

stations to retransmit their AM service as a fill-in service. Specifically, the NAB proposed that AM stations be allowed to use FM translator stations to rebroadcast the AM signal, provided that no portion of the 60 dBu contour of any such FM translator station extends beyond the smaller of: (a) a 25-mile radius from the AM transmitter site; or (b) the 2 mV/m daytime contour of the AM station. As a result, the Commission proposed rules permitting the use of FM translators by AM stations.

With two suggested modifications, Miller fully supports the proposals set forth in the NPRM and urges their prompt adoption. Miller suggests that the limit on the FM Translator's 60 dBu signal should be permitted to extend to the more constrictive of the 25 mile circumference of the primary AM station's transmitter or the 0.5 mV/m² contour of the primary AM station. This will give coverage where it is needed the most, on the fringe, in directional nulls, where there is no service at night and in rural areas. It is difficult to place these translators statically and the extra room would aid the broadcaster in serving the public interest with proper placement.

. Miller has obtained special temporary authority³ from the Commission to use FM translator W290AY, Sumter, South Carolina, to rebroadcast the programs of co-owned WDXY(AM), Sumter, South Carolina. As set forth in detail in the attached memorandum prepared by Harold T. Miller, Jr., president and CEO of Miller, the response to the use of the translator has been overwhelming. Listeners have called the station to support Miller's use of the translator since WDXY carries many local programs, including local high school football and basketball games that are held at night when reception of the WDXY signal is poor. As Mr. Miller states, the translator has been

³ BSTA-20070315ACS, and requested extension BESTA-20071113AHX.

a god-send for the radio station and the Sumter community. Now in its 45th year of operations, WDXY (AM) had been suffering from a very poor signal, poor coverage, low listenership, low ratings and very lean business. Sumter and the surrounding area, including Shaw Air Force Base, long ago outgrew WDXY (AM)'s ability to cover the market. As Mr. Miller relates, one election night recently, WDXY was trying to cover the Sumter County election returns from the Sumter County Election Commission in the basement of the Sumter County Court House, before Miller added the FM translator to WDXY (AM). Miller's staff members could not even pick up the WDXY (AM) station signal in the court house basement, less than 2 miles from the transmitter. Mr. Miller felt saddened and ashamed that he could not even monitor from the broadcast site what WDXY was broadcasting due to interference from neon lights, computers and shielding of the AM signal from the metal/steel construction above and around the listening site.

With a pristine and robust translator signal, WDXY has received many compliments. The local newspaper has given favorable press coverage and guests are more willing to participate on the morning community live on air talk show. The translator allows the station to cover Shaw Air Force Base, which is part of Sumter's city limits, and the station now provides regular coverage of base issues. Over the holiday season, the station aired greetings from men and women serving abroad to their families in Sumter and the surrounding communities. Moreover, Miller, during the recent holiday season, had the local member of the S. C. House of Representatives and WDXY's new morning talk show host broadcast the Sumter Christmas Parade at the request of local community leaders.

Since launching its FM translator, WDXY (AM) has expanded its local sports line up and has added high school football, some high school basketball, Citadel College Football, a sports talk show and a brand new live community oriented morning news-talk show with local host. The station has also hired a new local news person, a new program director and a new producer and provides live coverage of more local events. For the first time the station is receiving public service announcement requests from outlying communities and it is broadcasting more public service announcements. Advertising sales have improved and the station is operating "in the black" for the first time in many years.

Many AM stations, like WDXY, are in the hands of veteran radio broadcasters who continue to operate in spite of great technical and economic challenges because they enjoy the opportunity to provide a vital community service.

Mr. Miller's attached memorandum states that he cannot express how happy the FM translator authorization makes him as a long-time broadcaster and lover of AM radio. He notes that the FCC has a chance to single-handedly breathe new life into an old and worthy technology. The AM band has served this nation well and deserves this opportunity, as broadcasters have struggled long and hard to keep these facilities alive. Mr. Miller believes that the Commission can take this small step to preserve and improve AM broadcasting while it has a great and proven solution. The wisdom of the authorization of the FM translator operating with an AM station is the FCC serving "the public interest." It will put new life and vitality back into the AM band. Mr. Miller encourages the FCC to come and visit Sumter, for the proof is right here for them to see operating in "real life" in Sumter, South Carolina.

Use of FM translators by AM stations can in no way adversely impact other uses of the spectrum since the FM translators are already in existence utilizing the spectrum for the rebroadcast of FM stations. Although only FM stations are now authorized by rule to use FM translators, the use of FM translators by AM stations has been proven through the issuance of STAs to other licensees as described above to be easily implemented.

In some cases, AM stations have been relegated to “second-class” status when compared to their FM sisters. As a result, some advertisers have only been able to afford to purchase time on AM stations because of the lower cost. This has sometimes led to the broadcast of unique programs not heard on full-power FM stations. FM translators would strengthen these stations by improving the delivery of sound quality and reception of their programs. The Commission can expect many other AM stations to utilize the FM translators to re-broadcast programs (like local high school sports events or severe weather information) to the stations’ daytime service areas where reception of the stations’ nighttime programming is severely restricted by reduced power or directional antennas. Adoption of the proposals in the NPRM is a “win-win” for the public and AM broadcast licensees.

Miller would like to suggest one additional modification to the proposed rules. Sec. 74.1283 Station identification currently prohibits requests for the assignment of particular combinations of call sign letters.⁴ For FM stations rebroadcast on FM

⁴ Sec. 74.1283(a) Station identification, currently provides:

(a) The call sign of an FM broadcast translator station will consist of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use

translators, this has not been problematic since the translator station may be identified by over-the-air voice announcements or by Morse code. However, AM stations could better inform the public that their programs were being carried on FM translators if they could conform the FM Translator call signs to their AM call signs. This is currently the practice among Low Power Television licensees who may request call signs ending with the suffix “-LP” to replace their TV Translator calls signs which follow the same scheme as Section 74.1283(a). Broadcasters are subjected to constant audience measurements by rating companies. These ratings are used both by the Commission in defining radio markets, by advertisers and political candidates. Conforming the FM translator call sign with the AM primary station call sign would lessen confusion and distortion and provide for more accurate rating data. The most simplistic solution to this problem is one already used by the Commission for low power stations.

Therefore, Miller requests that Section 74.1283(a) be revised as follows:

(a) Except for FM broadcast translators authorized to rebroadcast the programs of a standard broadcast station, the call sign of an FM broadcast translator station will consist of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use of the initial letter will generally conform to the pattern used in the broadcast service. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered. **FM broadcast translators authorized to rebroadcast the programs of a standard broadcast station may be assigned a call sign with a four-letter prefix pursuant to Sec. 73.3550 of the Commission's rules. Upon request (and subject to the consent of the primary AM station being rebroadcast), FM broadcast translator stations will be assigned the four-letter prefix of the call sign of the primary standard broadcast station being rebroadcast followed with the suffix -FX. In**

of the initial letter will generally conform to the pattern used in the broadcast service. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered.

the case of multiple FM translators rebroadcasting the same primary AM station, FM broadcast translator stations will be assigned the four-letter prefix of the call sign of the primary standard broadcast station being rebroadcast followed with the suffix –FX1, FX2, FX3, and so forth. [emphasis supplied].

WHEREFORE, Miller respectfully urges the Commission to adopt the proposed rules as set forth in the NPRM with the suggested modifications noted herein.

Respectfully submitted,

MILLER COMMUNICATIONS, INC.

/s/ Gary S. Smithwick

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January 7, 2008

**ATTACHMENT TO MILLER COMMENTS
MB DOCKET 07-172**

To: Secretary, Federal Communications Commission

From: Harold Miller, CEO, Miller Communications, Inc.

Subject: RE: Use of FM Translators by AM Stations

The adding of W290AY, 105.9 FM, Sumter, SC, FM translator to WDXY (AM), 1240 KHz, 1000 watts Day & Night, has been a god send for the radio station and the Sumter community. WDXY (AM) is an old Sumter station that was suffering from a very poor signal, poor coverage, low listenership, low ratings and very lean business. The signal has been in Sumter, SC for over 45 years. The town and surrounding area, including Shaw Air Force Base, have out grown the WDXY (AM) signal's ability to cover the market. The WDXY (AM) station's signal was OK in its day but is still very susceptible to computer generated interference, neon light buzzing, metal building blocking, co-channel interference, power line interference, AM weak signal interference, etc.

One election night we were trying to cover the Sumter County election returns from the Sumter County Election Commission in the basement of the Sumter County Court House, before we added the FM translator to WDXY (AM). We could not even pick up the WDXY (AM) station signal in the courthouse basement, although the WDXY (AM) transmitting antenna was less than 2 miles away. Not only was this totally embarrassing in front of every elected official in Sumter County, we were saddened and ashamed that we could not even monitor (at the program origination site) what we were transmitting or even present a professional on air product, due to interference from neon lights, computers and shielding of the AM signal from the metal/steel construction above and around us. (We could monitor the station at the control point, however.) In other words, WDXY (AM) 1000-watt nighttime signal did not even have enough raw nighttime signal strength to penetrate the basement of the Sumter Court House, putting the station in a bad public image.

Now the programs broadcast on WDXY (AM) with the W290AY, FM translator Signal can be heard pristine and robust. We have received numerous compliments, the newspaper has given us press coverage, I receive compliments at Rotary Club (which I never did before), and we now have more community guests showing up on the local morning community live on air talk show. In addition, WDXY (AM), with the help of the W290AY translator, now covers Shaw AFB solidly (which is part of Sumter's City Limits). It was very frustrating that we could not adequately

cover the brave men and women who are fighting the global war on terror before. Without the FM translator, they were excluded from our coverage completely. Now the Air Force Base is a part of the regular listenership and we are constantly giving information out of interest to the Air Force Base, the local military community and our wonderful US Armed Forces. One special touch we have added this holiday season is greetings from men and women serving abroad delivered over the air to their families in Sumter, SC. It makes us very proud to be a part of the community to bring happiness to separated loved ones in time of war! We have received compliments and positive comments from the airmen, their families, the general public and Sumter elected officials that warms our hearts and makes it all worth doing. This is what makes serving the public interest all worth it!

During the holidays, we had the local member of the S.C. House of Representatives and the new morning talk show host broadcast the Sumter Christmas Parade at the request of local community leaders. The broadcast could be heard not only on WDXY but on the FM translator in places where the AM signal is poor.

With the WDXY (AM) and W290AY FM Translator Signal, we have now expanded our local sports line up and added high school football and some high school basketball. In addition we added, "Citadel College Football," a sports talk show, a new local newsperson to the payroll, new local news-talk programming to the station, a new AM program director and producer to the payroll. We have been live and covered events like the Sumter Chamber of Commerce Red Carpet Breakfast where the whole Sumter Legislative Delegation meets with the public to discuss Sumter, SC issues and answers about the Community and reach out to adjoining counties (Lee and Clarendon) to support their events and public service causes. These kinds of requests from outlying communities were not generally received prior to the translator. In addition, our public service announcements have been expanded, as we are receiving a record number of public service requests!

The station has now entered "Black ink" and is starting to support itself for the first time in many years. A radio station serving the public interest is one in the black. You cannot help anyone, if you cannot help yourself. In other words, you cannot throw five dollars in the Salvation Army kettle at Christmas if you are broke! The sales staff is excited about the buzz on the streets and the response to the advertising is good and advertisers are reaping the benefits of their advertising schedules. The public is listening and the product is improving, the compliments about the station are steady from the public. The staff and our excitement to do more and "serve the public" is now higher, simply because the FCC made it possible in one great decision and one simple grant. In addition, we are now planning to

look at our future digital conversion capital expenditure plans for our station, which we would have never done before.

I cannot express how happy this makes me as a long-time broadcaster and lover of AM radio. The FCC has a chance to single handedly save the AM band and breathe new life into an old and worthy technology. The AM band has served this nation well and deserves this opportunity, as broadcasters have struggled long and hard to keep these facilities alive. The over saturation of the AM band, the creation of too much interference and the years of neglect that AM experienced left the product in a position of disadvantage. I feel now we should fix what we have while we have a great and proven solution. The wisdom of the authorization of the FM translator operating with an AM station is the FCC serving "the public interest." It will be taking a product that is marginal at best and putting new life and vitality back into the AM band.

After trying to find tower space and locating the current translator for the optimum space, I would like to suggest the following recommendation with the use of FM translators with AM stations. I suggest that you permit the location of the translator within 25 miles of the AM station's transmitting tower or the .5 mV/m service contour, whichever is less. This will give coverage where it is needed the most, on the fringe, directional nulls, no service at night, rural areas. It is difficult to place these translators statically and the extra room would aid the broadcaster in serving the public interest with proper placement.

In this day of 500 cable channels, iPods, computers, the internet, Direct Broadcast Satellites, Satellite Radio, multi-data delivery, etc. and so many other signal delivery platforms, doesn't it make sense to repair one that needs the assistance? Let's not leave the AM band behind! The FCC can be the saving grace of a great American product but they must realize there is a need. I would encourage you to come and visit, the proof and truth is right here for your staff to see operating in "real life" in Sumter, SC. Please approve the Rulemaking for FM translator Operation with AM Station Operation!

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