

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

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

To: The Commission

**COMMENTS  
OF  
POSITIVE ALTERNATIVE RADIO, INC.**

**POSITIVE ALTERNATIVE RADIO, INC. ("PAR ")**,<sup>1</sup> by Counsel, pursuant to *Public Notice DA 09-1127 (released May 22, 2009)*, hereby submits these Comments in the above-captioned rule making proceeding regarding the request by certain parties for a power increase for FM broadcast stations now operating digital audio broadcasting ("DAB"). For the reasons set forth below, PAR believes that an FM DAB power increase should be postponed until further technical studies are completed so that the proper measures are implemented to protect the integrity of the broadcast signals that remain broadcasting in analog mode. In support hereof, PAR submits the following:

1. PAR recognizes the importance of HD Radio to the future viability of radio broadcasting. It is well documented that HD Radio will bring a multitude of opportunities for stations to use their existing spectrum to offer a variety of new services, including multi-casting, data transmissions and music "tagging." The

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<sup>1</sup> PAR is the licensee or permittee of 23 NCE-FM broadcast stations and 47 FM translator stations.

multicasting feature alone will allow broadcasters such as PAR to provide more community oriented programming to a more diverse audience. However, there is still much debate on the means of rolling out an FM DAB power increase in order to improve coverage without undermining the analog service. PAR believes that a collaborative industry effort is necessary with a goal towards reaching a more managed approach to increase FM DAB power.

2. A review of the record in this FCC proceeding shows that commenters overwhelmingly support HD Radio because it enables unprecedented opportunities for stations to use their spectrum to offer a variety of new services. Almost all of the major consumer electronics manufacturers have launched, or will soon launch, a variety of HD Radio receivers to receive multicast services as well as permit a host of new associated HD Radio services. While there is much excitement within the industry that HD Radio will ultimately be the economic shot-in-the-arm that will benefit the popularity of terrestrial broadcasting in the long term, these matters must be addressed methodically so as not to damage analog broadcasting in the interim.

3. PAR is aware that the proponents of FM DAB believe there is a clear and present need to improve HD Radio coverage and that most of these parties desire a substantial increase in authorized operating power. If the FCC were to allow an immediate ten per cent power increase as many FM DAB proponents seek, that will cause unacceptable interference to the analog service of a number of broadcast stations. For example, in this proceeding the Association of Public Radio Engineers finds "that an across-the-board 10 dB power increase could cause substantial interference to the analog service of a number of vulnerable first-adjacent stations." *See, Comments of the Association of Public Radio Engineers, a page. 3.*

4. The white noise-like interference of the adjacent channel interference makes its source almost anonymous to listeners, particularly compared to the audible

clues of most analog-to-analog interference. For that and other reasons, listeners are far more likely to stop listening to a degraded station rather than register complaints with the FCC or their local radio stations. PAR has already experienced this with several of its FM translator stations, especially in the outer portions of those service areas. Since PAR is wholly dependent upon the voluntary financial support of its listeners, a loss of listeners due to digital-to-analog interference creates a backlash of revenue loss.

5. Additional testing is necessary to determine the precise amount of IBOC transmission power that can be authorized in particular circumstances without causing harmful analog interference. While some parties seek a blanket power increase before iBiquity and others complete further testing, PAR submits that the Commission should await the results of the additional testing to better ascertain, and avoid, analog interference before approving a IBOC transmission power increase. Whether this testing takes two months or twelve months, the Commission must not act prematurely considering the risks that are at stake here.

6. PAR is also aware that some parties seek smaller, incremental power increases, while others seek the right to negotiate interference agreements to achieve a more immediate power increase. The Commission should say "no" to all of this until such time as there is additional testing so these matters are handled better without the need for Commission intervention amongst dozens or hundreds of disgruntled broadcasters. The scarce resources of the Commission should be spent judiciously. Allowing power increases subject to listener complaints or the agreement of individual station licensees is not an appropriate spectrum policy. Any policy adopted here should serve the general public interest, for the industry as a whole.

7. Please be advised that PAR is generally in favor of ultimately granting IBOC stations up to -10dB digital operations. PAR believes -10dB IBOC operations

are the only way that stations will have digital coverage that is comparable to their analog coverage. However, as is explained hereinabove, the FCC needs to be responsible about this process.

8. Even at the current regulations of -20dB for digital signals, PAR's radio stations are already receiving interference to their analog signals from many stations that are currently broadcasting with FM DAB. Two of PAR's full power stations suffered a substantial degradation of analog coverage with the start of IBOC operations by a station on their first adjacent frequency. PAR has also experienced difficulty with one of its NCE FM translator stations that is required to pickup it's parent station off-air. In this instance, an FM DAB station on the first-adjacent to the parent station signed on it's IBOC operations and caused interference that has prevented PAR from picking up an analog signal from the requisite parent station.<sup>2</sup>

9. The May 22, 2009 *Public Notice* also seeks public comment on four specific questions, and PAR respectfully responds as follows:

***Question No. 1. -- Whether the Bureau should defer consideration of the Joint Parties' requested power increase until the completion of and comment on the further NPR studies?***

As explained hereinabove, PAR believes that the FCC should wait until after further study to make a determination on the requested power increase. As much

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<sup>2</sup> These issues are relevant to the discussion of MM Docket No 99-325 because there are already many issues to analog stations from -20dB IBOC operations that have no vehicle for resolution. That is why PAR believes that the FCC needs to be very careful to allow FM DAB -10dB operations to assure that it will not infringe on the licenses of other radio stations. The FCC also needs to be able to quickly resolve interference problems to analog operations of radio stations from IBOC stations.

information is needed before judgement and there is no need to rule based upon conjecture when groups are performing studies. PAR also believes the FCC could conduct its own testing to protect the frequency spectrum.

***Question No. 2. -- Whether the record in this proceeding, the real-world experience gained from over 1,400 FM stations operating for several years in the hybrid mode and the record of experimental authorizations at higher digital power levels warrant an increase in maximum digital operating power as proposed by the Joint Parties or support a provisional power increase of some lesser extent than that requested by the Joint Parties?***

PAR does not think that the real-world experience of these 1,400 stations alone should warrant an increase in power. We think that further studies have to be conducted to determine how IBOC stations affect the operation of other radio stations. We think every effort has to be made to assure that IBOC operation of a station, whether it be -20dB or -10dB operation, does not interfere with the analog or digital signal of any radio stations.

***Question No. 3. -- If the Commission does adopt a power increase, whether it should also establish standards to ensure the lack of interference to the analog signals of stations operating on first adjacent channels? Should such standards apply to, i.e., require the protection of, LPFM stations operating on first adjacent channels?***

If the FCC was to adopt a power increase, PAR believes that extraordinary measures need to be undertaken to assure that the IBOC stations do not interfere with other stations on first (or 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup>) adjacent channels. All radio licensees such as PAR have been given licenses to operate on the channels assigned to us by the FCC. We think it is the duty of the FCC to make policy that does not tread upon the rights of PAR as a broadcaster. PAR should not have to

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accept less signal coverage and interference from another station on the sole reason that the station has gone to IBOC operations. We also believe existing LPFM stations on the first adjacent frequency of an IBOC station should be protected by the FCC.

***Question no. 4. -- Finally, if the Commission does adopt a power increase, whether it should also establish more explicit procedures to resolve digital-into-analog interference complaints?***

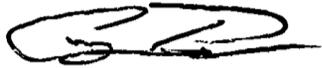
PAR thinks a power increase should warrant more explicit procedures to resolve digital into analog interference. IBOC stations in -10dB operations that are allowed to infringe upon the analog signal of another radio station would institute a complete breakdown in the protection regulations already set forth by the FCC.

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WHEREFORE, the foregoing premises considered, PAR submits that the Commission must act carefully on how best to manage a power increase so that stations can maximize their HD Radio coverage areas without causing undue analog interference to their adjacent neighbors. The proper answers can only be derived from further testing. Thus, PAR urges the Commission to defer authorizing an IBOC transmission power increase until that testing is completed, and until industry stakeholders have developed a managed, consensus approach.

Respectfully submitted,

**POSITIVE ALTERNATIVE RADIO, INC.**

By: 

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