

COHEN, DIPPELL AND EVERIST, P. C.

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

In the Matter of )  
 )  
An Inquiry Into the Commission's Policies ) MM Docket No. 93-177  
and Rules Regarding AM Radio Service )  
Directional Antenna Performance Verification )

**Comments**  
**Second Further Notice of Proposed Rulemaking**

The following comments in MM Docket No. 93-177 to the Federal Communications Commission ("Commission") *Second Further Notice of Proposed Rulemaking* adopted September 24, 2008 are offered by the firm of Cohen, Dippell and Everist, P.C. ("CDE"). CDE and its predecessors have practiced before the FCC for over 70 years in broadcast and telecommunications matters. The undersigned has been making radiofrequency measurements since 1952 and joined the predecessor firm to Cohen, Dippell and Everist, P.C. in 1961.

CDE supports the proposed rules contained in Appendix E of the Second Further Notice ("Second Further Notice") as follows:

- Proposed rules should appear in Part 1 of the Commission's rules
- Proposed rules would apply to all towers above certain height not just towers requiring notice to the Federal Aviation Administration
- Proposed rules should apply to certain other non-licensed structures such as high voltage distribution power lines

- Commission on a case-by-case basis should prohibit applicants and licensees from using a tower when the owner has not complied with the Notice and detuning requirements
- The proposed rules should include a provision to cover unusual circumstances such as advanced by Hatfield and Dawson
- The proposed rules should be specific as to the method of modeling
- The proposed rules should contain a provision of notification procedure for planned structures within 90 days of commencement of construction

The above is offered based on this firm's experience over the past fifty (50) years.

Respectfully Submitted,



Donald G. Everist, P.E.

Date: December 1, 2008