Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

	)	
In the matter of	)	
Petition to Allow FM Translator Licensees to Locally Originate	)	RM-11331
Programming	)	
	)	

Comments of the Colleges of the Seneca, Inc.

The Colleges of the Seneca, Inc. ("Seneca") is the licensee of non-commercial WEOS(FM) Geneva, NY, fill-in translator W212BA, Geneva, NY, and has an application pending for a new noncommercial station in Ithaca, NY. WEOS(FM) is also carried by translator station W201CD Lansing, NY. Seneca also operates Hobart and William Smith Colleges, a private institution of higher education in Geneva, New York. Seneca supports in general the principle of locally owned and diverse radio services.

Before us now is a Petition for Rulemaking ("Petition") filed by Miller Communications, Kaskaskia Broadcasting and Virden Broadcasting (collectively, "Petitioners") who are seeking the "commencement of a rulemaking proceeding which will culminate a change in the Commission's FM translator rules to allow for an FM translator licensee to locally originate programming[1]." The Colleges oppose this petition.

First, a similar radio service already exists._The types of programming that the Petitioner is stating that they would like to run on this proposed translator service include city council meetings and local sports. This type of programming can be very easily carried on a Low Power FM (LPFM) station. The Commission created the LPFM service to provide local community oriented programming similar to what the petitioner is seeking in the translator service. While, there is support in the LPFM community to allow for the conversion of non-commercial FM translators to LPFM stations, certain statutes[2] and restrictions remain in the LPFM service that would ever permit a majority of translators from being converted to LPFM service. The Colleges also oppose the conversion of translators to LPFM services, as it will contribute to increased interference and infringement on existing services, including the conversion to IBOC. It would be premature for the Commission to allow for this rule change, in light of the build out of this new broadcast standard, which likely will impact existing translator and LPFM stations authorized, and rulemaking has not been finalized for a digital translator service.

1 – Original Petition, RM-11331

2 - Making Appropriations for the Government of the District of Columbia for FY 2001 Act ("2001 D.C. Appropriations Act") Pub L. No. 106-553, § 632, 114 Stat. 2762, 2762-A-111 (2000).

According to Rec. Networks comments and website, "in the instant case, the frequency 96.1 MHz is currently available throughout the area just to the west of Taylorville, IL for LPFM services. This location could put a LP-100 60 dBu service contour over a significant portion of Taylorville. Therefore, for the community of Taylorsville, the local government or another community group may seek 96.1 for use in Taylorville, IL during a future LPFM filing window. The Petitioner then can help support the construction and operation of that station. "[3]

We also would be remiss to not comment on what seems to be the real intent of this application. While it is not mentioned specifically, it is obvious based on the nature of the Petitioner that a commercial service is implied in the proposal. As filed in the original LPFM rulemaking, Seneca opposed any commercial service for LPFM, and once again, would object to this being proposed in the instant proposal. It would seem that the public service aspect of the Petitioner would soon be abandoned, if it could not raise the appropriate funds to operate the station, as modified. In addition, there is a mature commercial service, including alternatives to the terrestrial broadcast medium for commercial broadcasting. We also are concerned of the number of locally owned translators that could qualify for this rulemaking. Most translators are owned by the licensee or a subsidiary of the station that is rebroadcast. In addition, the Petition seems to try to circumvent the Commission's already established application process, in which established an LPFM service, and previously had filing windows open. The Commission has indicated that it will likely have opportunities under its existing rules, for additional LPFM applicants and non-commercial licenses in the future. It would run counter to established practice for the Commission to grant this petition.

Seneca also find the comparison to the Television translator service without merit. TV is a different service, and more restrictive in terms of its ability to be allocated to a variety of communities, due to bandwidth and other technical standards. As evidenced by the LPFM and translator service, these stations are more readily able to be allocated to local communities. Thus, there can not be an accurate comparison drawn.

Additionally, the Commission must keep in mind that the translator service was intended to bring radio station signals to areas where a full power station could not be allocated due to technical restrictions, and in some cases, financial limitations, in areas that did not have reliable radio reception, due to terrain, or other shielding. Most broadcasters agree that this process had been at best convoluted if not abused, by the "loopholes" in the rules allowing

3 – Filed Comments in RM-11331
http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6518357420.

for alternative signal reception by translators in the reserved band, and the continual process of petitioners to allow the similar process to take place in the non-reserved band, which restricts translators to over the air reception only. Seneca is opposed to any change in the latter, and would like to see the translator rules modified for the reserve band to restrict translators to rebroadcast stations only within a certain distance from the originating station

Additionally, the Petitioner opens up a whole series of questions on status for the proposed conversion of translators that are not addressed:

1. What is the status of these stations in comparison to existing translators, and LPFM stations? Would they be secondary to LPFM, and tertiary to existing stations? What of new applicants for LPFM or other services?
2. Digital service and technical standards. Would these stations be required to convert to digital should that be mandated by the Commission for the FM band? What technical standards such as stereo, SCA, and other standards should be met?
3. EAS. LPFM and local stations are required to have EAS equipment. Would these stations, proposing LOCAL service, also be required to have EAS equipment? For that matter, why should not all translators have EAS equipment to relay emergency information the area they serve?

Conclusion

Seneca remains convinced and concerned with the current development and evolution of the FM band, in terms of IBOC and other future services. We feel this will further delay and clutter the issue, and the deployment of a digital technology, and have very little impact to local areas. The Commission has proceeded with caution in most cases, at any rulemaking that would impact an already mature service that is evolving with a new transmission standard. We encourage the Commission to continue its diligence in this area and that this rulemaking will be dismissed.

Respectfully Submitted,

Michael Black
General Manager
WEOS(FM)
Colleges of the Seneca, Inc.
Geneva, NY