

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

In the Matter of)
)
Establishment of a Low Power AM) RM-11287
Broadcast Service)

To: The Office of the Secretary

COMMENTS OF BOOTH, FRERET, IMLAY & TEPPER, P.C.

The communications law firm of Booth, Freret, Imlay & Tepper, P.C. (BFIT), hereby respectfully submits its comments in response to the Petition for Rule Making (the Petition) filed on or about August 23, 2005. The Petition, filed by a group including the Amherst Alliance of Michigan, the Michigan Music is World Class Campaign of Michigan, the LPAM Network of Maine, Nicholas E. Leggett, and Liberal Studies Program, seeks to establish a Low Power AM Broadcast Service (LPAM) similar to the Low Power FM Broadcast Service that the Commission established some years ago. The Petition was placed on Public Notice October 21, 2005 (Report No. 2735). Therefore, these comments are timely filed. For its comments in opposition to this Petition, BFIT states as follows:

1. The Commission, in MM Docket 87-267, began a proceeding in 1987 intended to review all AM technical and legal standards, rules and policies intended to achieve a significantly improved AM service. The entire proceeding was premised on reduction of AM interference and congestion in

the AM band. New rules, adopted in a *Report and Order*, 6 FCC Rcd.6273 (1991) did three things: (a) enacted new technical standards which tightened protection requirements for new AM station applications, (b) allowed stations to “migrate” to an expanded band that the Commission created to reduce interference in the existing AM band; and (3) encouraged through consolidation a voluntary mechanism to reduce interference, resulting in fewer AM stations. Priority to “migrate” to the expanded AM band was determined by the amount of interference caused by the stations that proposed to migrate, and by the ability to offer fulltime service where the existing station was a daytime only station.

2. The LPAM proposal will create, rather than reduce, interference in the AM band, contrary to express Commission policy and the public interest. Any relaxing of interference protection requirements (which would be necessary to accommodate LPAM) would be contrary to the FCC’s action in MM Docket 87-267. While it would be easier to relax the protection requirements in the expanded band, as those rules are more rigorous than the regulations applicable to the band 535-1605 kHz, this would be contrary to the Commission’s stated objective in creating the expanded band, and it would harm existing and proposed expanded band stations.

3. Virtually all of the LPAM stations would have to be daytime only, because of the physics of nighttime AM propagation. It would be impractical and uneconomic to construct directional arrays for LPAM. The Commission

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Its President

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November 21, 2005

CERTIFICATE OF SERVICE

I, Christopher D. Imlay, do hereby certify that I caused to be mailed, via first class U.S. Mail, postage prepaid, a copy of the foregoing COMMENTS, to the following, this 21st day of November, 2005.

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/S/

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