Before the
Federal Communications Commission
Washington DC 20554

In the Matter of:	)	
Local Origination by	)	RM-11331
FM Translators	)	

Comments of Edward A. Schober

I am a licensed professional engineer in the State of New Jersey, and the Commonwealth of Pennsylvania who has specialized in the practice of designing and improving broadcast stations for the past twenty five years, and have been involved in engineering and managing broadcast stations for the past forty years. I am the licensee of FM translator W250AK, and am the applicant for an AM station in Enola, PA and for additional FM translator stations in New Jersey, Pennsylvania and New York.

Statement

I generally support of the proposals put forth in the petition for rulemaking filed by Miller Media Group to permit the origination of local programming by FM translators. I reiterate and refer to my comments in MM Docket 04-233 on Localism in Broadcasting. I believe, however, that the public interest would better be served by evaluating the merits of this proposal in the broader context of, and as one alternative in the stated Commission goal of promoting localism in meeting of the statutory requirements of Section 307(b) of the Communications Act. This can be accomplished by consolidating this proceeding with MM Docket 04-233 and prompt action upon the aural broadcasting portion of that proceeding.

Since my comments in MM Docket 04-233, I have realized that the exodus of broadcast stations from the smaller markets to the more lucrative larger markets has left a void in commercial expression in these smaller markets. The commercial voice is just as important as the political or artistic voice. The problem is that this relocation of stations has, for economic reasons caused a general abandonment of the small retail establishments. The small retail store in a community of 20,000 persons cannot afford the advertising rates of the stations that are now serving the nearby city of 500,000 people. Similarly, small newspapers and other media outlets have succumbed to the oligarchy of combined media, leaving no commercial voice for the small entrepreneur. For this reason, I now believe that limited local commercial advertisement should be permitted for LPFM and FM translators that are permitted local origination.

I continue to propose that the FM translator and LPFM service be merged, similar to TV translators and class A TV stations are two heads of the same hydra. I believe that FM translators and LPFM stations should be able to convert from one type of station to the other as the marketplace demands. This hybrid class of station should be allocated on a demand basis by meeting either the Part 74.1204 or Part 73.807 sets of allocation criteria.

The FM translators will be converted to LPFM stations in places where there is a demand for service. I believe that this can be fostered by a phased requirement that FM translator stations must transmit only stations that are near the translator location. This could be based upon a geographic distance from the

principal community of the primary station, or could be based upon being within the same market or within adjacent markets that are also served by other stations in the same market as the principal station.

In a related, but separate area, the "direct through space" reception rule of Section 74.1231(b) has become obsolete, and is seriously endangering the viability of the FM translator service. Satellite broadcast "FM adapters" for Sirius and XM have become a rampant problem where the translator input receiver has been captured by "FM adapters" which then replace the signal from the primary station. On my W250AK translator, this capture and substitution is a daily occurrence, with at least one occasion of the "Howard Stern Show" replacing the religious programming of the primary station WXXY-FM for over twenty minutes. This terrible destruction of the W250AK service cannot be resolved as long as the station is required to pick up WXXY-FM "direct through space". The FCC has caused this problem by lax enforcement of its Part 15 rules, with the fact that there are now millions of "FM adapters" that far exceed Part 15 limits in the hands of consumers. This rule must be supplanted with a simple to implement geographic limitation on the relative location of the primary station to the translator, while permitting delivery of the primary station's signal to the translator by any means appropriate. This will be even more important as primary stations implement digital radio transmission.

The Commission has received many comments in its Broadcast Localism docket and should be in a position to determine a reasonable solution to the FM translator – LPFM issue that will maximize the potential for local expression. This expression has been nearly eliminated through consolidation of broadcast media. It is time for the Commission to compensate for the unintended consequences of its deregulation actions, and open up the opportunities for local expression by joining the FM translator and LPFM service to serve the needs of communities that have been abandoned by the consolidation of broadcast media. To make this service economically viable, and to properly serve the businesses in the local community, I now believe that limited commercial content should be permitted on LPFM stations and in locally originated FM translator transmissions.

Respectfully submitted,

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