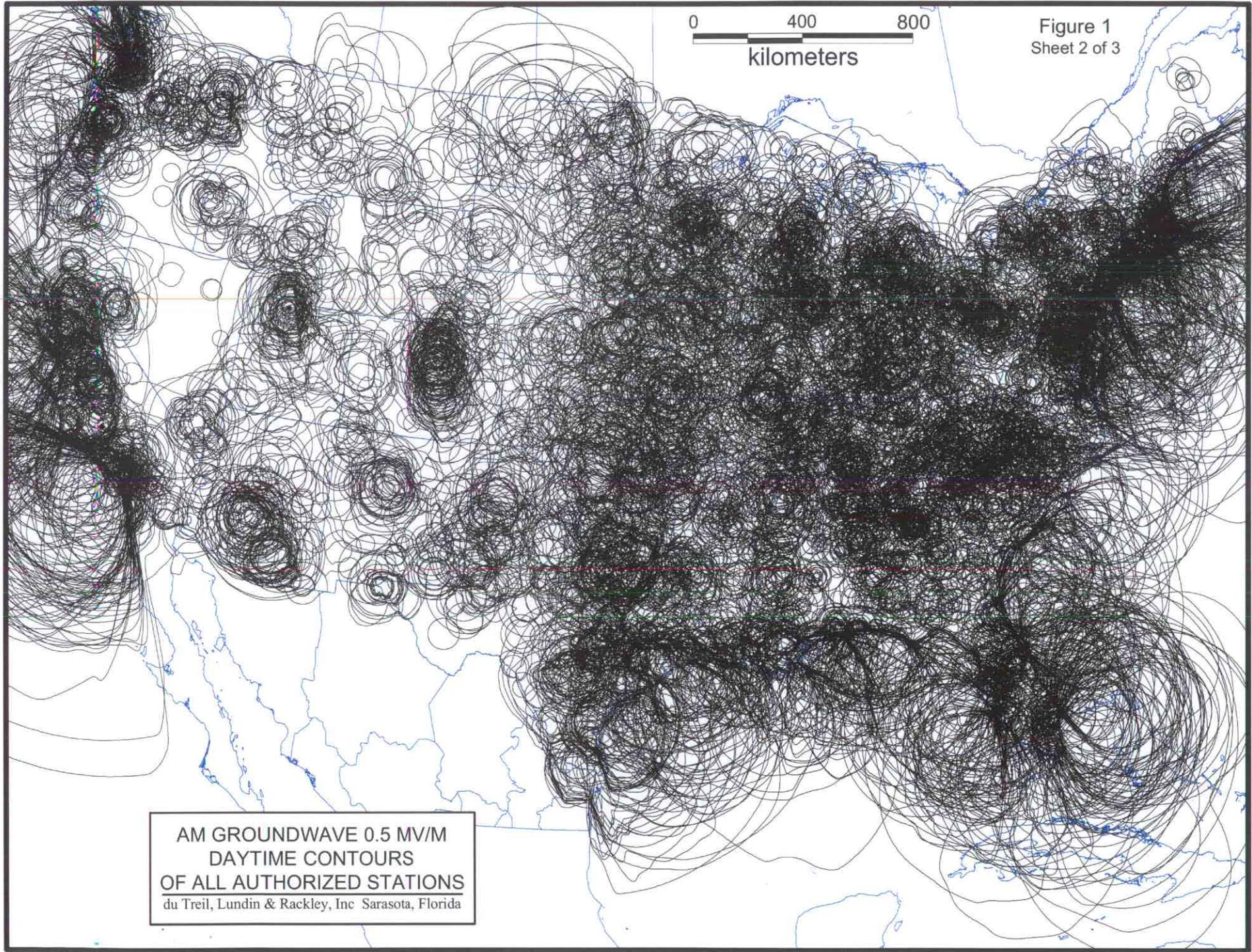
Figure 1
Sheet 1 of 3



**FM 1 MV/M CONTOURS
OF ALL AUTHORIZED STATIONS**
du Treil, Lundin & Rackley, Inc Sarasota, Florida



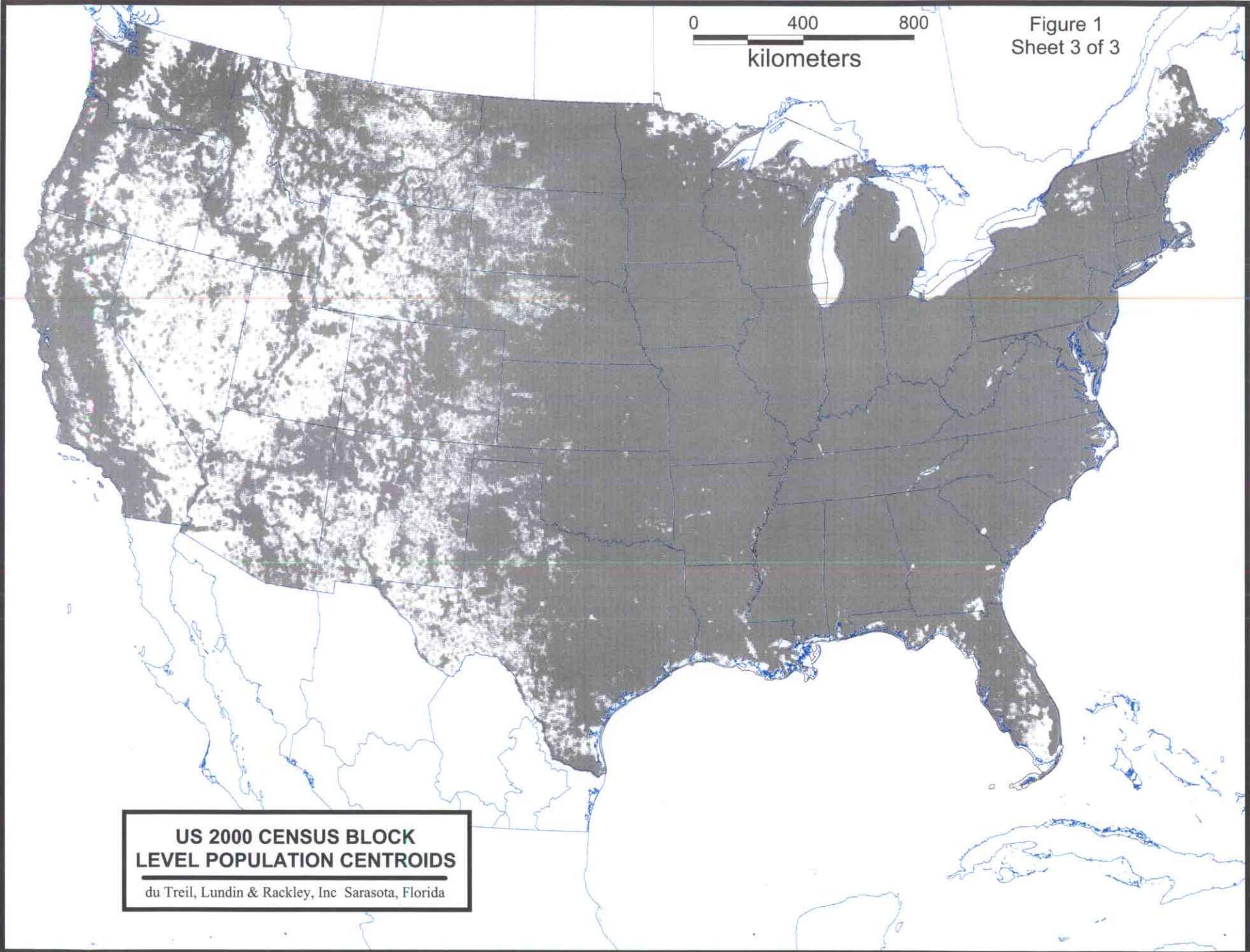
Figure 1
Sheet 2 of 3



AM GROUNDWAVE 0.5 MV/M
DAYTIME CONTOURS
OF ALL AUTHORIZED STATIONS
du Treil, Lundin & Rackley, Inc Sarasota, Florida

0 400 800
kilometers

Figure 1
Sheet 3 of 3



**US 2000 CENSUS BLOCK
LEVEL POPULATION CENTROIDS**
du Treil, Lundin & Rackley, Inc Sarasota, Florida