

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:)	
)	
)	
Joint Parties' Request for FM Digital)	MB Docket No. 99-325
Power Increase and Associated Technical)	
Studies)	
)	

COMMENTS OF EDUCATIONAL MEDIA FOUNDATION

Educational Media Foundation (“EMF”), pursuant to Sections 1.415 and 1.419 of the Commission’s rules, hereby submits its comments in response to the Commission’s Public Notice in the above-captioned proceeding.¹ In the 2009 *IBOC Comment Request*, the Commission is seeking further comment on the request of 18 broadcasters and 4 broadcast transmission equipment manufacturers to increase the maximum permissible digital operating power of FM stations from the current level of one percent of the stations’ authorized analog power to a maximum of ten percent.² Given the comments previously submitted in the above captioned proceeding³, both for and against the increase in digital operating power, the

¹ *Comment Sought on Specific Issues Regarding Joint Parties Request for FM Digital Power Increase and Associated Technical Studies*, DA 09-1127, *Public Notice*, MM Docket No. 99-325 (May 22, 2009) (“2009 *IBOC Comment Request*”).

² Letter from Steve A. Lerman and John W. Bagwell to Ms. Marlene Dortch dated June 10, 2008 (“*Joint Parties Request*”).

³ Comments on the Joint Parties Request were previously submitted in response to an FCC Public Notice, *Comment Sought on Joint Parties Request for FM Digital Power Increase and Associated Technical Studies*, DA 08-2340, *Public Notice*, MM Docket No. 99-325 (October 23, 2008) (“*IBOC PN*”). EMF submitted its comments in response to the *IBOC PN* on December 5, 2008.

Commission requested that comments responding to the 2009 IBOC Comment Request specifically address the following questions:

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?
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?
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?
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?

As the licensee of over 200 noncommercial educational FM radio stations throughout the country, EMF is concerned that a decision to increase the FM digital operating power without adequate information would be premature and could adversely affect the analog signal of its stations as well as many other analog FM radio stations around the country. EMF acknowledges the various benefits of digital radio and understands the need to foster its growth - but at what cost? Given the various anecdotal incidents of analog signal degradation reported by some commenters in this proceeding, it would be irresponsible on the part of the Commission to authorize such an increase in digital power prior to collecting all of the necessary evidence to determine the true impact of its decision. As stated in its December 5, 2008 comments filed in this proceeding, a significant number of EMF listeners are located on the fringe of the protected contour of its stations, both inside and outside of those contours. Because of the potential for digital-to-analog interference at the fringes of protected contours, these listeners will be hardest hit by a blanket increase in IBOC power.

EMF believes that not only its stations, but those of minority groups and other recent entrants to the broadcast industry who have purchased “move in” stations and others that are not located in the center of major metropolitan areas, will be particularly hard hit by the interference that may be created by a blanket power increase. These fringe signals, both those inside and outside the protected contours of the stations, provide real service to real people. The Commission should think long and hard about the potential loss of such service for speculative service gains that may occur if the IBOC signal is increased in power and if the IBOC receivers gain sufficient penetration to reach people who may otherwise have their existing listening patterns disrupted.

Because a full study of the effects of the power increase are necessary to analyze the potential impact of this power increase, EMF strongly believes all parties will be better served if the Commission withholds its decision in this matter until after the National Public Radio (“NPR”) study has been released and reviewed by the Commission. A rash decision to increase IBOC power across the board may also unnecessarily deplete Commission resources as they deal with the myriad of interference complaints that will most likely arise. Instead, exercising some caution in a landscape that seems to be riddled with variables could help to alleviate many of the interference concerns that may later arise, as the Commission would better understand how incremental increases in the level of IBOC power could affect FM analog signals.

At this point, the record in this proceeding is insufficient to warrant an across the board 10% increase in digital IBOC power. Because the effect of a digital power increase to a neighboring analog station can vary based on a number of factors including spacing, station class, terrain and type of receiver, a one-size-fits-all approach is akin to forcing a square peg in a round hole – it just doesn’t fit. Any incremental increase of less than 10% will be just as

inadequate because without the necessary data, like that being provided in the NPR study, selecting the correct digital power will be a guessing game. Noncommercial broadcasters such as EMF depend heavily on listener donations. EMF cannot afford to potentially lose a significant amount of donors due to a hasty FCC decision when a mere three months is all that's needed to better understand the effects of any digital power increase.

Should the Commission nevertheless approve a digital power increase, it must develop standards that adequately protect first adjacent stations. Although IBOC means 'in band on channel', digital broadcasts reach into the first adjacent spectrum, essentially "off channel." Any authorized increase in power must recognize this fact and protect the adjacent analog signals from interference, particularly in grandfathered and short spaced situations. Moreover, EMF submits that such protection should extend outside the protected contour of the station, to protect actual documented listening. There is real service provided and relied upon just outside the protected contour of first adjacent stations as well, due to commuter patterns and other geographic realities.

Moreover, the FCC should consider the impact of a digital power increase on noncommercial FM translators. In the FM translator service, the FCC has protected full power FM service outside of the protected contours where it is regularly relied on by real listeners. Similar standards should be applied here, where the Commission should give strong consideration to limiting the disruption to regularly used analog broadcast services. It is permissible to operate a noncommercial FM translator for the purpose of serving underserved areas outside of the protected contour of the primary station; many of these first adjacent stations which may receive interference could be FM translators. Although an FM translator is a secondary service, a digital power increase that ignores interference with FM translators based

solely on 'secondary service' policy, without consideration for their considerable utility, could wipe-out a significant number of first adjacent FM translators and disrupt longstanding listening habits of listeners that rely upon them. Therefore, it is imperative that the Commission's protection measures take into account the real world effect of any increase in FM digital power, in order to minimize the adverse impact on the millions of listeners that rely on analog service.

The Commission must also provide for expedited remedial action once it receives complaints of digital-to-analog interference. Anything less could result in substantial economic loss to EMF and similarly situated broadcasters. EMF maintains, however, that the best course of action would be for the Commission to withhold its decision until it has had the opportunity to review the NPR study. Any efforts to promote exponential growth in digital broadcasting should not be impulsively encouraged at the expense of analog signals that currently provide service on which listeners rely.

EMF respectfully requests that the Commission defer consideration of the Joint Parties Request until it can review the NPR study and further assess the effect of any digital power increase, however incremental, on neighboring FM analog signals. Only after the Commission has reviewed the NPR data, can the benefits derived from an increase in digital power be accurately weighed against the detriment to the millions of analog listeners.

Respectfully submitted,

EDUCATIONAL MEDIA FOUNDATION

By 

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Dated: July 6, 2009