Before the
Federal Communications Commission
Washington, DC 20554

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

To: The Commission

COMMENTS OF
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FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

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

To: Office of the Secretary

COMMENTS

The following are the comments of Reynolds Technical Associates, LLC ("RTA") to the Notice of Proposed Rule Making ("NPRM") which is the subject of the above captioned proceeding. In paragraph 35 of the NPRM, the Commission proposes to limit the number of channel changes that may be offered in a single proceeding to five (5). The proposal of such an arbitrary and capricious limitation, offered by the Commission itself, is apparently an attempt to stifle the maximum utilization of the spectrum so as to mitigate "burdens on the staff." However, in another area of the docket, the Commission proposes the implementation of a filing fee (in connection with the submission of a 301) when processing new petitions for rule making that require modifications to the Table of Allotments.

These additional filing fees should supply the staff with the necessary resources to continue to handle petitions for rule making, regardless of their size or complexity. By attaching a filing fee that is linked to the complexity of the rule making, the staff will be supplied with the resources not only to continue to process rule makings, but also to process them in a more timely manner. The suggestion that a significant element of

growth in the broadcasting industry can be randomly limited simply because of the staff's inability to process filings gives credence to the negative stereotypes associated with federal bureaucracies.

On the other hand, the proposal that rule makings should be electronically processed as set forth in paragraph 38 of the NPRM is an excellent notion and one that the staff should embrace if it is truly serious about streamlining the process. This immediate entry into the engineering database will allow consulting engineers to avoid filing conflicting applications with petitions for rule making that had been previously filed but not yet entered into the database. The single drawback to this proposal is that defective rule makings will be entered immediately as well. RTA believes, however, that if a fee accompanies the filing of petitions, the filing of many faulty and defective petitions would be eliminated.

Another issue proposed in the NPRM is the notion of the 60 dBu contour being used as the city-grade contour instead of the currently-used 70 dBu contour. Receivers are much more sensitive today than they were when the city-grade contour was established to be 70 dBu. Under the Dortch rule, 60 dBu contours (for class A, C3, C2, C1, C0, and C stations) are required to cover 100% of the city of license before the use of an alternative method (e.g., Longley-Rice) can be considered. RTA proposes that the 57 dBu and 54 dBu contours also be considered the city-grade contours for class B1 and B stations, respectively. By eliminating the difference between city-grade and protected contours, the Commission will eliminate the need for the use of alternative methods, such as the situation which currently exists in the non-commercial band. Because existing staff policy is to dismiss applications that fail to cover 100% of the city of license with a

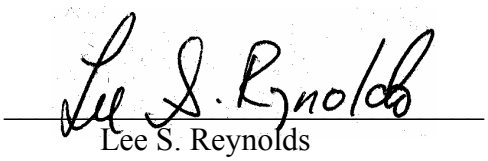
protected contour (the Dortch rule), making these protected contours the new city-grade contours would render the use of alternative methods moot.

If alternative methods are no longer considered, broadcasters and consultants will be able to know conclusively whether or not their application satisfies the Commission's requirements. Alternative methods have been used extensively over the last few years as computers become faster and as software becomes more sophisticated. With some of these alternative methods (Longley-Rice specifically), the staff has yet to set forth guidelines specifying the values of each individual parameter. As such, these computer models can obtain varying results by changing some of the parameters. Applicants that propose the use of alternative methods are often unsure of the validity of their applications until ruled upon by the staff. The elimination of alternative methods and the use of protected contours for community of license coverage will also ease the burden on the staff's resources because it will be much easier to process applications that do not involve a supplemental showing.

The vast majority of FM station enhancement procedures, especially those seeking COL changes, require at least one channel substitution to an existing licensee. Usually such a substitution is to a non-mutually exclusive ("MX") channel to the one currently being used. The existing contingent application process does not allow for this type of channel substitution on a non-MX basis. In order to create a flow of various station enhancements by application involving as few stations as possible, especially for applications involving COL changes, the Commission must also modify the contingent application rule to allow the use of non-MX channel substitutions. Such substitutions would not be "show-cause" substitutions. Rather, they would only apply to licensees

willing to have their facilities modified to operate on a different channel when such substitutions facilitate spectrum changes and/or enhancements. Often the substitute channel is created by other spectrum changes inside the project or filing. In other instances a vacant and unused channel is available to be used for substitution. In any event, the number of stations involved in enhancements by application can be drastically reduced if the MX requirement of the existing contingency application process is modified as discussed herein.

I hereby verify that the foregoing is true and correct to the best of my knowledge, information, and belief.



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