

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)

OPPOSITION TO PETITION FOR RECONSIDERATION

The AM Directional Antenna Performance Verification Coalition¹ (the “Coalition”), by its attorneys and pursuant to Section 1.429(f) of the Commission’s Rules (47 C.F.R. §1.429(f)), hereby opposes the Petition for Reconsideration (the “Petition”) of the Commission’s Second Report and Order (the “Second Report and Order”) in the above-captioned proceeding that was filed on December 1, 2008 by Cohen, Dippell and Everist, P.C. (“CDE”). In the Second Report and Order, the Commission adopted new rules that permit the use of computer modeling techniques to demonstrate that AM directional antennas perform as authorized. In its Petition, CDE urges the Commission to clarify perceived ambiguities in the new rules and otherwise ensure that the results of computer modeling performed under the new rules can be independently verified. For the reasons set forth herein, the Coalition submits that the clarifications sought by CDE are unnecessary and that any computer modeling performed under the new rules will be readily verifiable both by the Commission and interested third parties.

CDE first claims that the Second Report and Order is not sufficiently clear with respect to how the Commission will perform the calculations under new Section

¹ The Coalition consists of the broadcasters, broadcast engineering consultants, and broadcast equipment manufacturers identified on Attachment A.

73.151(c) and which moment method computer programs will generate acceptable results. Petition at 2. The Coalition does not believe that it is necessary for the Commission to designate by rule or otherwise the specific moment method computer programs that can or should be used under Section 73.151(c). Instead, the Coalition believes that the Commission should be able to rely on any moment method computer program that is capable of modeling antenna elements as described in Section 73.151(c), as the results generated by those programs will not differ materially when the programs are used in accordance with their instructions and the requirements of the rule. For instance, the requirement that base calculations be performed at a height within one electrical degree of ground level has been included at Section 73.151(c)(1)(iv) because of the differing methodologies between programs that find their solutions at the wire segment centers or ends. Different wire models will be necessary for the two types of programs, but the results will not differ materially when the appropriate model is used for each. The Coalition therefore believes any available moment method software will generate accurate results as long as the requirements of Section 73.151(c) are adhered to.

CDE also claims that while Section 73.151(c) identifies the information that must be included in the model description to derive the antenna parameters, it does not specify the information that must be submitted to the Commission in connection with a license application. Petition at 2. Similarly, CDE asserts that the rules should require that sufficient modeling details be submitted so that the Commission and third parties can replicate the model predictions. Petition at 2. In response, the Coalition notes that the measurement and modeling details that are necessary to confirm the accuracy of calculated directional antenna parameters are clearly specified in the new rules. In turn,

Section 73.151(c)(2)(i) provides that “a complete description of the sampling system, including the results of the measurements described in this paragraph, shall be submitted with the application for license.” This information, provided with proof reports, will ensure that independent analysis by FCC staff and interested third parties is possible.

CDE also suggests that the new rules should specify the methodology to be used to measure base impedance. Petition at 2. However, no changes in existing impedance measurement methodology are required for moment method proofs. Current Commission practice is to accept tower base and common point impedance measurements made with calibrated instruments whether they use balanced bridge or electronic network analysis principles.

CDE also questions how under the new rules the efficiency of a directional antenna (*i.e.*, confirmation that the RMS at 1 kilometer is not less than 85% of that specified for the standard radiation pattern) will be measured. *Id.* The Coalition believes that the new rules eliminate a long-standing inequity in the licensing requirements between AM stations that employ directional and non-directional antennas. Stations employing non-directional antennas are not required to make field strength measurements to demonstrate their RMS at 1 kilometer, even though their efficiency may suffer for the same reasons as directional antennas (*e.g.*, ground system or matching network problems). The requirement for the measurement of directional antenna RMS efficiency dates from a time when factors affecting it were not well understood, predictions were not readily calculable for directional antennas, and construction permit applications were not required to base RMS on specified element loss assumptions, as is the case today. The Coalition believes that measurement of directional antenna RMS in

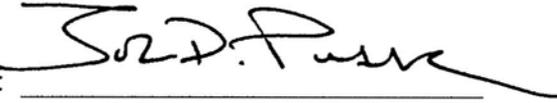
the context of directional antenna proofing serves no legitimate purpose at this time.

Finally, CDE repeats its earlier contention, initially raised in its initial comments in this proceeding, that directional AM stations could somehow use computer modeling to effectuate a site change to some inhospitable or less desirable location. Petition at 3-4. However, the new rules adopted in this proceeding are narrow in scope and relate only to the use of computer modeling to confirm that an AM directional antenna performs as authorized, not to the site selection process. Since CDE's concerns pertain only to the selection of an appropriate transmitter site and an applicant's Form 301 construction permit application, and not to the proof of performance performed in connection with a 302-AM, they are irrelevant to this proceeding.

For the reasons set forth above, the Coalition submits that the issues raised by CDE in its Petition either have been adequately addressed in the comprehensive rules adopted in the Second Report and Order or are no longer relevant, and that the results of a properly performed moment method analysis can be appropriately and independently verified. Accordingly, CDE's request for reconsideration of the Second Report and Order should be denied.

Respectfully submitted,

**AM DIRECTIONAL ANTENNA
PERFORMANCE VERIFICATION
COALITION**

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Its Attorneys

ATTACHMENT A

AM DIRECTIONAL ANTENNA PERFORMANCE VERIFICATION COALITION

Broadcasters

Beasley Broadcasting Group
Bonneville International
Buckley Radio
CBS Radio Inc.
Citadel Broadcasting Company
Clear Channel Radio
Cox Radio, Inc.
Crawford Broadcasting Company
Cumulus Media
Emmis Communications Corp.
Entercom Communications Corp.
Entravision Communications Corporation
Family Stations, Inc.
Lincoln Financial Media
Morris Communications Company, LLC
Multicultural Radio Broadcasting, Inc.
Peak Broadcasting LLC
Radio One, Inc.
Regent Communications
Saga Communications
Salem Communications Corporation
The Walt Disney Company

Consulting Engineers/Equipment Manufacturers

Carl T. Jones Corporation
Cavell, Mertz & Associates
Communications Technologies, Inc.
DuTreil, Lindin & Rackley
Edward A. Schober, P.E., Radiotechniques Engineering, LLC
Graham Brock, Inc.
Hammett & Edison, Inc.
Hatfield & Dawson Consulting Engineers, LLC
Khanna & Guill, Inc.
Sellmeyer Engineering

CERTIFICATE OF SERVICE

I, Deborah Morris, hereby certify that a true and correct copy of the foregoing Opposition to Petition for Reconsideration was sent by first-class, postage prepaid mail, this 23rd day of January, 2009 to the following:

Donald G. Everist
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Deborah Morris