

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

In the Matter of:

Promoting Diversification of Ownership
in the Broadcasting Services

)
) MB Docket No 07-294
)

2006 Quadrennial Regulatory Review – Review of
the Commission’s Broadcast Ownership Rules and
Other Rules Adopted Pursuant to Section 202 of
the Telecommunications Act of 1996

) MB Docket No. 06-121
)
)

2002 Biennial Regulatory Review – Review of
the Commission’s Broadcast Ownership Rules and
Other Rules Adopted Pursuant to Section 202 of
the Telecommunications Act of 1996

) MB Docket No. 02-277
)
)

Cross-Ownership of Broadcast Stations and
Newspapers

) MM Docket No. 01-235
)
)

Rules and Policies Concerning Multiple Ownership
of Radio Broadcast Stations in Local Markets

) MM Docket No. 01-317
)
)

Definition of Radio Markets

) MM Docket No. 00-244
)
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Ways to Further Section 257 Mandate and To Build
on Earlier Studies

) MB Docket No. 04-228
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TO: Office of the Secretary
Attention: The Commission

REPLY COMMENTS OF BIRACH BROADCASTING CORPORATION

Birach Broadcasting Corporation, by its attorney, hereby respectfully submits its Reply Comments in the above preceding. In support thereof, it is alleged:

1. Birach Broadcasting Corporation (“Birach”) is the owner and the operator of more than 20 broadcast stations, all of which are AM broadcast stations. Thus, Birach is uniquely qualified to comment on matters affecting the AM broadcast service.

2. At paragraph 100 of this *Report and Order and Third Further Notice of Proposed Rulemaking* in this proceeding, the Commission made the following statement:

“100. In its Supplemental Comments, DCS urges the Commission to give a ‘hard look’ to a proposal advanced by Mullaney Engineering, Inc. (“Mullaney”). Mullaney proposes that the Commission reallocate TV Channels 5 and 6 for FM broadcasting, thereby creating a ‘staggering expansion of the existing FM band.’ We agree with DCS that this proposal could yield tremendous opportunities for new entrants, and we seek comment on it.”
[Footnotes omitted.]

3. Thus, the Commission solicited comment on a matter which, *prima facie*, related solely to the FM broadcast service. In the comments filed in this proceeding, however, the Broadcast Maximization Committee (the “Committee”), of which John J. Mullaney (“Mullaney”) is a member, elaborated on its proposal. In its Comments, the Committee makes it clear that the spectrum, formerly occupied by Television Channel 5, will not be used for FM Broadcasting, in the conventional sense of that word. Instead, the stations operating in that portion of the spectrum will utilize digital techniques, offering the public CD-quality audio, and the resilience and the robustness of a digital signal. Furthermore, the Committee proposes that the AM broadcast stations be permitted to migrate to this new VHF broadcasting band.

4. Birach strongly supports the Committee’s proposal. It would offer AM broadcast stations the opportunity to provide listeners with a superior signal and superior audio, equivalent or superior to that presently provided by FM broadcast stations. Furthermore, the proposal is environmentally friendly.

5. At present, AM broadcast stations are required to install towers and ground systems which occupy substantial quantities of valuable real estate. If only one thousand AM broadcast stations elected to migrate to the new VHF band, several thousand acres of valuable land would be freed up for other uses, including food production, biofuel production, and housing. Thus, the migration of the AM broadcast stations to the VHF band would create substantial ecological benefits to the public.

6. The current AM broadcast band, extending from 540 kHz to 1700 kHz, is susceptible to severe problems of electrical interference. Some of the interference is created by

ambient noise sources, such as the new LED traffic lights. But a substantial portion of the interference problem results from allocations policies, followed over a period of many years. As a result of these policies, AM broadcast stations interfere with each other, both day and night. These interference problems have been further aggravated by the recent implementation of the Ibiqity system of digital AM broadcasting, which utilizes subcarriers which create additional adjacent channel interference to other occupants of the AM broadcast band. All of these problems would be completely solved if AM stations are permitted to migrate to this new VHF band.

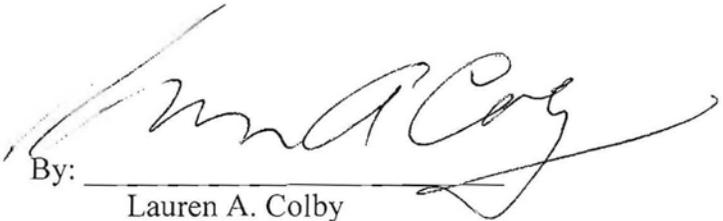
7. Migration will also result in substantial cost savings to AM broadcasters. Currently, many AM broadcasters are required to maintain multi-tower directional antenna systems. These systems, which are expensive to maintain and to keep in adjustment, will be completely unnecessary in the VHF band. Thus, AM broadcasters will achieve substantial cost savings and these savings will, no doubt, be used to improve the quality of the programming that they offer to the public.

8. In short, the Committee's proposal offers substantial public interest benefits. There are no "downsides" to the Committee's proposal. Hence, it should be adopted.

August 14, 2008

Law Office of
LAUREN A. COLBY
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

BIRACH BROADCASTING CORPORATION

By: 
Lauren A. Colby
Its Attorney