

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
CREATIVE EDUCATIONAL MEDIA CORP., INC.**

CREATIVE EDUCATIONAL MEDIA CORP., INC. ("Creative"),¹ 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, Creative 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, Creative submits the following:

1. Creative 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

¹ Creative is the licensee of 6 NCE-FM broadcast stations and 5 FM translator stations.

multicasting feature alone will allow broadcasters such as Creative 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. Creative 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. Creative 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 could 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. 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, Creative 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.

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

6. The May 22, 2009 *Public Notice* seeks public comment on four specific questions, and Creative 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, Creative believes that the FCC should wait until after further study to make a determination on the requested power increase. As much information is needed before judgement and there is no need to rule based upon conjecture when groups are performing studies. Creative 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?

Creative 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, Creative believes that extraordinary measures need to be undertaken to assure that the IBOC stations do not interfere with other analog stations on first (or 2nd and 3rd) adjacent channels. All radio licensees such as Creative 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 Creative as a broadcaster. Creative should not have to 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?

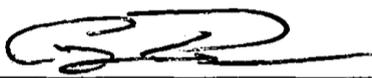
Creative thinks a power increase should warrant more explicit procedures to

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.

WHEREFORE, the foregoing premises considered, Creative 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, Creative 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,

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June 17, 2009