

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
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Amendment of Service and Eligibility Rules for)	MB Docket No. 07-172
FM Broadcast Translator Stations)	RM-11338
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To: The Secretary, Federal Communications Commission

COMMENTS

Christian Broadcasting System, Ltd. (“CBSL”), by its counsel, hereby submits comments in response to the *Notice of Proposed Rule Making* (“NPRM”), FCC 07-144, released in the above-captioned proceeding August 15, 2007.¹ CBSL urges the Commission to adopt the proposed rules to permit AM stations to use of FM translators to retransmit their signals within the AM station’s coverage area.

Expansion of Purpose and Permissible Service of FM Translators. As the licensee of six AM radio stations,² several of which operate with minimal nighttime power and one with no authorization for nighttime service at all, CBSL supports the adoption of rule revisions to expand the purpose and permissible service of FM translator stations to allow

¹ *Amendment of Service and Eligibility Rules for FM Broadcast Translators*, Notice of Proposed Rule Making, FCC 07-144 (rel. Aug. 15, 2007) (“NPRM”). A summary of the NPRM was published in the Federal Register on November 6, 2007, 72 Fed. Reg. 62616. The deadline for comments is January 7, 2008.

² In addition to FM facilities, CBSL is the licensee of the following AM radio stations: WCGW, Nicholasville, KY; WCVX, Cincinnati, OH; WDJO, Florence, KY; WLCM, Charlotte, MI; WSNL, Flint, MI; WVKY, Nicholasville, KY.

their use to provide fill-in service for AM radio stations. Adoption of these rule changes is vital to the continued viability of AM stations and the survival of AM service. As noted in the *NPRM*, the very existence of AM radio continues to be threatened by the loss of listeners to media services that do not suffer from AM's inherent technical limitations.³ The Commission also recognized in the *NPRM* the vital importance of AM radio in the mass media landscape, noting the particular importance of AM radio in providing local broadcast service that serves the needs and interests of the community consistent with the public interest, convenience and necessity.⁴

With the ability to use FM translators, CBSL's daytime-only and minimal nighttime service AM stations could provide nighttime service to at least a portion of their daytime audiences. Use of FM translators for signal retransmission will also allow all AM stations to obviate coverage deficiencies, including interference issues, confronted at all hours of operation. In sum, utilization of FM translators will allow AM stations, such as CBSL's, to provide reliable, uninterrupted delivery of the community-responsive programming their listeners depend on. Moreover, use of FM translators to ensure uninterrupted service coverage of AM signals will enable CBSL, and all AM station licensees, to be a more competitive force in the media marketplace while staying true to the principles of localism.

In response to the Commission's request for more specific comments on issues regarding implementation of the proposed rule changes,⁵ CBSL submits the following

³ *NPRM*, at ¶ 3.

⁴ *Id.*, ¶ 5.

⁵ *Id.*, ¶ 18 (soliciting comments on implementation issues).

comments.

Implementation. CBSL urges the Commission to make the proposed rule changes effective immediately for all AM stations, rather than implement the changes in phases over time. Furthermore, to promote the most efficient and fair implementation of the revised rules and ensure availability and fair distribution of FM translators for this purpose, the Commission should establish a filing window for applications for new FM translators limited to current AM licensees. In such application window, the Commission should also place a numerical limit of no more than five (5) applications per AM station (rather than per licensee).

No Limitations. CBSL believes it would not be appropriate nor in the public interest to place any limits on any AM licensee's use of FM translators for fill-in service, regardless of whether that licensee also owns FM stations in the same market. There should also be no limits placed on the number of FM translators any individual AM station may utilize.

Financial Support from Commercial FM Stations. CBSL urges the Commission to permit AM licensees to broker time over, or otherwise provide support to, FM translator stations providing fill-in service.⁶

LPFM Issues. CBSL supports the proposal to permit licensees of daytime-only and Class C stations to simulcast and/or originate programming over LPFM stations acting as a fill-in service.

⁶ *Id.*, ¶ 18(e) (proposing the extension to commercial AM stations the existing policy exempting fill-in translators from the general prohibition on financial support from commercial FM stations where the translator station's coverage contour extends beyond the FM station's protected contour) (citing 47 C.F.R. § 74.1232(e)).

Program Origination. CBSL supports the Commission's tentative conclusion to permit daytime-only AM stations to originate programming over fill-in FM translators during the hours when those stations are not authorized to operate. CBSL also urges the Commission to permit AM stations authorized only for secondary very low power service at night to originate programming over fill-in FM translators during those hours of reduced power operation. The ability to originate programming over FM fill-in translators will help minimize the competitive disadvantage faced by CBSL's and other AM stations in their local media markets, especially the disadvantage stemming from the loss of evermore economically critical drive-time broadcast hours to the expansion Daylight Savings Time. The ability to originate programming over fill-in translators would allow CBSL's stations to provide continuous programming coverage to their listeners, ensuring greater ability to compete in the media marketplace.

Technical Issues. CBSL supports the Commission's tentative conclusion that the technical limitations for AM use of FM translators for fill-in service proposed by the National Association of Broadcasters are appropriate.⁷ In addition, CBSL urges the Commission to adopt rule language to permit a *de minimis* portion of the FM translator's 60 dBu contour to extend outside the 2 mV/m daytime contour of the AM station. CBSL suggests the adoption of 1 kilometer as the permissible *de minimis* extension outside the AM station's daytime contour.

⁷ *Id.*, ¶ 20. CBSL supports the technical proposal "which would allow AM stations to operate FM translators to retransmit their AM programming as a fill-in service, as long as no portion of the 60 dBu contour of the FM translator exceeds the lesser of: (a) the 2 mV/m daytime contour of the AM station or; (b) the 25-mile radius of the AM transmitter site." *Id.*

WHEREFORE, in light of the foregoing comments, CBSL urges the Commission to adopt the proposed rule changes to expand the purpose and permissible service of FM translators to include use by AM stations as fill-in service.

Respectfully submitted,

**CHRISTIAN BROADCASTING
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