Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Digital Audio Broadcasting Systems	)	MB Docket No. 99-325
And Their Impact On The Terrestrial	)	
Radio Broadcast Service	)	

To: The Commission

REPLY COMMENTS

The signatories hereto ("*Joint Commenters*"), by their attorneys, hereby submit Reply Comments in the above-captioned proceeding. Joint Commenters consist of numerous broadcast licensees that operate commercial and noncommercial FM radio stations nationwide, as well as the four largest broadcast equipment manufacturers. Joint Commenters participated in, and continue to support, a June 18, 2008 submission in the referenced docket which requests that the Federal Communications Commission (the "*Commission*") revise the technical limitations applicable to FM digital audio broadcasting by increasing the allowable maximum digital operating power of FM broadcast stations from the current conservative limitation of 1 percent (-20 dBc) to 10 percent (-10 dBc) of a station's authorized analog power.[1]

Importantly, it should be initially observed that the majority of FM stations filing comments in this proceeding, including but not limited to NPR, recognize the need for and

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[1] *See* Letter to Ms. Marlene Dortch from the Joint Parties dated June 10, 2008 (MM Docket No. 99-325) (the *"HD Power Increase Request"*).

support an increase in digital FM power levels.[2] Nevertheless, principally based on NPR's laboratory test predictions and conclusory speculation by other parties, concern has been expressed about the potential for interference to analog operations that could theoretically result from an across-the-board increase in permitted FM digital power levels.[3] The preponderance of this concern comes from noncommercial broadcasters, which note that their stations depend in part on contributions from listeners at or beyond a station's protected contour.[4]

Joint Commenters continue to believe that these concerns (and the conclusions of the NPR study, on which they are based) are overstated and that permitting all FM broadcast stations to increase digital power by up to 10 dB offers all FM stations the opportunity to provide more reliable and viable digital service at levels comparable to current analog service without appreciable threat of interference to adjacent analog operations. This conclusion is strongly supported by the extensive real-world field tests that were conducted by several members of the Joint Commenters in cooperation with iBiquity Digital Corporation, as well as the conspicuous absence of a single listener complaint, either to the FCC or the test stations, during the extensive testing period (which experimental higher power HD Radio operation continues today on some

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[2] *See e.g., Comments of National Public Radio, Inc.*, MM Docket No. 99-325, filed Dec. 5, 2008, at ii ("In sum, NPR is convinced that an IBOC power increase is necessary.") ("*NPR Comments*"); *Comments of Radio Training Network, Inc.*, MM Docket No. 99-325, filed Nov. 26, 2008; *Comments of Hampton Roads Educ. Telecomm. Assn., Inc.*, MM Docket No. 99-325, filed Nov. 25, 2008; *Comments of National Association of Broadcasters*, MM Docket No. 99-325, filed Dec. 5, 2008.

[3] *See e.g., NPR Comments.*

[4] *See NPR Comments,* at 11; *Comments of Educational Media Foundation,* MM Docket No. 99-325, filed Dec. 5, 2008, at 4. *See also Comments of Minnesota Public Radio,* MM Docket No. 99-325, filed Dec. 4, 2008; *Comments of the Association of Public Radio Engineers, Inc.*, MM Docket No. 99-325, filed Dec. 5, 2008.

stations, also without complaint).[5] That comprehensive test program demonstrated that the requested power increase would allow FM stations to dramatically improve digital service by more closely replicating their analog geographic coverage and building penetration, with nominal potential for interference in some first adjacent analog situations.[6] However, out of an abundance of caution the HD Radio Digital Power Increase Request proposed special limitations for Super B stations and proposed a process for prompt resolution of any unexpected harmful interference that might result from increased digital FM power.[7]

Given the interference concerns that have been raised by several noncommercial broadcasters, and recognizing that the Commission has historically utilized different allocation methodology for reserved band FM stations than for FM stations in the non-reserved band, the Joint Commenters suggest that, as an initial measure, the Commission should permit only those stations that operate in the non-reserved band to increase their digital FM operations up to -10 dBc while maintaining current digital power levels for FM stations that operate in the reserved band.[8]

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[5] *See HD Radio System Test Report – Compatibility and Performance Tests at Elevated FM Digital Power Level,* 99-325, iBiquity Digital Corporation (May 2008). More detailed reports regarding the various phases of the test program were appended to the *Compatibility and Performance Report*, including *FM HD Radio System Performance at Elevated Carrier Levels*, iBiquity Digital Corporation (Dec. 2007) attached as Appendix B and *Consumer Testing – HD Radio System Testing at Increased Power Levels*, Salisbury University (Aug. 6, 2007) attached as Appendix C, and *FM IBOC Building Penetration Tests at Elevated Digital Subcarrier Levels*, 99-325, CBS Radio Inc. (May 2008).

[6] *Id.*

[7] *See HD Power Increase Request,* at 9.

[8] This proposal was suggested by at least one noncommercial licensee in this proceeding. *See Comments of Educational Information Corporation, WPCE FM, Raleigh, NC*, MM Docket No. 99-325, filed Dec. 5, 2008 ("Let the proceeding for the commercial part of the band go forth. Hold action in the reserved part of the band until experience is gained from increased IBOC operation in the real world in the commercial part of the band."). *See also Comments of Brian J. Kirby BSEE*, MM Docket No. 99-325, filed Dec. 4, 2008.

Joint Commenters believe that permitting only non-reserved band stations to increase their digital operations would allow reserved band FM stations to become more comfortable with the real-world experience of those non-reserved FM stations that take advantage of the opportunity to increase their digital operations. It should also be noted that as a practical matter these FM digital power increases will be implemented incrementally, not on an immediate, wholesale basis. Specifically, due to economic constraints and engineering considerations, permitting across the board FM digital signal increases will not result in a majority of stations immediately increasing their digital power (up to) 10 dB; rather, such increases will inevitably occur over a longer period of time and many stations may not ever avail themselves of the full 10 dB opportunity, thus providing the Commission with ample opportunity to address any instances of harmful interference. However, as noted, based on the real world tests that have been conducted, detectable analog interference is highly unlikely; indeed, as noted, not one listener or station interference complaint was received by any of the stations involved, nor to our knowledge, filed with the FCC during the prior (and continuing) test period.[9]

While an increase in the digital operating power of only those FM stations operating in the non-reserved band would accomplish less than the HD Radio Digital Power Increase Request envisions, Joint Commenters believe it is a good first step that would allow many broadcasters to improve the effectiveness of their digital broadcasts. Relevant to the Commission's goals, the

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[9] *Comments of Joint Parties*, MM Docket 99-325, filed Dec. 5, 2008, 6. It bears repeating that while the test program conducted by several of the Joint Commenters involved real-world testing of FM stations operating at current and elevated digital power levels, including in severely short spaced situations, the study conducted by NPR Labs – the basis of most of the opposition to the proposed increase – is premised on a hypothetical, "worst case" scenario in which <u>all</u> existing stations affecting the subject station are presumed to be operating digitally, <u>and</u> are doing so at the 10 dB increased digital power level. Even NPR acknowledges that this assumption is hyper-conservative. *Digital Radio Coverage & Interference Analysis*, *National Public Radio*, MM Docket No. 99-325, filed July 18, 2008, at 41.

limited digital power increase would also allow stations to more reliably provide the well-recognized benefits of HD Radio technology to listeners who currently enjoy their analog signals.

Conclusion

For the reasons stated above, Joint Commenters reiterate their support for the HD Radio Digital Power Increase Request. However, to be responsive to concerns expressed by noncommercial broadcasters, it is suggested that, as an initial step, the Commission permit broadcast stations in the non-reserved FM band to increase their digital power from the current maximum of -20 dBc to up to -10 dBc below the station's analog carrier. In either case, any increase would be subject to the originally-proposed limitation with respect to Super B stations of the higher of (i) -20 dB relative to their analog carrier or (ii) at least 10 dB below the maximum analog power authorized for this class of station as adjusted for height, absent any grandfathered super power.

Respectfully submitted,

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Beasley Broadcast Group, Inc.
Black Crow Media Group, L.L.C.
Bonneville International Corp.
Broadcast Electronics, Inc.
CBS Radio Inc.
Clear Channel Communications, Inc.
Commonwealth Broadcasting Corporation
Continental Electronics Corp.
Cox Radio, Inc.
Emmis Communications Corporation
Entercom Communications Corp.
Greater Media, Inc.
Harris Corporation
Journal Broadcast Corporation
Lincoln Financial Media Company
Nassau Broadcasting Partners, L.P.
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