

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Digital Audio Broadcast Systems	)	
And Their Impact on the Terrestrial	)	MM Docket No. 99-325
Radio Broadcast Service	)	

**COMMENTS OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS**

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## **Executive Summary**

The National Association of Broadcasters (“NAB”) submits these comments in response to the *Second Further Notice of Proposed Rulemaking* seeking comment on a number of rules that could affect substantially the deployment of digital audio broadcasting (“DAB”). DAB, commercially known as HD Radio, represents the future of free over-the-air radio. Successful deployment of the technology is essential if radio broadcasters are to remain competitive in a new digital world.

NAB respectfully suggests that no new regulations are needed at this time and, indeed, could harm the public interest and inhibit further development of this exciting new technology. Specifically, NAB suggests the Commission tread lightly when creating any new rules that apply to subscription-based DAB services, many of which do not yet exist and may not yet be imagined. Additional spectrum fees on subscription services would likely prevent broadcasters from introducing new products to serve the public. And, because public interest obligations already apply to free digital audio channels, there is no need for additional public interest obligations specific to DAB.

As noted in the previous proceedings, requiring broadcasters to use standardized public interest disclosure forms is problematic for a number of legal and practical reasons. Such a requirement would likely lead to homogenous radio programming, as broadcasters seek to fill only those pre-ordained programming categories.

Also, requiring radio stations to place their entire public file on the Internet would be unduly burdensome, particularly on smaller broadcasters, and especially considering the minimal public benefits such a requirement would provide.

Finally, in light of changes to the nation's Emergency Alert System and substantial improvements to the technology that allows automated operations, the Commission should not revisit long-abandoned rules that required stations to maintain personnel to constantly watch over station transmission equipment. There are a myriad of ways to ensure public safety access to appropriate station management in an emergency. Broadcasters can and do make themselves available, as seen in times of crisis such as Hurricane Katrina.



Digital audio broadcasting represents the future of the radio industry.<sup>3</sup> Today, more than 1,500 HD Radio stations are broadcasting across the country, and the number is growing every week.<sup>4</sup> Within the radio industry, many see the rollout of digital radio as the means by which terrestrial radio broadcasters will remain competitive in the digital world. Digital audio broadcasting brings with it many possibilities for unique and valuable new services. In addition to better sound quality and the ability to transmit multiple program streams, HD Radio technology empowers broadcasters to wield the potential of digital in ways that are not yet imagined.

This *Notice* seeks comment on two digital radio matters: rules for potential subscription services and public interest obligations on digital radio. In addition, the Commission seeks comment on two matters that could affect radio broadcasters generally: public inspection files on the Internet and automated broadcast operations. With regard to all these issues, NAB urges the Commission to be mindful that even well-meaning regulation can have unforeseen consequences. Particularly for the still developing HD Radio service, regulation based on assumptions that may or may not be true could stifle innovative and productive uses of the spectrum by radio broadcasters.

In these comments, NAB notes that the advent of HD Radio opens the door to new and innovative services for the public. It is, however, a nascent service and the FCC should avoid imposing rules that could inhibit the development of new digital services. NAB also respectfully

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<sup>3</sup> See *First Report and Order*, MM Docket No. 99-325, 17 FCC Rcd 19990, 19991 (2002) (“Many terrestrial radio broadcasters view DAB not only as a technical opportunity, but as a competitive necessity.”).

<sup>4</sup> See iBiquity Digital Corporation Web site (available at [http://www.ibiquity.com/hd\\_radio/radio\\_find\\_a\\_station](http://www.ibiquity.com/hd_radio/radio_find_a_station)).

suggests that the Commission consider the extra burden on stations if they are required to place their public file (particularly their political files) on the Web. As we have shown in previous filings,<sup>5</sup> the burden would be considerable for television stations, even those that actively operate their own Web sites, and would be proportionately greater for radio stations, especially in small markets. Finally, NAB submits that the Commission should refrain from reinstating the automated broadcast rules it rightfully eliminated more than a decade ago, as automation technology has only improved in the interim.

## **II. The Extent to Which Radio Stations Will Engage in DAB Subscription Services Remains Unknown, and the Commission Should Be Careful to Craft Rules That Do Not Inhibit Innovation**

Digital technology has produced a revolution in the entire communications industry. For radio, it unlocks new ways for broadcasters to provide service to the public. As the Commission indicates in the *Notice*, one of those ways could be through some form of a subscription-based service. In the context of this proceeding, “subscription-based” appears to refer to “conditional access” services which are not available to the general public – *i.e.*, those for which consumers must subscribe, either with the broadcaster directly or through a third-party service provider, and for which a fee may be required.<sup>6</sup>

Broadcasters, engineers and other industry innovators are currently thinking creatively about ways to fully utilize the conditional access features of digital radio. Perhaps the most

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<sup>5</sup> See Comments of the National Association of Broadcasters in MM Docket No. 00-168 (filed Dec. 18, 2000); Reply Comments of the National Association of Broadcasters in MM Docket No. 00-168 (filed Feb. 16, 2001).

<sup>6</sup> As a practical matter, FM broadcasters will be in a better position to offer conditional access services than will AM broadcasters simply because of the comparative digital capacities of these services—96 to 150 kbps for FM versus 36 kbps for AM. Consequently, while these comments apply primarily to services that might be offered by FM broadcasters, they apply to AM broadcasters to the extent that AM broadcasters are able to offer conditional access services over their more limited bandwidth.

obvious example of a conditional access service would be an audio program offered to consumers for a fee, *i.e.*, on a subscription basis. Currently, however, we know of no broadcaster in the country that is offering or actively planning such a system. Furthermore, given the localized limitations to such a system, most broadcasters may find that advertising-based multi-program streams represent a more financially viable business model.<sup>7</sup>

Another approach would entail the use of conditional access over digital radio to create a variety of datacasting services akin to those that can currently operate over FM subcarriers.<sup>8</sup> Working in the digital environment, engineers are developing datacasting systems that could be tied into a number of electronic devices, including but not limited to, increasingly popular in-car navigation systems. Earlier this year, Clear Channel Radio announced its intentions to offer its traffic data service, currently being provided to subscribers by means of FM subcarriers, through HD Radio signals.<sup>9</sup> Datacasting systems such as the one proposed by Clear Channel could provide up-to-date traffic information, news, and weather, all overlaid onto the mapping function to automatically reroute consumers. It could also be used as part of an emergency alert system.

Radio Reading Service represents another FM subcarrier-based service likely to make use of the conditional-access features of digital radio, given that these services require conditional

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<sup>7</sup> Subscription-based audio programming is a possibility, of course, but one that could be thwarted should the Commission prematurely impose spectrum fees or other regulations before such a service is even developed.

<sup>8</sup> For example, Microsoft is looking to adapt their DirectBand technology, currently implemented using FM subcarriers, to the digital radio space. They announced in January 2007 a deal with Clear Channel Communications to expand their DirectBand service, incorporated as part of the Smart Personal Objects Technology (SPOT) initiative, to digital radio signals, and provide a nationwide network of “push” data technology that could be used in watches, coffeemakers, automobiles, and MP3 players.

<sup>9</sup> See *Traffic Data Goes High Def with Clear Channel Radio*, Clear Channel Radio press release (July 9, 2007).

access to be eligible for the copyright exemption established by Congress for the reading of print information to the blind and visually impaired. The International Association of Audio Information Services (IAAIS) has in this proceeding expressed their desire to have reading services delivered via “...off-the-shelf DAB radios with ‘unlock codes’ maintaining our subscription-like nature.”<sup>10</sup>

To the extent that the Commission is considering instituting additional or new public interest obligations or a fee system on “subscription-based” radio, NAB generally encourages the Commission to employ a conservative approach that recognizes the nascent nature of these digital services. Any combination of additional regulation or fee structures based on a marketplace that may or may not develop as expected could easily affect the market’s development and stifle innovation in unforeseen ways. By allowing new products and services to be developed, and to succeed or fail based on how well they serve consumers’ needs and interests, the Commission will be better able in the future to craft rules with a closer “fit” to actual marketplace conditions. NAB notes that the Commission has in the past declined to impose traditional “broadcast type” public interest obligations on subscription services, including programming services, especially when those services are first developing.<sup>11</sup>

With regard to data or other non-audio programming subscription-based services, any public interest requirements should follow from the characteristics of the service. That is, the

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<sup>10</sup> See Comments of the International Association of Audio Information Services in MM Docket No. 99-325 (filed June 15, 2004).

<sup>11</sup> Indeed, even where Congress has expressly authorized the FCC to apply public interest requirements to a subscription programming service such as Direct Broadcast Satellite, the FCC has chosen not to exercise this authority on an immature industry, but has instead waited to see how the industry developed before imposing public interest obligations. See *Report and Order* in MM Docket No. 93-25, 13 FCC Rcd 23254, 23279-80 (1998) (because further public interest obligations would be “burdensome at this time and could prevent [DBS] from realizing its potential,” FCC declined to impose these obligations on “young” DBS industry, but determined to wait and “see how DBS serves the public” as it “matures”).

obligations applying to a data or other non-audio service offered by a digital broadcaster should be comparable to the obligations applying to any similar data services offered by other licensees, whether or not those licensees also provide broadcast services. This approach roughly equalizing regulatory treatment between comparable services, such as data, would clearly encourage broadcasters to develop new, innovative non-audio services for the benefit of consumers.<sup>12</sup>

### **III. Subscription-Based Services Should Be Allowed to Develop**

The Commission made clear, in the *Second Report and Order* in this proceeding, that radio stations that operate “in a digital mode must provide one free digital audio programming service that is comparable to or better in audio quality than that of their current audio service.”<sup>13</sup> As the Commission notes, this is the same requirement for digital television that is “based on the underlying policy consideration that significant benefits from digital conversion should flow directly to the public.” *Notice* at ¶ 113.

With this requirement in place, there is no need for any further regulatory stipulation as to how broadcasters allocate their digital resources, either for free over-the-air services available to the general public, or for conditional access services available to subscribers. In particular, once

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<sup>12</sup> The FCC has previously emphasized the importance of “like services be[ing] treated equally.” *First Report and Order*, BC Docket No. 82-536, 53 RR 2d 1519 at ¶ 20 (1983). When expanding broadcast licensees’ authorized uses of their FM subchannels to include nonbroadcast as well as broadcast uses, the FCC determined that it would treat “FM subchannels used for non-broadcast related communications” (such as paging, dispatching and data distribution) in the “same manner, with all the same benefits, obligations and responsibilities as the [nonbroadcast licensee] providers of similar services.” *Id.* Thus, the FCC has already recognized the “equity” of treating data and other nonbroadcast services offered by broadcast licensees “in the same manner” as “similar services” offered by nonbroadcast licensees, such as “common carriers” or “private radio” licensees. *Id.* More recently, the Commission has stressed the “good of developing a consistent regulatory framework” by “regulating like services in a similar functional manner.” *Report and Order* in CC Docket No. 02-23, FCC 05-150 (rel. Sept. 23, 2005)

<sup>13</sup> *Second Report and Order* in MM Docket No. 99-325 at ¶ 28 (rel. May 31, 2007) (“*Second Report and Order*”).

a broadcaster has satisfied this main channel audio quality requirement, a broadcaster should be able to allocate the remaining digital capacity in the manner which the broadcaster believes will best serve his or her listeners.

The baseline audio quality requirement established in the *Second Report and Order* ensures that the free over-the-air radio broadcasting system that has operated successfully for the last 80 years will continue to operate going forward, with even better audio quality and more features. This requirement should also allay any fears that terrestrial radio will convert into a primarily subscription-based service.

Past this baseline requirement, the public would be well served if the Commission allows the market for ancillary services to mature, giving broadcasters the freedom to develop creative services that will thrive in the future marketplace. Arbitrary limitations would serve only to stifle innovation and prevent broadcasters from fully realizing the potential of digital broadcasting.

Similarly, NAB urges the Commission to allow this technology to develop fully in the market before it considers any spectrum fee that could create disincentives for new services and products that will serve the public. There are substantial costs associated with the right to use the HD Radio technology.<sup>14</sup> If the Commission decides to add another spectrum fee to subscription-

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<sup>14</sup> Past the cost of the initial upgrade, which can range from \$50,000 to more than \$200,000, radio stations are required to pay iBiquity Digital Corporation a one-time fee of at least \$10,000 to broadcast a main audio channel in digital. For broadcasters that purchase a license from iBiquity after June 30, 2007, the one time main channel audio licensing fee jumps to \$15,000. After June 30, 2008, any broadcaster wishing to upgrade their main channel to digital must pay a \$25,000 license fee. Furthermore, radio broadcasters that upgrade to digital and transmit more than one audio stream must pay, per the standard iBiquity license, three percent of incremental net revenue derived from any supplemental audio service, with a minimum annual fee of \$1,000. This three percent licensing fee also applies to any revenue derived from a broadcaster's transmission of auxiliary data services that rely on HD Radio technology. *See* [http://www.ibiquity.com/broadcasters/licensing/technology\\_license](http://www.ibiquity.com/broadcasters/licensing/technology_license) (last visited on Oct. 15, 2007).

based audio above and beyond what radio stations must already pay to operate in digital, the combined upfront cost may be too high for most broadcasters who want to develop new services. Another fee on this still developing service would create a disincentive that would almost certainly doom the technology before a market can develop.

NAB notes that there is reason to distinguish supplementary services provided by radio broadcasters from potential subscription digital services provided by other communications providers. In implementing DAB, radio broadcasters will neither receive nor use additional spectrum beyond current allocations. Terrestrial radio therefore differs from some other communications services, which have required additional spectrum allocations for converting to digital. DAB will make far more efficient use of spectrum than does the existing analog system, as broadcasters will be able to provide more services within the same allocation. Using the same spectrum resource more efficiently so as to provide additional services to consumers does not constitute a justification for imposing spectrum fees on broadcasters. Indeed, broadcasters are bearing the full cost of their digital upgrades, as well as the costs of developing and marketing new digital services. Imposing fees on these nascent services would only hinder their development, to the detriment of consumers.

Moreover, as the Commission states in the *Notice* (at ¶ 114), spectrum fees imposed on subscription services offered by digital television (“DTV”) stations were implemented at the specific request of Congress.<sup>15</sup> There is no such mandate from Congress regarding DAB subscription services. Therefore, the Commission would need to rely upon some ancillary

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<sup>15</sup> See 47 U.S.C. § 336(e)(2)(B).

authority to impose fees on this new service. Where, as here, a fee could well inhibit service to the public, the Commission should not impose such a fee.

**IV. There is No Need to Change Radically the Current System that Clearly Requires Radio Stations to Operate in the Public Interest**

Broadcasters accept and embrace our obligation to provide service in the public interest. We agree that we must be responsive and accountable to the communities we serve. We respectfully disagree, however, with those who contend that unless government tells broadcasters how to serve the public, they will not do so. Every day, broadcast stations provide free informational and entertainment programming to listeners and viewers. Every year, radio broadcasters and their television counterparts contribute billions of dollars in public service through free airtime and financial assistance to charities, victims of disaster and community causes. Additionally, radio stations continue to provide the invaluable lifeline between emergency officials and the public in times of crisis. No other industry in the United States can claim a record of public service equal to broadcasters.

As the Commission notes in the *Second Report and Order* (at ¶¶ 65-66) in this proceeding, free digital audio channels provided by local broadcasters are subject to public interest obligations that apply to the analog stream. We agree with the Commission's conclusion, and submit that no additional public interest obligations should be imposed on free digital audio channels. Because the Commission can adapt its current regulatory framework to address public interest questions for digital radio, there is, as other commenters have stated, "no need for a new comprehensive regime of regulation to govern DAB."<sup>16</sup> For that reason alone, the Commission

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<sup>16</sup> See Comments of National Public Radio in MM Docket 99-325 at 9 (filed June 16, 2004).

should reject calls for a complete and radical rewriting of the Commission's broadcast public interest regulatory regime.

**V. Adoption of a Standardized Disclosure Form Raises a Number of Legal, Policy and Practical Questions**

In this *Notice*, the Commission asks whether a standardized disclosure form proposed for television broadcasters should also be adopted for radio broadcasters. NAB previously expressed concern about imposing a standardized form for television broadcasters. Those same concerns apply in this context.

In the *Enhanced Disclosure NPRM*,<sup>17</sup> the Commission proposed that television broadcasters use a standardized form to provide information on how the station serves the public in a variety of pre-selected content categories. For a number of legal and practical reasons, NAB and other commenters opposed the Commission's proposition.<sup>18</sup> Rather than restate the whole of those arguments here, NAB reiterates its general concerns about the use of standardized disclosure forms and incorporates, by reference, all of our arguments made in that earlier *Enhanced Disclosure NPRM*.<sup>19</sup>

To summarize, a standardized disclosure form that necessitates the Commission's selection of particular types of programming and that requires broadcasters to identify the programming aired in those preferred categories clearly involves the Commission in content

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<sup>17</sup> See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, 15 FCC Rcd 19816 (2000) ("*Enhanced Disclosure NPRM*").

<sup>18</sup> See Comments of the NAB in MM Docket No. 00-168 (filed Dec. 18, 2000); also see Comments of the National Broadcasting Company, Comments of Paxson Communications Corporation, Comments of the Association of Local Television Stations, and Comments of The Walt Disney Company in MM Docket No. 00-168 (filed Dec. 18, 2000).

<sup>19</sup> *Id.*; also see NAB Reply Comments in MM Docket No. 00-168 (filed Feb. 16, 2001).

regulation. The practical effect, moreover, would be more standardized and less varied programming, a consequence almost certainly not intended by a Commission seeking more diverse programming in other proceedings.

## **VI. Requiring Radio Stations to Place Their Public Files on the Web Would Be Unduly Burdensome, Especially for Smaller Stations**

The *Notice* also seeks comment on whether radio broadcasters should be required to place their public files on the Internet. As we noted in our response to the *Enhanced Disclosure NPRM*, the costs and burdens of placing the public file on the Internet for any broadcast station, television or radio, is very likely higher than the Commission anticipates.<sup>20</sup> Indeed, the burden on radio stations which generally have fewer personnel would be great.

First, we note that not all radio stations have Web sites. And many of those that do have their own Web site do not have full-time Web personnel. Even larger radio stations that do operate on the Web would be pressed to radically upgrade sites that are today nothing more than HTML-encoded billboards. Furthermore, the task of scanning and uploading thousands of documents to convert them into electronic form would be a substantial burden on stations. Additionally, the costs of an online public file could increase exponentially if stations were required to include user friendly features like text searchability, easy navigation and the ability to download documents.

In contrast, the benefits of placing the entire public file on the Web appear to be minimal. First, much of a station's public file is already available on the Commission's Web site.<sup>21</sup> Placing

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<sup>20</sup> See Comments of the NAB in MM Docket No. 00-168 (filed Dec. 18, 2000).

<sup>21</sup> Documents available on the FCC's Web site include: the EEO Program Report, the Broadcast Statement of Compliance, the Ownership Report, and applications for new construction permits, for changes to existing stations and for transfer or assignment of licenses. In addition, the "Public

these documents on a station's Web site would be duplicative. Second, local listeners that need access to the public file already have "reasonable access" by their proximity to the station. The Commission has expressly recognized that a station's local public inspection file is intended to serve the *local* listeners of each station, and that persons outside a station's geographic service area have a less compelling interest in access to that station's public file.<sup>22</sup>

If the Commission does adopt an online public file mandate, however, it should at least exempt the "political file" from the requirement. Political files that must be updated immediately, and during an election season, every day, would be almost impossible to maintain on the Web without incurring substantial labor costs. As the Commission has noted in the past, candidates and their representatives, not the general public, are the persons most concerned with access to a station's political file; these individuals are more likely to have the resources necessary to access the main studio and public file than would an average citizen.<sup>23</sup> While NAB strongly encourages the Commission to not adopt an online public file requirement, at the very least, NAB requests that the Commission exempt the political file from the mandate.

## **VII. The Commission Should Not Revisit the Unattended Operation Rules**

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and Broadcasting" manual that stations are required to maintain in their public file is also readily available on the Commission's Web site.

<sup>22</sup> See *Memorandum Opinion and Order* in MM Docket No. 97-138, 11 FCC Rcd 11113 at ¶¶ 12-15 (1999) (although stations with main studios located outside their communities of license must generally honor any request for public file documents made by telephone, the Commission expressly limited this telephone request rule to require the mailing of documents only to individuals within the geographic service area of the station; this limitation was consistent with "ensuring the continued access of local viewers and listeners of each station.").

<sup>23</sup> *Id.* at ¶ 22.

Finally, the Commission asks whether it should revisit rules eliminated more than a decade ago that required radio stations to maintain personnel to constantly watch over station monitoring and transmission equipment. NAB urges the Commission not to revisit these rules that have facilitated the implementation of automated broadcast operations and helped hundreds of radio stations to operate more efficiently while still serving the public interest.

The impetus for the Commission's decision in MM Docket No. 94-130, in which the Commission authorized automated transmissions,<sup>24</sup> was the Telecommunications Authorization Act of 1992.<sup>25</sup> In that Act, Congress gave the Commission legal authority to waive or modify rules that required radio broadcast stations to have a licensed radio operator on-duty at all times to personally control the station's transmission facilities. Since 1992, Congress has not changed its position on automation, and there is no reason for the Commission to do so now.

In 1995, the Commission expressly acknowledged that technology had advanced sufficiently and also recognized the importance of permitting radio stations to use unattended<sup>26</sup> and remotely controlled technical operation of radio broadcast transmission.<sup>27</sup> Since that time technology has advanced even further. Transmitters and other broadcast equipment are much more stable and reliable than they were 12 years ago. In addition, the sophisticated automation

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<sup>24</sup> See *Report and Order* in MM Docket No. 94-130, 10 FCC Rcd 11479 (1995).

<sup>25</sup> Telecommunications Authorization Act of 1992, Pub. L. No. 102-538, 106 Stat. 3533.

<sup>26</sup> Some parties appear to have misconstrued the meaning of this term. A station is not necessarily deserted or run entirely by robots if it is designated "unattended." "Unattended" operation simply means that radio stations may use automated operation technology to oversee and control broadcast transmission apparatus, instead of having employees always on duty for the purpose of monitoring transmissions.

<sup>27</sup> *Amendment of Parts 73 and 74 of the Commission's Rules to Permit Unattended Operations of Broadcast Stations and to Update Broadcast Station Transmitter Control and Monitoring Requirements*, Report and Order, 10 FCC Rcd 11479 (1995) ("*Unattended Operations R&O*").

technology available on the market today, much of it incorporating IP based (Internet Protocol) features, provides radio stations with monitoring and control capabilities that were not even possible in 1995.<sup>28</sup>

Additionally, there is nothing in recent industry experience to suggest that automated broadcast operations limit law enforcement and public safety officials' ability to access broadcast stations effectively during emergencies. Indeed, the modern EAS system was specifically designed with automated operations in mind, in part to overcome inefficient and slow manual mechanisms in the former Emergency Broadcast System ("EBS"). As the Commission noted in 1994, "[t]he need to have a full time person on duty to determine the content and nature of EBS messages is costly, time consuming, and is often ineffective when a sudden emergency occurs."<sup>29</sup> In creating the new EAS system, the Commission noted that a "majority of parties strongly supported the use of automation." *Id.* at ¶102. Accordingly, the Commission designed the current EAS system so that broadcasters could choose between automatic and manual modes of operation. Furthermore, there are a myriad of ways to ensure public safety access to appropriate station management in an emergency. Broadcasters can and do make themselves available, as seen in times of crisis such as Hurricane Katrina.

Because modern automation systems can provide exceptional stability and consistent reliability far beyond the capabilities available in 1995, there is no need for the Commission to revisit its determination that stations may use unattended operations without jeopardizing the technical integrity of the radio service or the public interest. Indeed, technologies allowing

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<sup>28</sup> See, e.g., <http://www.burk.com/products/radio/main.asp>, last visited Oct. 11, 2007. See also <http://www.audemat-aztec.com/products/Monitoring/RELIO/>, last visited Oct. 11, 2007.

<sup>29</sup> *Report and Order and Further Notice of Proposed Rulemaking* in FCC 94-288, 10 FCC Rcd 1786 at ¶100 (1995).

unattended operations benefit the public, as they permit small and rural radio stations that formerly signed off the air in the late night hours to remain in operation and serving the public 24 hours a day.

### **VIII. Conclusion**

Overall, NAB encourages the Commission to tread lightly in this proceeding and to craft rules that do not inhibit DAB innovation. Digital radio represents the future of local radio broadcasting, and premature restrictions or spectrum fees imposed on undeveloped technologies will almost certainly do more harm to the public interest than good. NAB suggests the Commission take a cautious approach and allow broadcasters the flexibility to develop creatively this exciting new service.

Especially in light of the appropriate application of existing public interest obligations to DAB stations, there is no need to impose additional public interest obligations on terrestrial radio stations. NAB requests that the Commission fully consider the costs and other burdens of placing a station's entire public file on the Web, particularly for radio stations in smaller communities that do not have a Web site.

Finally, NAB urges the Commission not to amend its longstanding automated broadcast operation rules. Rules requiring manned broadcast transmission operations that were unnecessary in 1995 are certainly outmoded in 2007, given the continued technological developments of the past 12 years.

Respectfully submitted,

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