

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
Creation of Event Radio Services) RM - 11501

To: The Commission

FILED/ACCEPTED

NOV - 6 2008

Federal Communications Commission
Office of the Secretary

COMMENTS
OF
MONSTERMEDIA, LLC

MONSTERMEDIA, LLC ("MonsterMedia"), by Counsel, pursuant to *Public Notice Report No. 2877 (released October 16, 2008)*, hereby submits these Comments in the above-captioned rule making proceeding regarding a proposal submitted by Sounddec LLC ("Sounddec") to establish a new "Event Radio Services" service in the FM band to allow event attendees to better follow the activities of an event. MonsterMedia opposes the Sounddec proposal, as follows:

1. MonsterMedia is the licensee of Radio Stations KJOK-AM and KLJZ-FM at Yuma, Arizona. MonsterMedia opposes the Sounddec proposal primarily because there is insufficient information in the proposal to demonstrate that the proposed new service will not create interference with existing and future full-service radio stations. MonsterMedia also believes that the creation of a new radio service with all the regulations and enforcement efforts that will invariably be required will burden the already scarce licensing and enforcement efforts of the FCC. Sounddec can achieve its objectives with unlicensed Part 15 operations as currently allowed by the FCC's Rules, or by use of existing cell phone technologies.

2. The Sounddec proposal raises significant concerns about potential

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interference in the already crowded FM band. Sounddec does not appear to have conducted any testing of its proposed new service since its petition is devoid of any specific, verifiable information to support its very brief and somewhat vague technical explanation. Although Sounddec seems to paint a picture that this new service would be confined to small outdoor areas or entirely within the confines of an arena, it does not provide any measurements to demonstrate that the proposed service would not interfere with the reception of radio signals *within* such small outdoor areas or within the arena. A demonstration of non-interference is critical otherwise this proposal lacks merit for even the most casual consideration.¹

3. Sounddec's desire to create a new radio service would require the FCC to create and enforce unnecessary regulations. A new service is not necessary because radio service to small outdoor areas and indoor arenas can already be attained and regulated by the existing Part 15 of the FCC's Rules. Part 15 allows individuals to broadcast without a license at very low power so long as no harmful interference is caused to other licensed radio services. The overall success of the Part 15 service is evidenced by the fact that this service was created in 1938 and has generally survived without major regulatory and technical changes since that time. Part 15 equipment manufacturers and Part 15 providers go about their business today without much controversy. There is no reason to create a new radio service that will operate much like the Part 15 service. We need to avoid regulatory

¹ Should the FCC consider Sounddec's proposal, any new service must be considered "secondary" to the service provided by full power broadcast stations, and the FCC should require that any such event service provider immediately cease operations upon the filing of a complaint of interference by a full power broadcaster. That being said, this new service has the potential for keeping the FCC's enforcement people very busy.

redundancy.² These already-existing regulations are sufficient to allow small area and arena-only broadcasting.

4. Sounddec submits that the benefit of an Event Radio Service would be to provide fans with an opportunity to listen to specialized play-by-play commentary, as well as a vehicle for receiving emergency safety messages. See, *Sounddec petition, at paragraph 2*. However, both of these alleged benefits can be achieved using other existing communications services, such as a cell phone based call-in service to listen to play-by-play, or a text-messaging service for emergency safety messages. With the popularity of cell phones today, nearly all outdoor and indoor venues have reliable cell phone coverage. Thus, there is no need to create a new communications service when Sounddec's ideas can be incorporated into existing, reliable communications services.

5. Finally, given the current uncertainty regarding interference measurement standards, now is not the time to consider adding a new source of potential interference to the radio band. Proponents of the low power FM radio service ("LPFM") have been aggressively advocating not only less stringent third-adjacent channel and second-adjacent channel protection standards to full power FM stations, but also seek the licensing of hundreds of new LPFM stations throughout

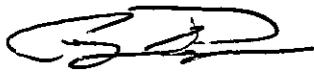
² By its own admission, Sounddec's proposed new service would cater to small, niche audiences. This may be good from a marketing standpoint but the public interest would not be served by creating a new level of regulatory oversight for such small segments of society. The creation of a new event radio service would require the FCC to shift budget priorities in order to finance the regulation of this new service. The FCC would need to redirect current resources in order to process new applications, allot frequencies, assign licenses and enforce regulations against the new licensees. All of this would occur during a time when most everyone is calling for a leaner, smaller and more efficient FCC.

the country. Also, on October 23, 2008, the FCC issued a *Public Notice* in MM Docket No. 99-325 (DA 08-2340) seeking comment on a possible ten-fold increase in interim power for FM-DAB broadcast stations, which could cause interference to co-channel and adjacent-channel analog FM broadcast stations.³ All in all, the FCC has its hands full right now trying to maintain the integrity of terrestrial radio broadcasting.

WHEREFORE, the foregoing premises considered, MonsterMedia urges the Commission to REJECT the Sounddec proposal.

Respectfully submitted,

MONSTERMEDIA, LLC

By: 

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³ Currently FM-DAB broadcasting is voluntary, and those broadcast stations operating FM-DAB are authorized to broadcast at 1.0% of the ERP of their licensed analog service. The FCC is now seeking public comment on the possibility of increasing allowable FM-DAB interim power to 10.0% of the licensed analog ERP. The FCC has not yet set a date certain for mandatory conversion to FM-DAB.

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 6th day of November, 2008, I have served a copy of the foregoing "**Comments of MonsterMedia, LLC**" first-class, postage-prepaid, on the following:

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