November 21, 2008

Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, D.C.

Dear Ms. Dortch:

Seton Hall University, licensee of noncommercial FM Class A station WSOU, South Orange, New Jersey ("WSOU"), submits the following Comments in support of a digital power increase in conjunction with the proceeding captioned in MM Docket No. 99-325.

WSOU implemented its HD radio broadcasting in December 2006 and presently offers an HD broadcast of its analog signal on HD1 and Catholic/educational programming on HD2. Since HD operations began, WSOU has received complaints of interference from HD-listeners located within not just its protected 60 dBu contour but also within its city grade, 70 dBu contour that had not had difficulty in hearing the station when operating in analog mode. WSOU is cognizant of the fact that Class A facilities located in congested RF environments are subject to greater levels of interference when operating digitally, rather than analog, and the problem seems to be exacerbated by the associated lower IBOC power levels. WSOU is licensed for an ERP of 2.4 kW and a HAAT of 95 meters.

Based on studies to date conducted by iBiquity and associated broadcasters, it appears that a significant improvement in coverage is possible with a 10% digital power increase with minimal interference to existing analog signals. WSOU supports this power increase in conjunction with continued study regarding possible alternate solutions such as IBOC boosters and the granting of STAs to implement a digital power increase for stations currently experiencing digital signal problems.

While we support efforts to allow 10% digital power, WSOU is mindful that some broadcasters and engineers are concerned that such an increase might interfere with FM analog coverage. We also recognize FM coverage and interference pattern predictions are just that, predictions. Only real world experience can determine actual interference problems. Therefore, should the Commission find any merit in the concerns expressed by power increase opponents, we suggest that the Commission adopt a strategy that allows IBOC power levels to be increased slowly over time. For example, the Commission might allow a station that wishes to increase its HD power levels to increase power by an additional 1% every 90 days, giving area broadcasters the opportunity to assess in the field how the power increase is impacting the local FM analog signals. If during the 90-day period no interference complaints are received, then the station would be permitted to increase power from 2% to 3%, etc. until the 10% digital power level is reach *or* until field experience shows that interference is being caused, at which point the station would be permitted to operate at the last power level that did not cause interference.

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A "ramp up strategy" presents a potential win-win for all parties involved in the matter of MM Docket No. 99-325 regarding possible FM digital power increase. It would allow stations like WSOU that wish to increase its IBOC power the opportunity to do so, in a manner that would yield real time, market-specific data about how power increases are affecting FM analog signals. This strategy also allows FM analog broadcasters concerned about interference and coverage area losses to monitor and halt any increases that unacceptably degrade their signals. Yes, actual digital power increases will vary from station to station, with some broadcasters discovering they can go the full 10%, while others might be able to safely operate at 5% while still others might only get to 3% or even less. But such variations have the advantage of ensuring that analog signals are not unduly interfered with by HD signals.

WSOU supports and encourages an IBOC power increase because our experience has been that the only way to properly service HD audiences in our market is to operate at a level above 1% of our analog ERP. WSOU believes that for IBOC technology to be successful and fully embraced by both broadcasters (particularly noncommercial entities that rely on donor contributions and other forms of fundraising), as well as HD equipment manufacturers, it is imperative that the associated coverage problems based on the currently allowable power levels be addressed quickly and an ultimate resolution to these issues be achieved. Seton Hall University and WSOU appreciate the Commission's consideration of our opinions in the matter of MM Docket No. 99-325 and ask that the Commission carefully consider our views.

Sincerely,

Mark Maben

Mark Maben
WSOU General Manager